

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

NV-9-001

In re: 3133/3131 Connecticut Ave., N.W., Multi-Unit Building  
Application for 501(f) Notices to Vacate and for Approval of Renovation Plan

Ward Three (3)

**KLINGLE CORP.**  
Housing Provider/Appellant/Cross-Appellee

v.

**TENANTS OF 3133/3131 CONNECTICUT AVE., N.W.**  
Tenants/Appellees/Cross-Appellants

**ORDER ON MOTION TO WITHDRAW NOTICE  
OF APPEAL**

June 28, 2013

**YOUNG, COMMISSIONER.** On December 22, 2009 Klingle Corporation, housing provider at 3133/3131 Connecticut Ave., N.W. (Housing Provider) filed a notice of appeal in regard to the Order Denying Request for Show Cause/Order Regarding Temporary Relocation Agreements issued by the Rent Administrator on December 11, 2009. On March 30, 2010, Housing Provider filed a Motion to Dismiss Appeal, stating Housing Provider, “hereby moves to voluntarily dismiss its appeal filed herein on December 22, 2010, because the Acting Rent Administrator has since rendered a final order which supersedes his order dated December 11, 2009, thereby rendering this appeal moot.” The Housing Provider requested that the Motion be granted and the appeal be dismissed without prejudice. The Motion to Dismiss was signed by the attorney for the Housing Provider and served on Tenants on March 29, 2010.

On April 7, 2010, Tenants Blake and Wendy Nelson filed a Response in Opposition to Housing Provider’s Motion to Dismiss Appeal, and on April 8, 2010, Tenants Christine

Burkhart, Kenneth Mazzer, Wendy Tiefenbacher, Peter Schwartz, Margot Siegel, Lloyd Siegel, Donald Wassem, and Nicole Witenstein also filed a Response in Opposition. In their responses, Tenants argue that the Final Order of February 26, 2010 and subsequent amended Final Order of March 3, 2010 are null decisions because the RAD lacked jurisdiction following Housing Provider's appeal.

The Commission's rule, 14 DCMR § 3824.1 (2004), states that a party, "may file a motion to withdraw an appeal pending before the Commission." The Commission must "review all motions to withdraw to ensure that the interests of all parties are protected." 14 DCMR § 3824.2 (2004). The Housing Provider's Motion is deemed a motion to withdraw appeal for the purposes of the Commission's review.<sup>1</sup>

As the Record indicates, the December 11, 2009 Order Denying Request for Show Cause/Order Regarding Temporary Relocation Agreements issued by the Rent Administrator Order by from which Housing Provider originally appealed "ordered the Housing Provider to suspend solicitation of any Temporary Relocation Agreements and commencement of work within the scope of the subject 501(f) application *until the Rent Administrator renders a decision on the Petition.*" (emphasis added) Record (R.) at 697. Contrary to both parties' arguments, the December 11, 2009 Order was not appealable to the Commission because it was not a final decision and order; rather, it was an interim Order.<sup>2</sup> Thus, the Commission finds the December

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<sup>1</sup> See Estate of Bertram Lee v. Susta Corp. Ltd., TP 24,692 (RHC June 2, 2000) where the Commission considered another document title "Withdrawal of Appeal" to be a motion to withdraw the appeal pursuant to 14 DCMR § 3824 (2004). Here, while the document is titled Motion to Dismiss Appeal, for the purposes of the Commission it is a Motion to Withdraw Appeal.

<sup>2</sup> The applicable regulation, 14 DCMR § 3802.2 provides: "A notice of appeal shall be filed by the aggrieved party within ten (10) days after a *final decision* of the Rent Administrator is issued; and, if the decision is served on the parties by mail, an additional three (3) days shall be allowed." (emphasis added).

22, 2009 appeal to be moot. As a result, the Commission dismisses Housing Provider's Motion to Withdraw Appeal.

**SO ORDERED.**

  
RONALD A. YOUNG, COMMISSIONER

**MOTIONS FOR RECONSIDERATION**

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **ORDER ON MOTION TO WITHDRAW APPEAL** in NV 9,001 was sent priority mail with delivery confirmation, postage prepaid, this **28th day of June 2013** to:

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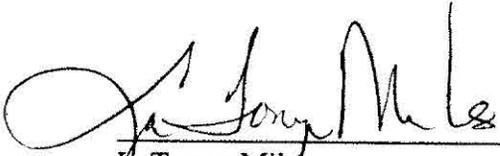
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