

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

2013-DHCD-TP-30,472

*In re:* 1819 Q Street, SE, Apt. 1

Ward Eight (8)

**KEITH CRAWFORD**  
Housing Provider/Appellant

v.

**LINDA V. DYE**  
Tenant/Appellee

**ORDER GRANTING MOTION TO WITHDRAW APPEAL**

**September 25, 2015**

**MCKOIN, COMMISSIONER.** This case is on appeal to the Rental Housing Commission (Commission) from the Office of Administrative Hearings (OAH), based on a petition filed in the Rental Accommodations Division (RAD) of the Department of Housing and Community Development (DHCD).<sup>1</sup> 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, the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 1 DCMR §§ 2800-2899 (2004), 1 DCMR §§ 2920-2941 (2004), 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

---

<sup>1</sup> OAH assumed jurisdiction over tenant petitions from the Rental Accommodations and Conversion Division (RACD) on October 1, 2006, pursuant to § 6(b-1)(1) of the OAH Establishment Act, D.C. Law 16-83, D.C. OFFICIAL CODE § 2-1831.03(b-1)(1) (2012 Repl.). The functions and duties of RACD were transferred to DHCD by § 2003 of the Fiscal Year 2008 Budget Support Act of 2007, D.C. Law 17-20, D.C. OFFICIAL CODE § 42-3502.04b (2012 Repl.).

## **I. PROCEDURAL HISTORY**

On January 23, 2014, Tenant Linda Dye residing at 1819 Q Street, SE, Apt. 1, (Housing Accommodation) filed Tenant Petition 2014-DHCD-TP-30,472 (Tenant Petition) alleging the following violations of the Rental Housing Act of 1985 (Rental Housing Act or the Act): (1) there was no proper 30-day notice of rent increase; and (2) Tenant's rent was increased while my/our rental unit was not in substantial compliance with the D.C. Housing Regulations.

On February 24, 2014, an order was issued scheduling the case for mediation on April 25, 2014. On April 23, 2014, the Housing Provider filed a Motion to Cancel Mediation Session because he had made repairs in the apartment and the Tenant was satisfied. The Tenant appeared for mediation on April 25, 2014, Housing Provider did not. On September 16, 2014, the ALJ issued a Case Management Order scheduling a hearing for November 12, 2014. The Order informed Housing Provider that only the Tenant could withdraw the Tenant Petition and that if he failed to appear for the hearing, he might lose his case. The Tenant appeared for the hearing and testified. The Housing Provider failed to appear. The ALJ issued the Final Order on March 13, 2014. Dye v. Crawford, 2014-DHCD-TP-30,472 (OAH March 13, 2015).

The ALJ made the following findings of fact:<sup>2</sup>

1. On September 16, 2014, a Case Management Order (CMO) was mailed to Housing Provider scheduling a hearing for April 25, 2014, at 9:30 a.m.<sup>3</sup> The CMO was mailed to Housing Provider at the address provided in the petition and the address that appears on Tenant's lease. The CMO was not returned by the postal authorities as undeliverable. Housing Provider did not appear for the hearing or request a continuance.

---

<sup>2</sup> The findings of fact are stated as presented by the ALJ in the Final Order in Dye v. Crawford, 2014 DHCD-TP 30,472 (OAH March 13, 2015).

<sup>3</sup> The Commission notes that on February 24, 2014, the ALJ issued an Order Scheduling Mediation for April 25, 2014. The CMO was issued September 16, 2014. *See*, R. at 24-28 and R. at 32-38, respectively.

2. Tenant has resided in apartment 1 at 1819 Q Street, SE (Housing Accommodation) for 15 years. The Housing Accommodation is owned by Keith Crawford.
3. Throughout her 15 year tenancy, Tenant has paid rent of \$500 per month and has never had a lease until this year. In a letter dated December 13, 2013, Keith Crawford informed Tenant that "This letter is to inform you that the lease agreement for tenancy at 1819 Q street SE, Apt [sic] 1, based on the terms by your previous landlord, Steve Madeoy, will end on January 14, 2014."
4. In February 2014, Housing Provider verbally informed tenant that her rent was increased from \$500 to \$750 per month effective that month. Tenant was not given any written notice of rent increase.
5. At the time Tenant's rent was increased she had the following problems in her apartment, which she requested that Housing Provider repair:
  - a. A living room window was broken from a bullet being shot from outside.
  - b. The bathtub and bathroom sink needed re-glazing.
  - c. The dining room floor needed to be re-tiled.
  - d. A closet door had broken hinges.
6. Housing Provider made repairs in April 2014. However, shortly after the repairs were made, the bathtub and sink began to peel again. Tenant's apartment was subsequently inspected by the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). DCRA arranged for Tenant to receive a new sink and sent someone to properly reglaze [sic] her bathtub. DCRA told Tenant it would bill Housing Provider for the repairs.

The ALJ made the following conclusions of law:<sup>4</sup>

**A. Housing Provider's Failure to Appear**

1. Housing Provider in this case failed to appear for the OAH hearing. The signed certificate of service accompanying the Case Management Order states that the Clerk mailed the Order to Housing Provider on September 16, 2014. A certificate of service may ordinarily be relied on "to establish the date and fact of mailing." *Chatterjee v. Mid Atlantic Reg. Council of Carpenters*, 946 A.2d 352, 355 (D.C. 2008); *D.C. Pub. Employee Relations Bd. v. D.C. Metro. Police Dep't*, 593 A.2d 641, 643 (D.C. 1991), citing *Thomas v. D.C. Dep't of Employment Servs.*, 490 A.2d 1162, 1164 (D.C. 1985). The address to which the CMO was mailed is the same address that appears in case file. The CMO was not returned by the postal authorities as undeliverable.

---

<sup>4</sup> The conclusions of law are stated as presented by the ALJ in the Final Order in *Dye v. Crawford*, 2014 DHCD-TP 30,472 (OAH March 13, 2015) but have been numbered for easy reference.

