

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-SF-09-20,098

In re: 2480 16th Street, NW

Ward One (1)

**RUDOLPH DOUGLAS, KOW HAGAN, ROBERT EBEL, TY MITCHELL,
ELEANOR JOHNSON, & PETER PETROPOULOS**
Tenants/Appellants/Cross-Appellees

v.

DORCHESTER HOUSE ASSOCIATION, LLC
Housing Provider/Appellee/Cross-Appellant

ORDER ON MOTION TO EXTEND TIME TO FILE BRIEF

April 8, 2015

SZEGEDY-MASZAK, CHAIRMAN. This case is before the Commission on three (3) respective notices of appeal, described as follows: (1) a Notice of Appeal dated August 1, 2011 filed by a group of five (5) tenants (collectively, the Dorchester Tenants)¹ represented by Attorney B. Marian Chou; (2) a Notice of Appeal dated August 2, 2011 filed by Tenant Rudolph Douglas; and (3) a Notice of Appeal dated August 25, 2012 filed by Dorchester House Associates, LLC (Housing Provider).

On March 25, 2015, counsel for the Dorchester Tenants, Ms. Chou, filed Appellants' "Motion to Extend to File Brief" ("Motion to Extend"), the subject of this Order. The Motion to Extend requests an extension of time to file a brief, in order to allow the Dorchester Tenants

¹ In accordance with the Commission's Order dated February 6, 2014, the following tenants are parties to the August 1, 2011 Notice of Appeal: Kow Hagan, Robert Ebel, Ty Mitchell, Eleanor Johnson, and Peter Petropoulos. Tenants of 2480 16th St., NW v. Dorchester House Assocs., LLC, RH-SF-09-20,098 (RHC Feb. 5, 2014).

adequate time to “find another attorney and to prepare the brief on issues in dispute,”² prior to the hearing scheduled for April 2, 2015. Motion at 1. On March 31, 2015, attorney Richard Luchs, on behalf of the Housing Provider, filed an opposition to the Dorchester Tenants’ Motion to Extend, providing that “the issues in the case have previously been briefed and the case has been pending for an inordinate amount of time.” Housing Provider’s Opposition Motion to Extend to File Brief.

The Commission notes that the Motion to Extend requested an extension of time to file a brief prior to the April 2, 2015 hearing, a hearing which has now occurred, thus rendering the Dorchester Tenants’ Motion to Extend moot.³ See, e.g., Burkhardt v. B.F. Saul Co., RH-TP-06-28,708 (citing McChesney v. Moore, 76 A.2d 89 (D.C. 1951) (noting that “it is not within the province of appellate courts to decide abstract hypothetical or moot questions, disconnected with the granting of actual relief or from the determination of which no practical relief can follow”)); Knight-Bey v. Henderson, RH-TP-07-28,888 (RHC Jan. 8, 2013) (where tenant/petitioner fails to appear at hearing, failure to afford due process through proper notice of hearing to housing provider/respondent is moot); Kuratu v. Ahmed, Inc., RH-TP-07-28,985 (RHC Jan. 29, 2012) (where case remanded to determine remedy for violation of registration provision of the Act, issue of notice to tenant of reduction in services was moot on appeal). Additionally, the

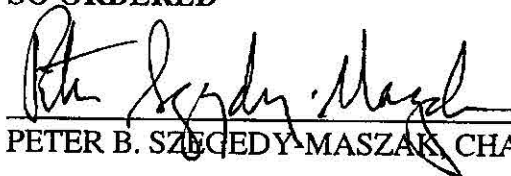
² Ms. Chou filed a “Second Motion to Withdraw as Represented Tenant’s [sic] Counsel, Except Attorney’s Fees” (Second Motion to Withdraw) on March 25, 2015, which is still pending before the Commission as of the date of this Order.

³ Only under extraordinary circumstances will the Commission accept post-hearing submissions from a party. In its discretion, the Commission determines that the Motion to Extend does not address or articulate extraordinary circumstances required for post-hearing submissions. See Prime v. D.C. Dept. of Pub. Works, 955 A.2d 178, 182 (D.C. 2008) (citing Ammerman v. D.C. Rental Accommodations Comm’n, 375 A.2d 1060, 1063 (D.C. 1977)) (administrative tribunals like the Commission “must be, and are, given discretion in the procedural decisions made in carrying out their statutory mandate.”); Am. Rental Mgmt. Co. v. Chaney, RH-TP-06-28,366 & RH-TP-06-28,577 (RHC Feb. 10, 2015).

Commission's review of the record reveals that a brief was filed on behalf of the Dorchester Tenants on November 12, 2013, addressing the issues on appeal in this case. Finally, the Commission notes that the Commission's April 2, 2015 hearing did not address the parties' respective appeals on the merits, and was continued until May 21, 2015, giving the Dorchester Tenants adequate time to file future motions regarding supplemental briefing that the Dorchester Tenants may deem appropriate or necessary.

Accordingly, the Motion to extend is hereby denied.

SO ORDERED



PETER B. SZEGEDY-MASZAR, CHAIRMAN

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

