

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

NV 11-001

In re: 4000 Kansas Avenue, N.W.

Ward Four (4)

**TENANTS OF 4000 KANSAS AVENUE, N.W.**  
Tenants/Appellants

v.

**CSA 4000 KANSAS AVENUE LLC.**  
Housing Provider/Appellee

**ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT**

**December 11, 2013**

**YOUNG, COMMISSIONER.** This case is on appeal to the Rental Housing Commission (Commission) from an order issued by the Rent Administrator based on a petition filed in the Housing Regulation Administration (HRA), Rental Accommodations Division (RAD) of the District of Columbia Department of Housing and Community Development (DHCD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. LAW 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-2-510 (2001 Supp. 2008), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (2004) govern these proceeding.

**II. PROCEDURAL HISTORY**

On April 12, 2011, CSA 4000 Kansas Avenue, LLC, (Housing Provider) filed Notice to Vacate application NV 11-001, with the Rental Accommodation Division, DHCD. The Housing Provider filed the pursuant to D.C. OFFICIAL CODE § 42-

3505.01(f), for the immediate purpose of making alterations or renovations to the multi-unit housing accommodation located at 4000 Kansas Avenue, N.W. (Housing Accommodation).

On December 15, 2011, the RAD issued an order approving the Housing Provider's application. On December 27, 2011 the Tenants filed a Motion for Reconsideration of the December 15, 2011 RAD Order. On March 21, 2012, RAD granted the Tenant's Motion for Reconsideration. On April 18, 2012, the Tenants filed, "Tenants Motion to Extend Time To Respond To March 2, 2012 Order and Submit Meaningful Objections to 501(f) Application." On June 12, 2012, RAD issued an order denying the Tenants' Motion to Extend Time To Respond To March 2, 2012 Order. On June 21, 2012, the Tenants filed a Motion for Reconsideration of the denial of the of the June 12, 2012 Order. On July 12, 2012 the Tenants filed a Notice of Appeal in the Commission.

On December 17, 2012, counsel for the Tenants and Housing Provider filed in the Commission a document entitled a "Stipulation of Dismissal." The stipulation stated that, "[a]ll parties have reached a globe [sic] settlement agreement and dismiss the above-captioned matter with prejudice." The record (R.) R. at 306-397, contains a copy of a settlement agreement filed in the Landlord and Tenant Branch of the Superior Court of the District of Columbia. With regard to the above referenced appeal of the RAD Order, paragraph 4 of the settlement agreement provides, in part:

- c. Case Number NV-11-001 *CAS 4000Kansas [Avenue], LLC v. Tenants of 4000Kansas Avenue, NW* filed in the Rental Accommodations Division granting substantial rehabilitation application and the appeal to the Rental Housing Commission.

Praecipe for Case No. 2012 LTB 006051 at 3; R. at 398.

### III. THE LAW

Settlement of litigation is to be encouraged. The Court in Proctor v. D.C. Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984) required the Commission to consider: 1) the extent to which the settlement enjoys support among the affected Tenant(s), 2) the potential for finally resolving the dispute, 3) fairness of the proposal to all affected persons, 4) saving of litigation costs to the parties, and 5) difficulty of arriving at prompt final evaluation of merits, given complexity of law, and delays inherent in administrative and judicial processes. Id. at 548. When a case is settled on appeal, the pending litigation will be considered moot, and further court action is unnecessary. Milar Elevator Co. v. D.C. Dep't. of Emp't. Servs., 704 A.2d 291 (D.C. 1997). The Commission is required to review all settlement agreements that withdraw appeals, 14 DCMR § 3824.2 (2004). Cited in Bartelle v. Washington Apartments, TP 27,617 (RHC Jan. 26, 2004); Zurlo v. Marra, TP 27,349 (RHC Jan. 21, 2004); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003); Jefferson v. Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003).

In this appeal: 1) the settlement agreement was unanimous because it had the support of both parties; 2) the settlement agreement resolved all of the claims and issues between the parties in two forums, the court and the Commission; 3) the agreement saved the parties litigation costs before the court and Commission; and 4) eliminated further administrative delay in the processing of their claims.

Pursuant to 14 DCMR § 3824.2 (2004), a party may file a motion to withdraw his appeal. The Commission is required to review the motion to ensure the rights of all parties are protected. In the instant case, counsel for both parties filed a joint Stipulation

of Dismissal in the Commission to dismiss the appeal based on a settlement agreement parties. Such motions will be granted on a showing of good cause, where the issues raised in the Notice of Appeal have been addressed in the settlement agreement. See Neff v. Church Mgmt. of Washington, D.C., TP 21,125 (RHC June 15, 1990). The Commission reviewed the stipulation of dismissal and noted the interests of the parties are protected. Accordingly, the parties, having shown good cause for dismissal, the Tenant's appeal is dismissed with prejudice.

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."

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The court may be contacted at the following address and telephone number:

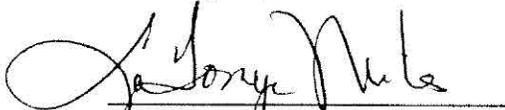
D.C. Court of Appeals  
Office of the Clerk  
Historic Courthouse  
430 E Street, N.W.  
Washington, DC 20001  
(202) 879-2700

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT** in NV-11-001 was mailed by first-class mail, postage prepaid this 11<sup>th</sup> day of December 2013, to:

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