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### APPEALS DECISION INDEX

<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Administrative Decision</b>	Appeal	Appeal dismissed because parties entered into a stipulation in Superior Court case which disposed of all issues raised by tenant in petition	T09-0055	Roberson v. J&R Associates
<b>Administrative Decision</b>	Deficient Response	An owner response that lacks a filing fee, a copy of business license, and failure to provide RAP notices, both six month and concurrent notice, does not meet minimum standards for response and may be decided administratively	T02-0089-0090	Mateer v. Green
<b>Administrative Decision</b>	Failure to Appear	Granted owner appeal of administrative decision granting tenant petition because tenant failed to appear at Appeal Hearing	T01-0538	Latic v. Gansmiller
<b>Administrative Decision</b>	Failure to Appear	Board dismissed appeal of administrative decision due to failure of either party to attend	T03-0134	Kent v. Onauguluchi
<b>Administrative Decision</b>	Failure to file Response	Board found owner's excuse for failure to file response, that she was confused about procedure because of confusion with prior cases, insufficient	T08-0077	English v. Nero
<b>Administrative Decision</b>	Failure to Use RAP form	Administrative decision dismissing tenant petition for failure to use RAP form is affirmed. Tenant offered no reason for failure to use RAP petition form	T08-0129	Chang v. Lui
<b>Administrative Decision</b>	Administrative Closure	Appeal dismissed and case closed administratively-no appeal decision	T02-0026	Ferguson v. Mar
<b>Administrative Decision</b>	Timely petition	Administrative decision dismissing the tenant's petition as untimely is affirmed where tenant filed the petition 77 days after being served with a noticed rent increase	T07-0362	Mandros v. Solnordal
<b>Anniversary Date</b>	Rent Increase	Effective date of last valid prior rent increase	T04-0073	Lister v. Lannane

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<b>Appeal Procedure</b>	Board Inaction	Hearing decision determined that one of two petitioners lacked standing because he was not a tenant; owners were required to give pre-existing tenants written RAP notice as of 1996; rent was rolled back to 1996 for tenant who moved in in 1970; Restitution was ordered for 36 months; Owner appealed because she was 94 years old, and her representative failed to attend hearing because he was in hospital and she had physical impairment which prevented her from attending the hearing; Board was split on affirming the decision; due to Board inaction decision was affirmed	T07-0021	Goldfarb v. Small
<b>Appeal Procedure</b>	Board Jurisdiction	When Board refers case to staff for re-calculation it retains jurisdiction	T03-0076	Williams v. Duncan
<b>Appeal Procedure</b>	Calculation Error	Board affirmed hearing decision but corrected a calculation error	T03-0076	Santiago v. Vega
<b>Appeal Procedure</b>	City Provided Interpreter;English Required	Designating city-provided interpreter as representative is improper; Procedural documents must be submitted to Board in english; Proof of service in Chinese is invalid	T05-0241	Tam v. Ngo
<b>Appeal Procedure</b>	Invalid Grounds for Appeal	Allegation that decision is inconsistent with prior decisions did not specify inconsistency	T06-0308 et al.	Parces et al. v. Howard et al.
<b>Appeal Procedure</b>	Invalid Grounds for Appeal	Argument against order to pay restitution for overcharges by prior owner is meaningless since hearing decision contained no order to pay restitution	T05-0009	Jensen v. Olyer
<b>Appeal Procedure</b>	Invalid Grounds for Appeal	Owner not required to provide RAP notice to every tenant in the building in order to file a response; Owner entitled to rent increases decided in prior hearing decisions	T03-0201	Rax v. Eng

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<b>Appeal Procedure</b>	Invalid Grounds for Appeal	Failure of hearing officer to issue hearing decision within 60 days; Error in service of hearing decision is not ground for appeal but is ground for extension of time to file appeal; Error in conduct of hearing or in hearing decision not alleged with specificity	T02-0093	Richter v. Wang
<b>Appeal Procedure</b>	Invalid Grounds for Appeal	Retaliatory eviction; Eviction to make repairs; Improper service of eviction notice; Refusal of owner to refund tenant's security deposit; Violation of civil rights by owner not valid grounds for appeal; case closed administratively	T01-0577	Tatum v. Maisel PM
<b>Appeal Procedure</b>	Reviewability of Board Appeal Decision	Petition to overturn appeal decision dismissed because RAP lacks jurisdiction to change final agency decision	T04-0308,362 - 365, 366	Knight v. Rose Ventures
<b>Appeal Procedure</b>	Reviewability of Board Appeal Decision	When Board remands case to staff for recalculation decision may not be appealed since Board retains jurisdiction	T03-0076	Williams v. Duncan
<b>Appeal Procedure</b>	Timeliness	Untimely petition is not grounds for appeal when owner failed to provide concurrent RAP notice	T02-0241	Small v. G&L Prop
<b>Appeal Procedure</b>	Timeliness	Errors claimed by tenant in prior appeal decisions are final agency decisions and not reviewable	T03-0267	Tengeri v. Phillip, Henry, Wai and Frederick
<b>Appeal Procedure</b>	Timeliness	Board affirmed hearing decision where tenant did not file appeal within 20 days after date of service of hearing decision	T10-0064	Settles v. Int'l Faith Center
<b>Appeal Procedure</b>	Timeliness	Board dismissed owner's appeal that was not filed within 20 days from date of service of the hearing decision; time was extended to 1/4/10, due to closure of city offices and appeal was not filed until 1/5/10	L09-0013	MLK Partners v. Tenants

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<b>Citation Hearing</b>	Rent Increase during Amortization for Rent Overpayments	Owner did not violate the order when he increased the tenant's rent while tenant was receiving rent reduction for overpayments amortized over 12 month period-Request for citation hearing denied	C11-0001	Castrejon v. Abbushi
<b>Citation Hearing</b>	Rent Increase and RAP	Request for issuance of citation hearing denied because evidence showed owner complied with six month RAP notice in Order & used correct base rent in calculation of the increase-Hearing decision affirmed	C11-0002	Stevens v. Ju
<b>Continuance</b>	Good Cause	Hearing officer did not abuse her discretion in denying continuance where party submitted no documentary evidence of travel plans	T07-0255-0256	Befu et al. v. Beck
<b>Decreased Housing Services</b>	Burden of Proof	Tenant did not sustain burden of proof for decreased housing services and is denied	T11-0106	Johnston v. Warren
<b>Decreased Housing Services</b>	Cable TV	Loss of cable TV is decreased housing services	T01-0211, 0223, 0228	Mayes et al. v. Crown Fortune Properties
<b>Decreased Housing Services</b>	Carpet	Worn carpet that poses a tripping hazard is a decrease in housing service	T05-0213	Girma v. Goldstone Mgt.
<b>Decreased Housing Services</b>	Code Citation	Petition states a claim for decreased housing services when owner failed to paint bathroom as agreed and tenant was locked out of a room for which he pays rent, regardless of lack of any code citation attached to petition	T03-0080	Hauch v. Mulugeta
<b>Decreased Housing Services</b>	Code Citation	Failure to provide report or documents showing code violation leads to dismissal	T01-0584	Dabit v. Weil
<b>Decreased Housing Services</b>	Current in Rent	Petition denied where tenants not current in rent.	T01-0176	Snook/Ernst v. Heath

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<b>Decreased Housing Services</b>	Current in Rent	Board reversed administrative decision that dismissed tenant petition for lack of evidence that tenant was current in rent & remanded for hearing officer to consider tenant's proffer of evidence that he was current in rent	T00-0453	Jones v. Lam
<b>Decreased Housing Services</b>	Current in Rent	Tenant's failure to pay full rent because of reliance on calculation error by hearing officer is excusable and case is remanded to be heard on the merits	T04-0129	Jesus v. Rhoemer/Lewis
<b>Decreased Housing Services</b>	DHS Allegation of Garbage	Portion of petition alleging decreased housing services, described as "garbage," was a complaint about justification for increased rent since new rent included a charge for garbage service. Since claim was about justification for rent increase, it was not considered separately as a decreased housing services claim	T04-0204	Li v. Ngo
<b>Decreased Housing Services</b>	Denial	Decreased housing services denied because service was not included in original lease(use of garage) or owner acted reasonably in making repairs (shower) or tenant was already receiving decreased rent due to prior hearing decision-hearing decision affirmed	T11-0015	Settles v. Int'l Faith
<b>Decreased Housing Services</b>	Denial of Access	Tenant's denial of access to owner for entry to make repairs did not prevent determination of decreased housing services because state law allows owner to enter premises without tenant consent to make necessary repairs	T05-0245	Hobbs v. Bernstein
<b>Decreased Housing Services</b>	Denial of Access	CC 1954 notice was not required to find lack of tenant access for repairs; tenant failure to appear led to case dismissal	T06-0352	Morales v. Anderson

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<b>Decreased Housing Services</b>	Documentation Required	Failure to provide report or documents showing violation leads to dismissal	T01-0584	Dabit v. Weil
<b>Decreased Housing Services</b>	Emotional distress	Emotional distress claim did not constitute a decrease in housing services	T07-0025	Chang v. Brown
<b>Decreased Housing Services</b>	Evidence	Petition for decreased housing services that lacked code inspection reports or documents showing code violations in unit denied	T01-0584	Dabit v. Weil
<b>Decreased Housing Services</b>	Evidence	Tenant petition alleging decreased housing services when tenant failed to prove the value of any decrease in housing services denied	T01-0374	Mobley v. Bianco
<b>Decreased Housing Services</b>	Failure to Appear	Board remanded hearing decision to determine if there was good cause for tenant's failure to appear at hearing; tenant's excuse was that he was at work and was not relieved until 9:45 a.m.; This was 3 <sup>rd</sup> hearing-1 <sup>st</sup> hearing not recorded; 2 <sup>nd</sup> hearing tenant no-show	T10-0047	Wiley v. Weiss
<b>Decreased Housing Services</b>	Garage	Hearing decision that granted reduction of rent for loss of use of garage was supported by substantial evidence	T11-0101	Howard v. Smith
<b>Decreased Housing Services</b>	Habitability	Decreased housing services claims of habitability denied which included removal of square footage of the unit, removal of door to storage space; removal of outside water faucet from backyard; failure to pay for replacement of appliances; failure to repair roof leaks; failure to replace personal property damaged by contractor during construction; loss of space during construction; failure to make timely repairs; refusal to upgrade electrical	T12-0133	Goldfarb v. McGee

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<b>Decreased Housing Services</b>	Heat	Hearing decision that granted 5% reduction for inadequate heat and determined that parking was included as a housing service was supported by substantial evidence	T08-0294	Pivtorak v. Ma
<b>Decreased Housing Services</b>	Hot water	Board affirmed, without comment, a hearing decision finding decreased housing services for inadequate hot water and allowed rent increase on the basis of debt service	T06-0350, 0351	Kuroiwa, et al. v. Liu
<b>Decreased Housing Services</b>	Key to Basement	Administrative decision denying a petition for decreased housing services based on claimed failure of owner to provide a key to the basement supported by substantial evidence. No reasoning given	T06-0259	Hutcherson v. Scott
<b>Decreased Housing Services</b>	Lack of Code Citation	Petition that alleges owner failed to paint bathroom and that tenant locked out of a room for which he pays rent states a claim for decreased housing services despite lack of any code citation attached to petition	T03-0080	Hauch v. Mulugeta
<b>Decreased Housing Services</b>	Late Response	Rent increase denied when owner filed late response	T12-0179	Guzman v. Shiu
<b>Decreased Housing Services</b>	Loss of Use of Unit	Hearing decision granted tenant compensation for loss of use of unit for 2 months; Case remanded to reconsider whether there was additional loss of use from 10/21/08-1/5/09; Remand decision determined tenant was not entitled to additional restitution because unit was restored to pre-flood status and tenant refused to move out for repairs until 1/5/09	T09-0038	Chenbod et al. v. Rudge
<b>Decreased Housing Services</b>	Mold	Mold resulting from a roof leak constituted decreased housing services. The Board did not accept the owner's argument on appeal that the tenant's action caused the mold	T06-0031	Barrios v. Goldstein & Gambarin

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<b>Decreased Housing Services</b>	Noise	Claim for noise from an oxygen breathing machine denied	T12-0162	Sardelich v. Kapoor
<b>Decreased Housing Services</b>	Noise-Covenant of Quiet Enjoyment	Affirmed part of Hearing Decision that rejected a claim for decrease in housing services for excessive street noise because Rent Adjustment Ordinance does not have jurisdiction over a claim for breach of implied covenant of quiet enjoyment when complaint about conditions beyond owner control & prior denial	T03-0377	Aswad v. Fields
<b>Decreased Housing Services</b>	Noise-Covenant of Quiet Enjoyment	The hearing decision is supported by substantial evidence regarding causation of mold as stated in Notice to Abate	T10-0033	McGregor v Ide
<b>Decreased Housing Services</b>	Notice to Abate	Board remanded case for hearing to consider evidence of the Notice to Abate for the tenant's unit regarding hazardous condition of windows because owner was on notice of need to replace them, and consider length of time to replace windows and reason for any delay	T10-0160	Dixon et al. v. Sashar
<b>Decreased Housing Services</b>	Notice to Abate	Owner took action to address repairs by getting a building permit before Notice to Abate was issued and tenant's claims for decreased housing services were properly denied	T10-0165	Bachand v. Sarshar
<b>Decreased Housing Services</b>	Notice to Owner	Various complaints of decreased housing services were denied for lack of notice to owner, were not habitability issues, or were not cited by building inspector in Notice to Abate	T11-0191	Howard v. Smith
<b>Decreased Housing Services</b>	Pests	Owner had ongoing contract with pest control company for regular pest control service and claim for decreased housing services was properly denied	T08-0298	Sanchez v. Community Realty Property Mgt



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<b>Decreased Housing Services</b>	Parking	Use of a parking space deemed a temporary accommodation and not a housing service supported by contract right because parking was not included in rental agreement signed by tenant	T03-0331	Smith v. Fong
<b>Decreased Housing Services</b>	Parking	Charge for a parking space was not part of the original lease and RAP has no jurisdiction to decide any question regarding the charge	T09-0168	Yaranon v. Lantz
<b>Decreased Housing Services</b>	Prior Settlement Agreement	Claims for decreased housing services were waived by Settlement Agreement in connection with Unlawful Detainer action between parties	T06-0131	Nairobi v. Nwamu
<b>Decreased Housing Services</b>	Restitution in One Lump Sum	Payment of owner to tenant for rent overpayments in one lump sum instead of monthly installments is not a rent increase and was not decreased housing service	T07-0226	English v. Nero
<b>Decreased Housing Services</b>	RAP Notice	Owner presented evidence that RAP notice was delivered to tenant's unit so petition was untimely past 60 days; claim of decreased housing services denied because owner acted within reasonable time to correct alleged problems	T08-0298	Sanchez v. Comm. Realty Prop Mgt.
<b>Decreased Housing Services</b>	Rent Underpayment	Decreased housing services denied because rent owed by tenant far exceeds amount or rent reduction for decreased housing services-hearing decision was modified because tenant argued that settlement between parties said no rent was owing and Board removed finding that tenants owed back rent	T11-0105	Kidd v. Ly

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<b>Decreased Housing Services</b>	Security	Tenant petition granted for claim of decreased housing service regarding inadequate security due to lack of building manager in apartment building that had more than 16 tenants	T09-0082	Cuello v. Horizon Mgt. et al.
<b>Decreased Housing Services</b>	Specificity	Rejected appeal alleging that hearing decision failed to consider decreased housing services when petition did not specify complaints	T03-0027	Assad v. Fields
<b>Decreased Housing Services</b>	Specificity	There was no rent increase, & no compensable decreased housing services where tenant did not describe any specific complaint	T08-0077	English v. Nero
<b>Decreased Housing Services</b>	Storage	Tenant received RAP notice in 2/04 and storage was not part of original agreement	T04-0100	Wright v. Cooper
<b>Decreased Housing Services</b>	Storage	Storage was not part of tenant lease agreement with prior owner as cancelled checks tenant only started paying for storage in 1998	T10-0079	Miller v. JR Associates
<b>Decreased Housing Services</b>	Stove	Board remanded case for further consideration of loss of use of the stove and oven	T09-0131	Kojimoto v. Nataghian
<b>Decreased Housing Services</b>	Substantial Evidence	Decreased housing service granted for gas stove and missing floor board; claim of denial of use of attic and basement not supported by substantial evidence; one rent payment by petitioner made her a tenant.	T08-0135	Phillips v. Landlord
<b>Decreased Housing Services</b>	Substantial Evidence	Hearing decision on remand that denied decreased housing services claims was supported by substantial evidence and issues had been raised in prior petition	T08-0255	Brown v. Lee
<b>Decreased Housing Services</b>	Sufficiency of Allegations	Claim of decreased housing services must raise allegations sufficient to put the owner on notice of what is claimed	T02-0139	Dorche v. Key

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<b>Decreased Housing Services</b>	Successor Owner	Applying precedential case T05-0220, successor owner is liable for decreased housing services obligation of the predecessor owner. Civil Code §1466 is not a defense to successor owner liability	T06-0239	Gibson v. Cornwell
<b>Decreased Housing Services</b>	Successor Owner	New owner stands in shoes of former /owner and is liable for obligations of seller/lessor for decreased housing services	T05-0220	<b>*McGhee v. Carraway-Brown</b>
<b>Decreased Housing Services</b>	Temporary Interruption of Services	Temporary interruption of electrical service was reasonably necessary for maintenance of building and is not decreased housing service	T03-0045	Sardelich v. Vernon Apartments
<b>Decreased Housing Services</b>	Temporary Interruption of Services	Temporary interruption of parking services due to construction work is not a decreased housing service	T12-0292	Maxwell v. Krawiec
<b>Decreased Housing Services</b>	Timeliness	Claim of decreased housing services barred as untimely because alleged decrease occurred more than 30 days prior to the petition date	T01-0237	Cutts v. Eagle Investments
<b>Decreased Housing Services</b>	Timeliness	1998 decreased housing service claim filed in 2000 was untimely	T00-0265 0437	Kennedy v. Rose Ventures III
<b>Decreased Housing Services</b>	Timeliness	There is a 60 day limit to file tenant petition after RAP notice or rent increase notice. Tenant who received RAP notice in 11/07 and received rent increase notice in 1/08 and did not filed petition until 7/08 was untimely	T08-0249	Brenner v. Tesfa
<b>Decreased Housing Services</b>	Timeliness	Board remanded case to determine whether tenant received RAP notices in 2007-2010; if yes restitution for decreased housing services is limited to 60 days prior to the date of filing of petition	T10-0064	Burns v. Landlord

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<b>Decreased Housing Services</b>	Value	Board panel eliminated a 1% reduction for an open sewer line and added a 3% reduction for washer hookup	T06-0072	Kosmos v. Lemon
<b>Decreased Housing Services</b>	Value	Board affirms hearing officer's decision and finds rent overpayment of \$56.00 for missing or inadequate downspout	T06-0354	Cross v. Vallee
<b>Decreased Housing Services</b>	Value	Rent reduction for decreased garbage capacity changed from \$14 to \$5 based on trash collection bill found in the administrative record	T01-0379	Stuckgold v. McCulloch
<b>Dismissal</b>	Error in Notice of Hearing	Board remanded case for new hearing when tenant failed to appear at hearing because error in the notice caused the tenant to miss the hearing	T01-0159	Cuevas v. Newell
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<b>Dismissal</b>	Failure to Appear	Appeal dismissed with prejudice, subject to reconsideration if appellant shows good cause for failure to appear	T07-0319 0320	Breach, et al. v. Kartchner
<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear at appeal hearing leads to dismissal with leave to re-open upon showing of good cause for failure to appear	T04-0145	Petersen v. Stafford
<b>Dismissal</b>	Failure to Appear	Board has discretion to dismiss where appellant fails to appear at appeal hearing	T06-0026	Van Hoof v. SLPM
<b>Dismissal</b>	Failure to Appear	Appeal dismissed for failure to appear	T02-0045	Ault v. Jackonics

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<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T05-0012-13	T. Cloyd v. Cloyd
<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T02-0136, 146	Cutts v. Eagle Investment
<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T03-0140	Malbrough v. MacLaren
<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T05-0033	Petersen v. Stafford
<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T03-0280	Dieli v. Paskewitz/ Freitas
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<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T05-0030	Ward v. Mulugeta
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<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T01-0405	Guillen v. Scott
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<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T01-0114	Semas v. Madison Park REIT
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<b>Dismissal</b>	Failure to Appear	Failure of appellant to appear leads to dismissal	T09-0017, 0019, 0020, 0022, 0023	Austin v. Stansbury Berkson v. Stansbury Modrek v. Stansbury Aurura v. Stansbury Forneret v. Stansbury
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<b>Dismissal</b>	Failure to Appear	Petition dismissed where tenant failed to appear at hearing and did not attach list of decreased housing services.	T11-061	Rax v. Eng
<b>Dismissal</b>	Failure to Appear	Appeal of administrative decision granting exemption dismissed when tenant failed to appear	T08-0076	Dah v. Verducco
<b>Dismissal</b>	Failure to Appear	Tenant petition dismissed for failure to appear at hearing and tenant excuse that she got the date wrong for the hearing was not good cause	T09-0204	Johnson v. Miller
<b>Dismissal</b>	Failure to Appear	Tenant petition dismissed for failure to appear at hearing and tenant excuse that she got the date wrong for the hearing was not good cause	T12-0125	Perry v. Armstrong
<b>Dismissal</b>	Failure to Appear	Tenant appealed exemption for owner occupied unit but failed to appear and case was dismissed	L12-0021	Hutson v. Tenants
<b>Dismissal</b>	Failure to Appear	Tenant appeal dismissed for failure to appear –hearing decision dismissed tenant petition for lack of jurisdiction to award compensation for property damage	T12-0007	Hill v. Tom
<b>Dismissal</b>	Failure to Appear	Appeal dismissed for tenant failure to appear-hearing decision dismissed tenant petition for untimeliness	T12-0047	Moore v. Lane
<b>Dismissal</b>	Failure to Appear	Appeal dismissed for tenant failure to appear-hearing decision dismissed tenant petition for untimeliness	T01-0446	Occena v. Binion & Assoc.

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Dismissal</b>	Failure to Appear	Tenant's failure to appear at mediation justifies dismissal of tenant petition. Tenant's claim that, since typeface on notice of hearing was somewhat darker than on notice of mediation and so he thought he would not have to appear until the afternoon does not excuse his absence from the mediation	T03-0135, 0148	Scott v. Lipscomb
<b>Dismissal</b>	Failure to Appear	Board affirmed hearing decision where owner failed to appear at hearing	T04-0344	Chang v. Lui & Martinez
<b>Dismissal</b>	Failure to Appear	Tenant petition was dismissed when tenant failed to appear at mediation because he overlooked the date due to community obligations one day before Thanksgiving	T12-0227	Heatherly v. Ju Property Management
<b>Dismissal</b>	Good Cause	Absence out of country when owner did not file response is not good cause	T07-0295	Jordan v. Singh
<b>Dismissal</b>	Good Cause	Failure of tenant to appear at the hearing where service was proper is not good cause	T06-0218	Mangi v. Goldstone Management
<b>Dismissal</b>	Good Cause	Failure to appear by owner for hearing was remanded by Board to determine if absence was excusable and for re-hearing if absence excused	T04-0098	England v. Lufrano/ Zensen
<b>Dismissal</b>	Good Cause	Failure of owner to appear at hearing, with no excuse offers resulted in hearing decision being affirmed	T01-0260	<b>*Harre v. Lapham Co., Inc.</b>
<b>Dismissal</b>	Good Cause	Failure of owner to appear at hearing on basis that he never received notice not good cause	T01-0446	Occena v. Binion & Associates
<b>Dismissal</b>	Good Cause	Failure of tenant to appear based on reliance on prior decision in her favor is not good cause	T06-0032	Damankos v. Tang



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<b>Dismissal</b>	Good Cause	Case remanded for determination whether good cause existed for failure of owner to file response when owner argued that he was told by RAP staff that it was not necessary for him to file response because he rescinded the contested rent increase	T10-0136	Robinson v. Lakeshore
<b>Dismissal</b>	Good Cause	Ignorance of appearance requirement is not good cause	T06-0079	Sellers v. Ashley
<b>Dismissal</b>	Good Cause	Good cause for late filing found where RAP notice was not given in same language as language used in negotiating terms of the tenancy in compliance with Civil Code Section 1632 (b)(3)	T06-0154 et al.	Soriano et al. v. Western Mgt. Properties
<b>Dismissal</b>	Good Cause	Language-Board remands case for a hearing to determine whether the owner had a good cause for not filing a response and, if the hearing officer finds good cause, for a hearing on the merits. On remand, hearing officer found language issue not good cause	T07-0157	Xue v. Ma
<b>Dismissal</b>	Good Cause	Medical Condition-Dismissal of hearing decision when petitioner failed to appear at hearing is upheld despite claim on appeal that medical condition prevented appearance	T00-0409	Salaam v. Rose Ventures III
<b>Dismissal</b>	Good Cause	Notice-When respondent and attorney appear at hearing for first group of petitioners but not at later hearing for second group, respondent or attorney may not have been properly noticed; case remanded for hearing on proper notice	T00-0322. 0392, 0403	Lawson v. Grand Lake Terrace

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<b>Dismissal</b>	Good Cause	Notice-Board remanded case to determine whether petitioner had good cause for her failure to appear at hearing when petitioner claimed she did not receive the notice of hearing	T12-0071	Austin v. Schroeder
<b>Dismissal</b>	Good Cause	Oral agreement between parties insufficient for absence from hearing; Owner took no affirmative action to confirm cancellation of hearing	T05-0252	Helmantoler v. Jonsson
<b>Dismissal</b>	Good Cause	Proof of Service of petition and notice of hearing in file affirms hearing decision where owner did not appear	T04-0303-0305	Barrientos et al. v. Pham
<b>Dismissal</b>	Good Cause	Proof of service for petition and notice of hearing showing service at address where owner receives rent deemed good service absent evidence to overcome presumption of service	T04-0049	Miranda v. Davenport
<b>Dismissal</b>	Good Cause	Prior hearing decision-The Board remanded hearing decision with instructions to determine whether a new hearing should take place and to consider the impact, if any, of prior hearing decision with same tenant	T07-0001, 0037	Weng v. Wong
<b>Dismissal</b>	Good Cause	Reliance on settlement agreement-Board remands case for re-hearing when tenant relied on a settlement agreement with owner in failing to appear for the hearing. Tenant's failure to appear constituted excusable neglect	T01-0658	Beverly Young v. Lehmann Enterprises
<b>Dismissal</b>	Good Cause	Case remanded where tenant failed to provide owner address which was in his possession; notice sent to owner at property mgr. address was inadequate notice	T01-0006	Jefferson v. Leath

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<b>Dismissal</b>	Good Cause	Presumption of Notice when notice with proof of service not returned	T03-0398	Shields v. Disabar
<b>Dismissal</b>	Good Cause	Owner had opportunity to present case; Board rejected owner appeal	T01-0095	Ishikawa/ Keweshaw v. PMSI
<b>Dismissal</b>	Good Cause	Tenant excuse for failure to appear because she was obtaining restraining order against owner is not good cause	T12-0072	Quinn v. Nakama
<b>Dismissal</b>	Moot	Board held that the findings of fact in the hearing decision were not supported by substantial evidence, vacated the decision but dismissed the case as moot because tenant had moved out	T07-0292	Smith v. Landlord
<b>Dismissal</b>	No Inspection Report	Affirms denial of a petition for decreased housing services that lacked code inspection reports or documents showing code violations in unit	T01-0584	Dabit v. Weil
<b>Dismissal</b>	Timeliness	Board affirmed hearing decision. which found tenant's claims of decreased housing service/rent increase untimely	T03-0237	Beasley v. Horejsi
<b>Dismissal</b>	Timeliness	Tenant petition not filed within 30 days after RAP notice received	T03-0306	Raymond v. Horizon Mgmt Group
<b>Dismissal</b>	Timeliness	Appeal dismissed as untimely	T01-0520	Benavidez v. Nguyen
<b>Dismissal</b>	Timeliness	Administrative decision dismissing tenant petition as untimely affirmed where tenant filed petition 77 days after service of RAP notice	T07-0362	Mandros v. Solnordal
<b>Dismissal</b>	Timeliness	Board affirmed dismissal of petition that was not filed within 60 days despite tenant claim that he was in China and that the rent increase notice was not in Chinese	T04-0291	Xu v. Regency Towers apts.

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<b>Dismissal</b>	Timeliness	Board affirmed hearing decision that denied part of petition contesting prior rent increase because tenant did not file within 60 days but granted part of the tenant petition which contested current rent increase because owner failed to provide concurrent RAP notice. Not to be used as precedent per specific Board direction	T03-0329	Jesus v. Rhoemer/Lewis
<b>Dismissal</b>	Timeliness	Petition filed more than 60 days after date tenant received RAP notice is untimely as determined by preponderance of evidence	T03-0188	Jackson-Fowler v. Nipay
<b>Dismissal</b>	Timeliness	Hearing decision affirmed when petitioner conceded it was untimely	T03-0226	York v. Dagdagan
<b>Dismissal</b>	Timeliness	Board dismissed appeal filed by tenant one day after expiration of the 20 day appeal period; On Writ of Mandamus, appeal decision was vacated and remanded for hearing; Tenant failed to appear and appeal was dismissed	T06-0352	Morales v. Anderson
<b>Dismissal</b>	Timeliness	Board dismissed appeal filed after close of business on the 20 <sup>th</sup> day after hearing decision was mailed as untimely	T07-0047	Wright v. Wong
<b>Dismissal</b>	Timeliness	Tenant petition was not filed within 60 days of the notice of rent increase and tenant had filed 4 petitions since 2000 and had actual and imputed knowledge of the RAP and may not contest prior rent increases for 2003-2007; however, hearing decision was remanded for recalculation due to one petition filed in 2008- Owner did not provide concurrent notice of RAP but no rent overpayment due because tenant did not pay any increase	T08-0270	Biftu v. Burns

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<b>Dismissal</b>	Withdrawal of Appeal	Allows dismissal of appeal when appellant withdrew appeal at appeal hearing	T01-0412-0413	Calvo et al. v. McCulloch
<b>Dismissal</b>	Withdrawal of Appeal	Allows dismissal of appeal when appellant withdrew appeal at appeal hearing	T12-0205	Spiridonov v. Carta Holdings
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T04-0120-0124	Rodriguez et al.v. Rajinder/Devi TRS
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T03-0194	Kennedy et al. v. Rose Ventures
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T03-0084	Miller v. Pariani
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T02-0340	Rivera v. Schedler
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T03-0144 et al.	Day v. Nguyen Kossowsky v. Nguyen
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-0432	Bakrania v. Jacobs
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-304,0307	Grimes et al. v. Rubenzahl
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-0286	Alvarez/ Balmaceda v. McDonald
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-0437	Minamiyama v. Liu
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-0380	Sondin v. McCulloch
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T01-0563-0576	Cruz et al.v. Walia
<b>Dismissal</b>	Withdrawal of Appeal	Appeal dismissed after parties settled and withdrew appeal	T00-0381	Young/ Morgan v. Lehmann Enterprises

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<b>Dismissal</b>	Withdrawal of Appeal	Owner withdrew appeal when tenant moved out	T01-0541	Lichtenstern v. Jesse Jr.
<b>Dismissal</b>	Withdrawal of Appeal	Appellant withdrew appeal; appeal dismissed	L05-E003	Collins v. Garsson et al
<b>Dismissal</b>	Withdrawal of Appeal	Building was exempt based on certificate of occupancy issued after 1983; Tenant requested dismissal of appeal	T08-0233	Varrett v. CRPM
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T05-0178	Wilson v. Henderson
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0197	Cutler v. Rose Ventures
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T04-0361-0363,0364	Howell et al.v. Rose Ventures
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0214	Brooks v. Fitzgerald/ Hardy
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0395	Ford v. Tse
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0033	Farnsworth v. Rose Ventures
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0403	Knutson/ Ramirez v. Benson
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0011	Fisk v. KSK Property Management
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0024	Avila v. Hennix
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0088	Collins v. Rorick
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0088-0097	Rosette v. Wang
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0296	Mangi v. Cohen
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0120	Lee/ Ho v. Ma
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0339	Kadlecek v. Yoon
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0174	Williams v. Howard
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0049	Lucky v. Kennedy
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T02-0216-0222	Zarate v. Gardner
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<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T01-0152	Maynard v. Madison Park REIT
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T01-0010	Mobley v. Bianco
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	L05-E003	Collins v. Garsson et al
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T05-0178	Wilson v. Henderson
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0197	Cutler v. Rose Ventures
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<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0214	Brooks v. Fitzgerald/ Hardy
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0395	Ford v. Tse
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T06-0035	Ono/Camacho v. Lapham Co., Inc.
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T08-0313	Thuesen v. Cherry
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T09-0035	Hernandez v. Perez et al.
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T09-0008	Kidane et al. v. Jordan et al.
<b>Dismissal</b>	Withdrawal of Appeal	Tenant requested dismissal	T03-0180-0195	Gerber et al. v. Rose Ventures
<b>Dismissal</b>	Withdrawal of Appeal	Tenant attorney withdraw appeal because tenant died	T08-0094	Weston v. Howard
<b>Dismissal</b>	Withdrawal of Appeal	Appellant owner requested withdrawal of appeal and appeal was dismissed	T08-0297	Peacock v. Heinemann
<b>Dismissal</b>	Withdrawal of Appeal	Appellant owner requested withdrawal of appeal and appeal was dismissed	T09-0098	Gutierrez v. Martinez
<b>Dismissal</b>	Withdrawal of Appeal	Parties reached settlement agreement and owner filed request to withdraw appeal-appeal dismissed	T08-0309	Buss v. Gilmann
<b>Dismissal</b>	Withdrawal of Appeal	Parties reached settlement agreement and owner filed request to withdraw appeal-appeal dismissed	T08-0317	Johnson v. Gilmann

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<b>Evidence</b>	Withdrawal of Appeal	Parties reached settlement agreement and owner filed request to withdraw appeal-appeal dismissed	T10-0140	Musgrave v. Moyer
<b>Evidence</b>	Admissions in Prior Case	Admissions in prior petition can be used as evidence in current rent case	T02-0162	Rax v. Marlinton
<b>Evidence</b>	Allowed	New evidence regarding supplemental property tax statement allowed at appeal hearing. Case remanded for re-calculation based on this new evidence.	T06-0303, 0304, 0326,0345	Chang et al.v. Huang
<b>Evidence</b>	Bias	Claim of bias based on hearing officer's rejection of appellant's evidence and acceptance of appellee's evidence rejected	T05-0110	Peacock et al. v. Vulcan
<b>Evidence</b>	Evidence Standard	An unauthenticated letter is not "the sort of evidence responsible persons would accept as serious affairs" as required by Regulation 8.22.11 E.4	T04-0076, 0077	Wilson et al. v. Cortes
<b>Evidence</b>	"Finalized" Permit for New Construction	A "finalized" permit is the equivalent of a certificate of occupancy when clerical oversight or earthquake loss explained lack of certificate of occupancy.	T05-0110	Peacock et al. v. Vulcan
<b>Evidence</b>	Government Code §11513	Govt. Code §11513 was adopted as primary rule evidence for rent board hearings. Reg. 8.22.110.E4 has been interpreted to mean that uncorroborated hearsay is insufficient to support a finding of fact in Rent Adjustment proceedings. Where the sole evidence to support a finding that an owner served a summary on the tenants is double hearsay, the finding of service is not supported by substantial evidence.	T06-0232-0233	Crockett et al. v. Grant



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<b>Evidence</b>	New Evidence	Hearing decision vacated that granted tenant petition and dismisses case without prejudice when owner presented evidence at appeal that property was exempt from Ordinance under Costa-Hawkins	T02-0244	Cuevas v. Hernandez
<b>Evidence</b>	New Evidence	Board overturned administrative decision which granted tenant petition and agreed to hear new evidence regarding exemption issue where owner did not pay RAP fee, provide business tax certificate or evidence of new construction	T04-0344	Parfait v. Miller
<b>Evidence</b>	Not Allowed	Appellant request to introduce documents which were in the record, and available at the hearing, but not included in Board packet sent to Board members prior to appeal hearing, not allowed	T00-0302	Diamond v. Rose Ventures, III
<b>Evidence</b>	Not Allowed	Affirms denial of petition for DHS that lacked code inspection reports or documents that showed code violations in unit when appellant tried to introduce this evidence on appeal- Petitioner had ample opportunity to produce evidence of violations at hearing	T01-0584	Dabit v Weil
<b>Evidence</b>	Not Allowed	Owner request to submit new evidence denied where evidence in the record is sufficient to support hearing decision	T05-0245	Hobbs v. Bernstein
<b>Evidence</b>	Not Allowed	Appellant not allowed to present evidence for first time on appeal when she did not file response to petition or appear at either of the hearing dates	T05-0292	English v. Nero
<b>Evidence</b>	Not Allowed	Hearing officer found evidence to substantiate finding of decreased housing services and ordered restitution and Board affirmed hearing decision without considering new evidence presented by the parties	T06-0059-0060	Martinez v. Wu

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<b>Evidence</b>	Not Allowed	Board denied appeal which alleged insufficient opportunity to present evidence when it was determined that appellant had ample opportunity to present evidence but did not do so	T01-0394	Boselli v. Doshi
<b>Evidence</b>	On Site Inspection	Board remanded case to exclude elevator permit as evidence-observed by hearing officer during onsite inspection	T10-0073	Hunter-Nicholson v. Hogan/Vest
<b>Evidence</b>	Presumption	Proof of service raises presumption of actual notice that can be overcome by credible evidence; Party request to dismiss appeal for lack of service denied when party failed to overcome presumption	T05-0080	Chaney-Williams & Williams v Lau
<b>Evidence</b>	Presumption	Board affirmed finding that owner did not present sufficient offer of proof to overcome presumption of proper service, nor did he offer a defense for failure to serve proper notices of the rent increase	T07-0082	Terrell v. Campbell
<b>Evidence</b>	Presumption	Proof of service of notice of petition which shows mailing to address where owner receives rent is good service absent evidence to overcome the presumption of receipt by owner	T04-0049	Miranda v. Davenport
<b>Evidence</b>	Substantial Evidence	Board will not overturn factual findings by hearing officer if there is substantial evidence to support the hearing decision	T00-0340, 0367, 0368	Knox v. Progeny Properties
<b>Evidence</b>	Substantial Evidence	Hearing decision will not be overturned when based on witness credibility and supported by substantial evidence	T03-0198	Diamond v. Rose Ventures
<b>Evidence</b>	Substantial Evidence	Board affirmed hearing decision which was supported by substantial evidence	T06-0181	Pinnock v. Fong

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<b>Evidence</b>	Substantial Evidence	Board remanded case to determine whether there was substantial evidence to support finding that the furnace was not heating both units	T07-0237	Kosmos v. Negrette
<b>Evidence</b>	Substantial Evidence	Hearing decision that granted 5% reduction for inadequate heat and determined that parking was included as a housing service was supported by substantial evidence	T08-0294	Pivtorak v. Ma
<b>Evidence</b>	Substantial Evidence	An owner must provide evidence beyond testimony and summaries prepared in anticipation of the hearing	T04-0158	<b>*Ullman v. Breen</b>
<b>Evidence</b>	Timeliness	Board remanded case to determine whether good cause exists for late submission of documents (submitted five days prior to hearing); Hearing Officer on Remand determined there was no good cause for the late submission	T10-0073	Hunter-Nicholson v. Hogan/Vest
<b>Hearing Decision</b>	Failure of a party to appear	Owner failed to appear and Board heard respondent tenant argument and affirmed hearing decision	T01-0069	Romero v. Harris
<b>Hearing Decision</b>	Limitation on Order	Board changed language in Order from "landlord is liable to tenants for any rent overpayments due to invalid notice of 10/22/00" to The parties are encouraged to work out any differences in overcharges that may have resulted pursuant to the invalid notice"	T00-0422	Berson et al. v. Randle
<b>Hearing Decision</b>	Modification of Hearing Decision	Deleted language of owner liability for overpayments and inserted liable on pro rata basis with a recommendation that parties work it out; Deleted language from hearing decision that tenant may be entitled to file petition for prior rent increases.	T01-0028	Joseph v. Harris

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<b>Hearing Decision</b>	Modification of Hearing Decision	Board affirmed hearing decision but modified the base rent to be used for calculation to confirm with evidence in record	T01-0487	Avina v. Tai
<b>Hearing Decision</b>	Modification of Hearing Decision	Board added 3% rent reduction for decreased housing services where record supported additional reduction but removed 1% reduction for open sewer line	T06-0072	Kosmos v. Lemons
<b>Hearing Decision</b>	Modification of Hearing Decision	Board remanded case due to clear discrepancies between findings of fact and documentary evidence in the record	T01-0549, 0558, 0559, 0560, 0561, 0562	Galvez v. Horizon Mgt.
<b>Hearing Decision</b>	Modification of Hearing Decision	Board affirmed expense documentation but modified accounting to change allocation of charges for certain years and changed expenses that were unreasonably low	T01-0211, 223, 228	Mayes v. Crown Fortune Properties
<b>Hearing Decision</b>	Modification of Hearing Decision	Deleted language from hearing decision "The tenant may also be entitled to file a petition based upon prior rent increases which may have been unlawfully imposed".	T01-0041	Jones v. Harris
<b>Hearing Decision</b>	Ordinances in Effect	Case remanded for determination of which ordinances were in effect during current and prior petitions between parties-Prior hearing decision granted a rent increase & notice requirements were not addressed; current hearing decision denied rent increase for invalid rent increase notice	T12-0272	Strohallen v. Park

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<b>Hearing Decision</b>	Other Tenants	Tenant who was untimely cannot rely on a prior decision filed by different tenant regarding same issue even though the language in the Ordinance said "rent increases that are either approved as a result of the owner's application will apply to all tenants in the building".	T00-0302	Diamond v. Rose Ventures III
<b>Hearing Decision</b>	Prior Decision	Board remanded case to determine whether new hearing should occur and to consider impact of a prior hearing decision with same tenant	L07-0001-T07-0307	Weng v. Wong
<b>Hearing Decision</b>	Recalculation	Board affirmed hearing decision but found incorrect rent overpayment calculation & corrected hearing decision order	T02-0404	Santiago v. Vega
<b>Hearing Decision</b>	Relief Not Requested	Relief granted can exceed relief requested in petition only when based on findings of fact and conclusions of law justifying relief	T01-0260	<b>*Harre v. Lapham</b>
<b>Hearing Decision</b>	Substantive Requirement	Hearing decision must contain sufficient explanation of reasoning process that led Hearing Officer to his conclusion	T05-0130	Wright v. Christian-Miller

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<b>Hearing Decision</b>	Timeliness	Denial of tenant appeal on basis that required notices were not served in Spanish and decreased housing services were supported by substantial evidence; Owner appealed on 13 grounds including denial of due process because hearing officer who heard the case did not write the decision and did not assess witness credibility; timeliness; restitution in excess of three years; burden of proof wrongly imposed on owner; Board found errors in findings of fact vs. documentary evidence in Record; Remanded all 7 cases for review of evidence and correction of any errors based on review; also to determine whether 1 tenant has standing to challenge rent increases given earlier than three years before filing the petition	T01-0550	Martinez et al. v. Horizon Mgt.
<b>Hearing Officer Authority</b>	Time Frame for Hearing Decision	Hearing decision does not have to be issued within 60 days	T02-0093	Richter v. Wang/Pl. Properties
<b>Hearing Procedure</b>	Bias	Hearing officer has authority to call witnesses, accept or reject evidence by either party and this does not constitute bias	T05-0110	Peacock et al. v. Vulcan
<b>Hearing Procedure</b>	Citation Hearing	Owner did not violate the Order when he increased the tenant's rent while tenant was receiving rent reduction for overpayments amortized over 12 month period-Request for citation hearing denied	C11-0001	Castrejon v. Abbushi
<b>Hearing Procedure</b>	Continuance	Hearing Officer did not abuse discretion in denying continuance where party did not provide any documentation of pre-arranged travel plans	T07-0255	Befu et al. v. Beck

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Hearing Procedure</b>	Due Process	Due process requires that the respondent be given notice of issues in petition; information not provided in the tenant's petition or in subsequently filed documents does not satisfy due process requirements and cannot cure an otherwise deficient petition	T02-0029	Futerman v. Beacon Properties
<b>Hearing Procedure</b>	Failure to Appear	Board affirmed hearing decision when owner failed to appear and heard argument from tenant	T01-0069	Romero v. Harris
<b>Hearing Procedure</b>	Failure to File Timely Response	Party that fails to file a timely response is precluded from introducing evidence but is permitted to cross-examine opposing party and to present a closing argument	T02-0404	Santiago v. Vega
<b>Hearing Procedure</b>	Failure to File Timely Response	Party that fails to file a timely response is precluded from introducing evidence but is permitted to cross-examine opposing party and to present a closing argument	T10-0075	Adams/Baca v. RMD Services
<b>Hearing Procedure</b>	Failure to File Timely Response	Respondents that fail to timely file a response are not entitled to contest the sworn allegations in petition	T02-0089-0090	Mateer et al. v. Green
<b>Hearing Procedure</b>	Failure to File Timely Response	Administrative decision granting tenant's petition was upheld in absence of owner's showing sufficient cause for failure to respond to petition or to request a hearing.	T03-0288	Dent v. Campbell
<b>Hearing Procedure</b>	Failure to File Timely Response	Administrative decision granted tenant petition challenging rent increase; Owner failed to file a response. Owner claimed attorney failed to respond and property was exempt as single family residence; Board vacated hearing decision and dismissed the petition.	T02-0244	Cuevas v. Hernandez
<b>Hearing Procedure</b>	Failure to File Timely Response	Owner claim that he did not understand the documents in English was not reason to grant appeal	T07-0157	Xue v. Mah

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Hearing Procedure</b>	Failure to File Timely Response	Failure to file timely owner. response precludes introduction of evidence at hearing	T00-0258	Hill v. Lane
<b>Hearing Procedure</b>	Failure to File Timely Response	Owner failure to file a response is excused because he received a copy of deficiency letter sent to tenant which stated petition could not be filed and case was remanded for hearing on the merits to determine if he qualified for an exemption	T03-0073	Robinson v. Robinson
<b>Hearing Procedure</b>	Failure to File Timely Response	Owner failure to file a response is not excused even though tenant sent owner a letter saying she would vacate unit within 30 days	T02-0367	Cotner et al. v. Bello
<b>Hearing Procedure</b>	Failure to Provide RAP Notice	When owner fails to provide RAP notice, owner response to petition may not be considered	T02-0287	Witt/ Bronisas v. Ma
<b>Hearing Procedure</b>	Hearing must be Recorded	Recording of the hearing is essential to determine whether substantial evidence exists to support the conclusion of the hearing officer. In the absence of a recording, the Board remanded to have the case re-heard	T07-0133	Hyunh v. Ly
<b>Hearing Procedure</b>	Issues not Raised in Petition	Hearing officer did not consider tenant's complaint regarding PGE bills because issue was not raised in tenant petition	T10-0093	Davis v. Dorntge
<b>Hearing Procedure</b>	Issues not Raised in Petition	Tenant may not allege problem with heat on appeal because it was not alleged in tenant petition even though another tenant in the building alleged this complaint-hearing decision affirmed	T10-0116, 118	Nunez v. Advent Properties Goubeaux v. Advent Properties
<b>Hearing Procedure</b>	Language Issue	Owner claim that he did not understand the documents in English was not reason to grant appeal	T07-0157	Xue v. Mah



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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Hearing Procedure</b>	Late Tenant Response	Board remanded Hearing Decision which granted owner petition because tenants did not respond to the owner petition. Notice to tenants did not clearly state time for response to the owner petition	L01-0005	Gardner v. Tenants
<b>Hearing Procedure</b>	New Evidence	Recalculation by the hearing officer of evidence timely submitted is not new evidence. Later submission of calculations by the parties is not evidence. Denied portion of appeal challenging the re-calculation	T06-0232, 0233	Crockett, et al. v. Grant
<b>Hearing Procedure</b>	Notice of Hearing	Board remanded case for new hearing when tenant failed to appear at hearing due to error in notice of hearing	T01-0159	Cuevas v. Newell
<b>Hearing Procedure</b>	Notice	Notice-When respondent and attorney appear at hearing for first group of petitioners but not at later hearing for second group, respondent or attorney may not have been properly noticed; case remanded for hearing on proper notice	T00-0322. 0392, 0403	Lawson v. Grand Lake Terrace
<b>Hearing Procedure</b>	Opportunity to Present Evidence	Board denied appeal alleging insufficient opportunity to present evidence when it determined that appellant had ample opportunity to present evidence but did not do so.	T01-0394	Boselli v. Doshi
<b>Hearing Procedure</b>	Postponement During Hearing	Hearing officer properly continued a hearing due to illness of property manager and allowed him to authenticate invoices and checks for capital improvements which had already been submitted	T09-0178	Reinke v. Sarshar/Lapham
<b>Hearing Procedure</b>	Remanded Decision with Recalculation	When Board refers case back to staff for recalculations, remanded hearing decision cannot be appealed, since Board retains jurisdiction	T03-0076	Williams v. Duncan

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<b>Hearing Procedure</b>	Reliance on Hearing Officer and Staff	If respondent reasonably relied on erroneous statements by staff and the hearing officer in withdrawing claims of justifications for rent increase, respondent entitled to submit additional evidence and receive a decision on the merits of withdrawn justifications	T00-0132	Tengeri v. Allen Associates
<b>Hearing Procedure</b>	Reliance on Hearing Officer and Staff	Reliance on incorrect advice from RAP staff is not a proper excuse for failure to comply with filing requirements of the Ordinance	T00-0302	Diamond v. Rose Ventures III
<b>Hearing Procedure</b>	Remand for Staff Recalculation	Board reversed Hearing Decision and remanded for recalculation in accord with Schacher v. Henry (T07-0217, holding that increase based on Banking accrued prior to the beginning of the 10 year period for the Banking calculation, but given to the tenant during the period, must be added to the base rent in the year in which the increase is given	T07-0303	Esquibel v. Hamilton
<b>Hearing Procedure</b>	Scope of Hearing	Issue of invasion of privacy which was not raised in the petition may not be heard	T01-0353,359	Fisher et al. v. HC Properties
<b>Jurisdiction/Exemption</b>	Withdrawal of Rent Increase	When owner withdraws current rent increase it is not in dispute at a hearing	T02-0404	Santiago v. Vega
<b>Jurisdiction/Exemption</b>	Agreement to Exemption	Parties cannot agree to violate ordinance. Parties can neither create nor destroy exemption.	T04-0380	Wood v. Collins
<b>Jurisdiction/Exemption</b>	Civil Rights Violations	Board has no jurisdiction over claims of violation of civil rights	T01-0577	Tatum v. Maisel Property Management
<b>Jurisdiction/Exemption</b>	Code Violation	Tenant did not provide evidence to challenge Board's prior exemption of property pursuant to Civil Code Section 1954.42(3); subsection 5 exempts cited code violations outstanding for more than six months prior to the inception of the tenancy, not the filing of the petition.	T08-0304	Pond v. Berkowitz

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Jurisdiction/Exemption</b>	Commercial Property	Board overturned hearing decision that said unit had evolved from commercial space to dwelling unit; commercial unit not covered by Ordinance absent evidence that the unit was used as a residence.	T02-0294	Schallerer v. Rucker
<b>Jurisdiction/Exemption</b>	Commercial Property	Unit claimed by the owner to be commercial but used as a residence with the knowledge of the owner, is a dwelling unit covered by the Rent Adjustment Ordinance.	T05-0233	Rose v. Polanski
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	A single family residence is exempt from the Rent Ordinance pursuant to Costa-Hawkins	T01-0462	Williams v. Prince
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	Board upholds determination of exemption under Costa-Hawkins; rules that Costa-Hawkins exemption not a new policy issue	T03-0072	Golden v. Lee
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	Separately alienable single family dwelling or condominium exempt from Ordinance pursuant to Costa-Hawkins	T02-0190	Hill v. Brown
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	"	T12-0051	Monroe v. Last Mile Properties
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	Single family residence is exempt under Costa-Hawkins and RAP has no jurisdiction to hear issues of habitability	T09-0206	Bliss v. Dove
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	Single family residence is not exempt under Cosa-Hawkins where tenant resided there prior to January 1, 1996, and Board overturned finding that tenants owed back rent due to litigation settlement between parties	T11-0105	Kidd et al. v. Ly
<b>Jurisdiction/Exemption</b>	<b>Costa-Hawkins</b>	Owner letter claiming exemption not a valid response to tenant petition since owner did not pay filing fee, submit evidence of current business tax certificate, or submit any documentary evidence in support of his claim of exemption	T01-0178	Parfait v. Miller

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Subject	Sub-Category	Decision	File #	File Name
Jurisdiction/Exemption	Costa-Hawkins	Tenant operated wild life rescue program but subject premises was a single family residence and exempt under Costa-Hawkins	T10-0085	Travis v. Wood
Jurisdiction/Exemption	Demand for Back Rent	Under 2000 Ordinance, owner demand for back rent is not a rent increase and is beyond RAP jurisdiction	T02-0066	Farnsworth v. Rose Ventures
Jurisdiction/Exemption	Dormitories	Dormitories are generally considered rooms with numerous beds usually without private baths; single family houses or duplexes for faculty are not considered dormitories under this exemption	T00-0114-0117	Clegg v. Mills College
Jurisdiction/Exemption	Employee v. Tenant Status	Tenant was employee in unit 1 and requested larger unit; owner valued 2nd unit at \$375 more; There was employment contract for unit 1 but not for second unit although petitioner continued same duties for owner; Board found substantial evidence that parties treated occupancy independent of employment for the owner and therefore the occupancy was a tenancy subject to the Ordinance; No substantial evidence to support an exemption	T06-0353	Katsapov v. Prana
Jurisdiction/Exemption	Eviction to Make Repairs	Board has no jurisdiction over claims of eviction to make repairs or claims of improper eviction notice	T01-0577	Tatum v. Maisel Property Management
Jurisdiction/Exemption	Houseboat	According to the City of Oakland Charter, the Port of Oakland has jurisdiction over regulation of rents for live-aboard slips at marinas within Port District, not the Rent Adjustment Program	T04-0199	*Corson v. Port of Oakland
Jurisdiction/Exemption	Live-work Units	No exemption from Rent Adjustment Ordinance for live-work units as commercial tenancies if units used as a residence; See RG05248364-Collins v. City of Oakland	T04-0163	Garsson v. Collins

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Jurisdiction/Exemption</b>	Live-work Units	Prior Administrative Decision determined unit was exempt since rental agreement restricted unit to commercial use; petitioner claims owner knew of and implicitly approved of residence in the unit. Board remands case to determine whether unit is covered	T02-0157	Sinik v. Wengerd
<b>Jurisdiction/Exemption</b>	Location of Unit in Oakland	Where tenants argue that the property was in Oakland and not exempt from the Ordinance and the owner argued that property was in Emeryville and not under Board jurisdiction, the Board remanded the case for a hearing to determine whether, at the time of the petition, the subject unit was physically located in Oakland or Emeryville.	T06-0005	Anderson v. Jenkins
<b>Jurisdiction/Exemption</b>	Pre-1/1/96 Tenancy	Tenancy that began before December 31, 2005, is not exempt from Ordinance under Civil Code §1654.52(a) (3) (c).	T07-0188	Valerio v. Tran
<b>Jurisdiction/Exemption</b>	Two structures on Subject Property	Hearing Decision determined that subject property was not exempt as single family residence as there were two structures on the property; Owner wanted to amend petition at hearing to allege exemption due to new construction but failed to provide certificate of occupancy issued after January 1, 1983; Appeal dismissed upon owner request	L12-0051	Wofsy v. Tenant
<b>Jurisdiction/Exemption</b>	Two Structures on Same Property	A cottage behind main dwelling may be part of the main residence if it shares common kitchen and bathroom facilities; case remanded to determine if cottage is part of main residence and whether there are any unabated code violations prior to the vacancy	T08-0012	Whelan v. Berkowitz
<b>Jurisdiction/Exemption</b>	<b>New Construction</b>	Exemption allowed for units constructed after January 1, 1983	T01-0178	Parfait v. Miller

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Jurisdiction/Exemption</b>	New Construction	Hearing decision granted exemption based on certificate of occupancy issued after 1/1/83 for new construction	T11-0109	Kinyua v. BRE Properties
<b>Jurisdiction/Exemption</b>	New Construction	Hearing decision granted a tenant petition and invalidated rent increase on basis that notice was invalid, owner did not file a proper response to tenant petition, failed to pay filing fee and failed to submit evidence of current business tax license; Board reversed hearing decision on grounds that the subject unit was exempt based on new construction	T00-0410	Piedra v. Wong
<b>Jurisdiction/Exemption</b>	Failure to Appear	Case dismissed where tenant contested exemption of new construction and failed to appear	T02-0037	Wright v. Morris
<b>Jurisdiction/Exemption</b>	Failure to Obtain Certificate of Occupancy	Owner must either present certificate of occupancy or show good cause why he failed to obtain one	T08-0023	Tuakoi v. Dawkins
<b>Jurisdiction/Exemption</b>	Finalized Permit	State law and Oakland Municipal Code require a Certificate of Occupancy, or its functional equivalent, for exemption from Rent Adjustment Ordinance	T04-0163	Garsson v. Collins
<b>Jurisdiction/Exemption</b>	Finalized Permit	A "finalized" permit is the practical equivalent of a Certificate of Occupancy when clerical oversight or earthquake loss explained the lack of finalized permits	T05-0110	Peacock, et al. v. Vulcan
<b>Jurisdiction/Exemption</b>	Finalized Permit	A "finalized" permit is the equivalent of a certificate of occupancy where building services could not locate the certificate of occupancy	T12-0112	Williams v. Taplin
<b>Jurisdiction/Exemption</b>	Non-Profit Entity	Non-profit educational institutions renting property for residential purposes are not per se exempt from the Rent Ordinance	T00-0114	Clegg v. Mills College

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Jurisdiction/Exemption</b>	No Prior Residential Use	Unit in building that was built prior to 1983 but that was newly created out of space not previously used for housing and was added to the original structure is exempt for new construction under O.M.C. Chapter 8.22.030(5)	T01-0107	Castellanos v. Geer
<b>Jurisdiction/Exemption</b>	Owner Occupied	Hearing officer found the unit exempt from the Ordinance as an owner-occupied property with a total of three units; Board remanded the case for a factual determination of whether there were three or four units on the parcel when owner and tenant proffered conflicting evidence on appeal	T06-0005	Anderson v. Jenkins
<b>Jurisdiction/Exemption</b>	Payment by insurance	A substantial rehabilitation project may not be paid for by insurance money. Repair of units with insurance money is not covered by the substantial rehabilitation provision of the Rent Ordinance	L12-0052	Isenberg v. Tenant
<b>Jurisdiction/Exemption</b>	Public Entity	Tenant's use of premises as a wildlife rescue program licensed by the State does not qualify as a public entity for exemption under Costa-Hawkins; Tenant rent not paid by public entity; property exempt as single family residence-hearing decision affirmed	T10-0085	Travis v. Woods
<b>Jurisdiction/Exemption</b>	Retaliation	Retaliation is not grounds for a petition.	T04-0300	Petersen v. Stafford
<b>Jurisdiction/Exemption</b>	Security Deposits	Board has no jurisdiction over security deposits or retaliatory eviction	T01-0577	Tatum v. Maisel Property Mgt
<b>Jurisdiction/Exemption</b>	Security Deposits	Board has no jurisdiction over security deposits or retaliatory eviction	T11-0186	Gallin v. Lee

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Subject	Sub-Category	Decision	File #	File Name
Jurisdiction/Exemption	Section 8 Contract	Units became rent controlled after Section 8 subsidy contract was terminated and required RAP notices. When HUD contract expired owner accepted tenant's portion of the rent and did not sent RAP notice until one year later, so the tenant's portion of the rent became the base rents. The owner did not comply with RAP notice	T06-0308 et al.	Parces et al. v. Howard et al.
Jurisdiction/Exemption	Section 8 Contract	Units became rent controlled after Section 8 subsidy contract was terminated and required RAP notices. When HUD contract expired owner accepted tenant's portion of the rent and did not sent RAP notice until one year later, so the tenant's portion of the rent became the base rents. The owner did not comply with RAP notice	T09-0150	Foster v. Howard
Jurisdiction/Exemption	Substantial Rehabilitation	To establish an exemption for substantial rehabilitation, an owner must provide evidence beyond testimony and summaries prepared in anticipation of the hearing. Owner must substantiate cost of rehabilitation and area of space claimed as new residential space. Evidence can include: date of issuance of building permits, good cause for delay if project exceeded two years, and plans that show area enclosed by building	T04-0158	<b>*Ullman v. Breen</b>
Jurisdiction/Exemption	Substantial Rehabilitation	Case remanded to review record to determine whether owner had opportunity to present evidence that owner had spent at least 50% of the average basic cost for new construction when rehabilitating the subject property.	T01-0486	Hailu v. Tarborough



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<b>Jurisdiction/Exemption</b>	Substantial Rehabilitation	Affirmed hearing decision that unit was not exempt from Rent Adjustment Ordinance as new construction or under substantial rehabilitation when there was insufficient evidence in the record to prove entitlement to an exemption	T05-0233	Rose v. Polanski
<b>Jurisdiction/Exemption</b>	Substantial Rehabilitation	Board reversed a hearing decision that granted exemption on basis of new construction on grounds that it was not supported by substantial evidence but remanded case to determine on the record if owner qualified for exemption on basis of substantial rehabilitation	T07-0287	Young v. Beasley
<b>Jurisdiction/Exemption</b>	Substantial Rehabilitation	Hearing decision that granted exemption for substantial rehabilitation affirmed when owner was unable to obtain evidence of construction costs due to passage of time; owner could not apply for exemption on this basis until 2006 and substantial rehabilitation costs were done in 1987	T09-0138	Peterson v. Krause
<b>Jurisdiction/Exemption</b>	Substantial Rehabilitation	Substantial rehabilitation was completed in 1993. Owner filed for exemption in 2007 when owner could first file for exemption and by then many records were no longer available. The Board remanded the case to allow owner to present new evidence	L07-0012	Bell v. Tenants
<b>Jurisdiction/Exemption</b>	Tenant Move Out	Rent Adjustment Program lacks jurisdiction to consider tenant petition when tenant vacated unit prior to filing petition	T12-0008	Jimenez et al. v. Byal
<b>Justification for Rent Increase</b>	Tenancy-Owner as Co-Tenant	Owner moved into tenant's unit and was co-tenant and the unit was exempt from the Ordinance. Hearing decision reversed and remanded to determine the nature of the legal relationship between the parties	T07-0242	Sandoval v. Jeung

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<b>Justification for Rent Increase</b>	Additional Tenant	An additional tenant does not by itself justify a rent increase absent some proof of cost increases attributable to the additional tenant	T00-0276	Yancy v. Ma Properties
<b>Justification for Rent Increase</b>	<b>Banking</b> -Base Rent	Base rent to which increase based on Banking should be applied is rent after last valid rent increase	T04-0071-0072	Bertrand v. Crown Fortune Properties
<b>Justification for Rent Increase</b>	Banking Base Rent	Base rent to which increase based on Banking should be applied is rent after last valid rent increase	T04-0061-0065	Pun v. Santino DeRose
<b>Justification for Rent Increase</b>	Banking	Base rent to which increase based on Banking should be applied is rent after last valid rent increase	T04-0039	Aries v. Crown Fortune Properties
<b>Justification for Rent Increase</b>	Banking	Base rent is defined as the monthly rental rate before the latest proposed increase. Although initial rent was \$1100, and rent was reduced to \$950, there was no proof that intent of the parties was to only reduce the rent temporarily	T09-0016	Wilson v. Yoon
<b>Justification for Rent Increase</b>	Banking Calculation	Factors for calculating Banking include following: Date tenancy started or go back 10 years from before date of increase Original Base rent (or 10 yrs. Prior to increase)	T98-02	Merlo v. Rose Ventures III
<b>Justification for Rent Increase</b>	Banking Calculation	Owner alleged that there was insufficient evidence to support figures used in Banking calculation; case remanded for hearing to review calculation	T03-0190,0196	Wender v. Rose Ventures
<b>Justification for Rent Increase</b>	Banking Calculation	Case remanded for determination whether owner entitled to 3% increase in 2000 even though tenant did not contest the increase because notice of rent increase was unclear that owner was taking only 1.93% and Banking, 1.07%, totaling 3%	T01-0586	Kendrick v. Gansmiller

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<b>Justification for Rent Increase</b>	Banking Calculation	A proper rent increase based on Banking that was accrued prior to the 10 year period but imposed during the 10 year period must be added to the base rent in the year in which the increase was imposed	T07-0127	Schacher v. Henry
<b>Justification for Rent Increase</b>	Banking No Violation of Equal Protection	Rejects argument that Banking violates equal protection by allowing owner to recover uncollected increases, causing an unjust financial effect on the tenant	T00-0227	Trujillo v. Fair
<b>Justification for Rent Increase</b>	Owner Response	Reversed banking award where the owner response did not state Banking as a justification for the proposed rent increase	T06-0270	Andrew, et al. v. Maxwell
<b>Justification for Rent Increase</b>	Prior Agreement	Agreement with prior owner not to raise rent in exchange for services does not preclude new owner from raising rent on the basis of Banking	T00-0160	Rhone v. Stephens Property Management
<b>Justification for Rent Increase</b>	Recalculation	Board remanded case to re-calculate rent increase based on Banking and need Banking calculation form	T12-0277	McFarland v. Ma
<b>Justification for Rent Increase</b>	Rental History	Rental history in tenant petition, under oath and undisputed, constitutes competent evidence to prove owner's entitlement to banked rent increases	T00-0252	Hirsch v. Haas
<b>Justification for Rent Increase</b>	Section 8	During the time a tenant is on Section 8 housing there is no accrual of Banking	T00-0132	Tengeri v. Allen Associates
<b>Justification for Rent Increase</b>	Standard for Modification	Board remanded for recalculation due to incorrect CPI percentage used in 2002	T07-0127, 0128	Schachter et al. v. Henry
<b>Justification for Rent Increase</b>	Substantial Evidence	When rent history is lacking, there is insufficient evidence to support banking calculation; rent should include amt. charged for parking; 1 case remanded for recalculation of base rent	T01-0178 et al.	Langari v. Rose Ventures

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<b>Justification for Rent Increase</b>	Banking Ten year accrual	Board reversed Hearing Decision and remanded for recalculation in accord with Schacher v. Henry (T07-0217, holding that increase based on Banking accrued prior to the beginning of the 10 year period for the Banking calculation, but given to the tenant during the period, must be added to the base rent in the year in which the increase is given).	T07-0303	Esquibel v. Hamilton
<b>Justification for Rent Increase</b>	Timeliness	Tenant petition challenging rent increase and accounting for 2011 was untimely	T12-0262	Lams v. Lapham
<b>Justification for Rent Increase</b>	<b>Capital Improvements- Allocation</b>	Allocates electric lighting improvements among two units benefited instead of among all four units in building	T02-0209	Butcher v. Bell
<b>Justification for Rent Increase</b>	Capital Improvements Allocation	Tenant argued that lack of notice of owner's intent to allocate cost of certain repairs to him denied him the opportunity to present case; Issue of propriety of allocation of costs remanded	T02-0136, 0146	Cutts et al. v. Eagle Investment
<b>Justification for Rent Increase</b>	Capital Improvements Allocation	Costs of capital improvements that benefit entire building by providing substantially greater structural integrity to building as a whole can be allocated to all units and not just those units where work was performed (31 balconies charged to 100 units)	T00-0268-0449	Frierson et al. v. Grand Lake Terrace
<b>Justification for Rent Increase</b>	Capital Improvements Allocation	Owner submitted substantial evidence in support of capital improvements and there was no proof of improper allocation of capital improvements between two buildings-hearing decision affirmed	L10-006/7	Drake v. Tenants
<b>Justification for Rent Increase</b>	Capital Improvements	Board has no discretion to change the five year amortization period for capital improvements, absent an unforeseen circumstance.	T08-0206	Sow v. Solares

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<b>Justification for Rent Increase</b>	Apportionment	Board affirmed hearing decision which granted owner capital improvement pass-through for 8 of tenant's 11 windows based on tenant testimony that 3 of 11 windows were stuck	T09-0178	Reinke v. Sarshar/Lapham Co.
<b>Justification for Rent Increase</b>	Benefit to Tenant	The standard for evaluating the benefit to tenant that is required by Regulations, Appendix A, Sections 10.2-0.2.2 is objective not subjective. Work was done to wall heater, roof, and bathroom	T06-0093	Bernhardt v. Gee Realty
<b>Justification for Rent Increase</b>	Benefit to Tenant	There was substantial evidence that landscaping, swimming pool, garage repair, and window replacements provide a benefit to the tenants & extends the life of the building so these costs qualify as capital improvements- Qualified improvements may be aesthetic.	T08-0387, 389	Marquardt et al. v. Regency Tower Apts.
<b>Justification for Rent Increase</b>	C.P.I. and Capital Improvements	Cannot take Capital Improvement and C.P.I. increase in same year	T01-0586	Kendrick v. Gansmiller
<b>Justification for Rent Increase</b>	C.P.I. and Capital Improvements	Banking of current CPI required when rent increase is based on capital improvements	T99-0176	<b>*Dabit v. Beacon</b>
<b>Justification for Rent Increase</b>	Evidence	Owner did not provide supporting documentation for capital improvement expenses; Board denied the rent increase but granted a CPI adjustment-hearing decision modified	T08-0305,0318	Woloshin v. Nocon Signorino v. Nocon
<b>Justification for Rent Increase</b>	Expenses Not Paid by Owner	There was no evidence of double recovery or reimbursement to owner for capital improvement expenses, and payment by parents is a gift or a loan, not reimbursement within the meaning of the Ordinance	T08-0376	Schwinberg v. Odzak-Gopold et al.

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<b>Justification for Rent Increase</b>	Expenses Not Paid by Owner	Board remanded case to determine whether there was sufficient evidence to substantiate the third installment payment of \$17,794 for balconies and garage renovation because there was no invoice for third payment although estimate stated the total costs were \$53,382, and the first two installments were the same amount as the \$17,794 in issue	T12-0151	Amberg v. Lapham Company
<b>Justification for Rent Increase</b>	Expired Capital Improvement Pass-Through	Expired pass-through-Burden is on both tenant and owner to eliminate the pass-through	T05-0110	Peacock et al.v. Vulcan
<b>Justification for Rent Increase</b>	Expired Capital Improvement Pass-Through	Affirmed Decision placing the burden of eliminating an expired pass-through equally upon the owner and tenants.	T06-0103	Mutz/Calihan v. Dobbins
<b>Justification for Rent Increase</b>	Expired Capital Improvement Pass-Through	Board approved temporary rent reduction for overpayments after 5 year amortization period expired	T06-0086	Turner v. DeWolf Realty
<b>Justification for Rent Increase</b>	Capital Improvements Limit of 12 Months of Expenses	Capital improvement expenditures cannot exceed 1 year of expenses within a 24 month period; Hearing decision affirmed that denied certain capital improvement costs that were incurred beyond the time limits in the Regulations	T06-0047-049; 0053;-054	Tenants v. Lieberman
<b>Justification for Rent Increase</b>	Notice	Case remanded to determine if owner was entitled to 3% increase in 2000 even though tenant did not contest this increase because notice of rent increase was unclear that owner only taking 1.93% and Banking 1.07%,; to get 3% Banking for 2001 owner had to show rent increase based on capital improvements was justified for 2000	T01-0586	Kendrick v. Gansmiller
<b>Justification for Rent Increase</b>	Priority 1 or 2 Condition	When capital improvements are made with a 10 year loan, the pass-through expires after 120 months due to the 10 year loan	T07-0145, 0146	Dew, et al. v. Howe St. Apts.

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Subject	Sub-Category	Decision	File #	File Name
<b>Justification for Rent Increase</b>	Priority 1 or 2 Condition	Case which held that priority 1 or 2 condition must be cited in order to be a violation, remanded on writ from Superior Court; Hearing decision issued on remand found decreased housing services; case settled; appeal withdrawn	T04-0222, 0233, 0234	Savedra v. Mohr
<b>Justification for Rent Increase</b>	Priority 1 or 2 Condition	Hearing officer denied capital improvement for rear stairway and has the authority to determine whether it is a priority 1 or 2 condition without a code citation by city inspector; decision was supported by substantial evidence	T09-0210	Johnson v. Gilmann
<b>Justification for Rent Increase</b>	Priority 1 or 2 Condition	The hearing decision did not decide whether the underground oil tank was hazardous; decision is reversed and remanded to determine whether removal of oil tank was abatement of hazard or a capital improvement	T08-0325 through T08-0337	Tenants v. Cox
<b>Justification for Rent Increase</b>	Opportunity to Present Evidence	Board rejected tenant's claim that he was denied opportunity to present case; claim for decreased housing services which included removal of garbage chute, exposure to toxic dust, and noise during construction, and damage to personal property was denied; capital improvements were granted totaling \$120,485	T12-0247	Jameel v. Rathlin Prop.
<b>Justification for Rent Increase</b>	Repair/ Replacement	Complete replacement of an item is not required to qualify as a capital improvement. Repair and replacement of only a portion of the item may be sufficient to qualify, e.g. part of a driveway	T06-0071	Wagner v. Black Oak Properties

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Subject	Sub-Category	Decision	File #	File Name
<b>Justification for Rent Increase</b>	Repair/ Replacement	Hearing decision that denied certain capital improvement costs as repair/maintenance costs was modified by Board to include those expenses as capital improvement costs and hearing decision was remanded for staff re-calculation	T11-0150	Lewis v. RESCO
<b>Justification for Rent Increase</b>	Repair/ Replacement	Board affirmed hearing decision which determined that owner had deducted capital improvements from tenant's rent after expiration	T12-0162	Sardelich v. Kapoor
<b>Justification for Rent Increase</b>	Time Frame for Commencement and Completion	Board remanded case for consideration of whether capital improvement project that begins more than 24 months before effective date of an increase and is completed and paid for within the 24 month period may be charged to tenants (hearing decision and appeal decision is not in file-only hearing decision on remand which determined that the work did not constitute a single capital improvement project).*	T01-0496-0519	Harrison v. Rose Ventures III
<b>Justification for Rent Increase</b>	Time Limits	Board affirmed hearing decision which denied portion of petition that claimed capital improvement expenses because some costs were incurred beyond the time limits imposed by the Regulations	T06-0047,0048,0049,0053,0054	Tenants v. Lieberman
<b>Justification for Rent Increase</b>	Written Summary	Where tenant requested a written summary of justification of rent increase based on banking and capital improvements, owner meeting with tenant to explain the basis for increase and showing her documents to support the capital improvement costs is insufficient because the notice of increase did not provide written list of improvements and costs	T09-0004	Jackson v. Treadway



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Subject	Sub-Category	Decision	File #	File Name
Justification for Rent Increase	Debt Service	Board affirmed debt service portion of the hearing decision and remanded for recalculation of increase based on capital improvements to include only payment of \$27,110	T09-0217- T09-0218	Hwang v. J&R Associates- Su v. J&R Associates
Justification for Rent Increase	Breach of Deed of Trust	Although the owner may have breached a provision in the deed of trust by not living on the property, this would not prevent granting of debt service increase for deed of trust payments	T07-0103	Hidalgo v. Lee
Justification for Rent Increase	Debt Service Allowed- Decreased Housing Services	Board affirmed, without comment, a hearing decision finding decreased housing services for inadequate hot water and allowed rent increase on basis of debt service	T06-0350, 0351	Kuroiwa et al. v. Lu
Justification for Rent Increase	Debt Service: Failure to Provide Deed of Trust Excused	Owner argued that her failure to provide the deed should be excused because she did not understand the difference between a grant deed and a deed of trust. The Board found good cause to excuse the owner's failure to present the deed of trust and remanded the case to the Hearing Officer for consideration of the proffered deed of trust and recalculation	T07-0281	Schwinberg v. Goppold, et al
Justification for Rent Increase	Financial Information Calculation at time of Purchase	Board held: 1) debt service calculation should be done using the financial information at the time the building was purchased; and 2) the regulations do not preclude the owner from distributing the total amount of the calculated debt service increase over more than one year	T07-0327	*Cohen v. Walker

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Justification for Rent Increase</b>	Non Subject Property as Security	Debt service not allowed for property secured by other than subject property; owner also entitled to 8% of gross income as unspecified repair, maintenance, legal and management fee	T04-0248	* <b>Elledge v. Munson &amp; Hopkins</b>
<b>Justification for Rent Increase</b>	Ownership Interest	Party alleging fair rate of return must have a financial investment in the property	T03-0201	Rax v. Eng
<b>Justification for Rent Increase</b>	Ownership Interest	Increase based on debt service is supported by substantial evidence	L10-0012, 0013	Drake v Tenants
<b>Justification for Rent Increase</b>		Board affirmed, without comment, a hearing decision finding decreased housing services for inadequate hot water and allowed rent increase on the basis of debt service	T06-0350, 0351	Kuroiwa, et al. v. Liu
<b>Justification for Rent Increase</b>	Property Tax	Property tax and property transfer tax should be included in debt service calculation	T04-0073	Lister v. Linnane
<b>Justification for Rent Increase</b>	Short Term Loan & Interest Only Loan Allowed	Hearing Decision rejected short term loan and interest only loan. Case was remanded per 4141 Piedmont Investors (L07-0006) on the debt service issue, analyzing the financing arrangement using the same criteria applied in that case to interest-only loans and 2 short term loans; Case on remand granted debt service increase for short term loan and interest only loan	T07-0210, 0214	Generalao, et al. v. Treadway

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Subject	Sub-Category	Decision	File #	File Name
<b>Justification for Rent Increase</b>	Standard Financing Arrangement	Hearing officer identified two issues for appeal- 1) whether a financing arrangement of a 9% interest rate with interest only payments for 30 months and to partially fund construction is eligible for debt service; 2) whether calculation of increased property taxes for debt service requires documentation of the increase or can be based on calculation of the increase; Board remanded case to determine what is an appropriate financing arrangement and authorized RAP to engage expert to develop standard financing model; Board also determined that alameda county tax assessor calculation is sufficient for determined increase in property taxes	L07-0006-0010	Piedmont Investors, LLC v. Ghantous, et al.
<b>Justification for Rent Increase</b>	Debt Service Standard Financing Arrangement-Property tax -Alameda County Tax Assessor's Online Supplemental Tax Calculator-Security by Non-Subject Property	Board remanded for a determination of what would be appropriate financing for the acquisition of subject property and to reconsider increase based on a standard developed by an expert retained by the Rent Adjustment Program. The regulations do not address the issue of dual security, so where there is a deed of trust against another property partially securing loan, the owner has the burden of proving what portion of the financing would have been loaned in the absence of the deed of trust on the non-subject property. The Board also remanded for a recalculation of the property taxes. In the absence of the actual supplement tax bill, the property tax increase can be calculated using the Alameda County Tax Assessor's online supplemental tax calculator.	T07-0162, 0168-0185, -0189, 0192	Hayes, et al. v. Cox

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Justification for Rent Increase</b>	<b>Increased Housing Service Costs</b>	An additional tenant does not by itself justify a rent increase absent some proof of cost increases attributable to the additional tenant	T00-0276	Yancy v. Ma Properties
<b>Justification for Rent Increase</b>	Increased Housing Service Costs	Hearing Decision which granted rent increase on basis of Increased Housing Services Costs and Banking was affirmed; Increased housing service costs need not directly benefit unit affected by increase	T03-0431	Petersen v. Stafford
<b>Justification for Rent Increase</b>	Increased Housing Service Costs Actual Expenses v. Standard Allowance	Owner can show housing service costs with a combination of documented and undocumented expenses, up to 8% of the gross operating income of property. Owner does not have to choose between using receipts and taking a "standard" expense allowance.	T02-0150	Sen v. Key
<b>Justification for Rent Increase</b>	<b>Increased Housing Services Not Allowed(New Services)</b>	Ordinance does not authorize a rent increase for increased housing services	T03-0082	MacCurdy v. DeMartini
<b>Justification for Rent Increase</b>	Increased Housing Services Not Allowed	Board affirms refusal to include increased insurance expense in increased housing service costs calculation because of insufficient evidence tying insurance expenditures to particular property and year	T03-0267	Tengeri v. Phillip, Henry, Wai and Frederick
<b>Justification for Rent Increase</b>	Move to New Unit	There was insufficient evidence to set the rent for the new unit and case reversed and remanded to find additional facts to specify the legal relationship between the parties under which tenant moved into the new unit, verify the initial rent and review the calculations for decreased housing services	T08-0362	Zhang v. Wang

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Justification for Rent Increase</b>	Staff Recalculation	Board directed hearing officer to recalculate by allocating expenses to appropriate year to get more accurate picture of costs between base comparison year	T05-0122-0158	Valentine et al. v. Crown Fortune Properties
<b>Justification for Rent Increase</b>	Staff Recalculation	Case remanded to determine calculation for increased housing service costs of 4.31%	T11-0113	Poe v. Warren
<b>Justification for Rent Increase</b>	Increased Housing Service Costs Remand for Staff Recalculation	Explanation of operating expense calculations for year 1 and 2 must be included in hearing decision-remanded for explanation of calculations for increased housing service costs	T11-0131	Najat v. Warren
<b>Justification for Rent Increase</b>	Undocumented Expenses	Hearing officer may properly exclude expenses for increased housing service costs calculation for undocumented expenses	L02-0004	Lee v. Tenants
<b>Notice of Rent Adjustment Program</b>	Undocumented Expenses	Undocumented increased housing services costs must be supported by testimony, or other admissible and credible evidence but are limited to 8%	T02-0139, 0150	Dorche v. Key
<b>Notice of Rent Adjustment Program</b>	Burden of Proof	Owner has the burden of proof by preponderance of the evidence, to show that RAP notice was served at least six months before the effective date of the rent increase.	T05-0317	Thompson, et al v. Peper
<b>Notice of Rent Adjustment Program</b>	California Civil Code §827	Invalidates rent increase for violation of California Civil Code §827	T01-0095	Ishikawa/ Keweshaw v. PMSI
<b>Notice of Rent Adjustment Program</b>	California Civil Code §827	Notice of Increase of 35.9% did not give 60 days' notice and so is invalid under California Civil Code § 827	T01-0179	Lee v. Ma
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Board rejects argument that penalty of loss of rent increase for failure to provide concurrent notice was excessively harsh penalty	T00-0456	Arrospide/Philson v. Albanese/Baughman
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Failure to give concurrent notice of RAP to tenants renders rent increase invalid	T01-0179	Lee v. Ma
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Failure to give concurrent notice of RAP to tenants renders rent increase invalid	T00-0422	Berson/Omar v. Randle

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Failure to give concurrent notice of RAP to tenants renders rent increase invalid	T01-0099	Hill v. Brown
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	When petition not filed timely, failure of owner to give concurrent RAP notice with rent increase is not grounds for appeal of dismissal of petition	T02-0241	Small v. G&L Properties
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Failure by owners to produce sufficient evidence that the tenants were properly notified of the rent increase pursuant to O.M.C. 8.22.060E invalidates rent increase	T01-0040	Francis/ Griffin v. Martin
<b>Notice of Rent Adjustment Program</b>	Concurrent RAP Notice	Board found conflict in evidence regarding when notice of RAP was given to tenant and reversed administrative decision	T04-0259	Hwang v. Brown Mgt.
<b>Notice of Rent Adjustment Program</b>	Failure to appear	Rent increase invalid when owner failed to file owner response and failed to appear.	T03-0376	Toscano v. Busk
<b>Notice of Rent Adjustment Program</b>	Failure to Provide RAP Notice	When owner fails to provide notice of RAP, response to petition cannot be considered	T02-0287	Witt/ Bronisas v. Ma
<b>Notice of Rent Adjustment Program</b>	Failure to Provide RAP Notice	Rent increase invalid since both the tenant petition and the owner response stated that the tenant was not provided with the required notice of the Rent Adjustment Program.	T06-0022	Mask v. Onwuatogwu
<b>Notice of Rent Adjustment Program</b>	Failure to Provide RAP Notice	Tenant petition granted when owner did not provide evidence that he provided RAP notice	T01-0315	Pouchak v. Hewitt
<b>Notice of Rent Adjustment Program</b>	Failure to Provide RAP Notice	Board reversed hearing decision on grounds that tenants did not receive proper RAP notice and remanded for hearing on merits; Hearing decision on remand determined that tenant 1 was not current in rent and tenant 2 had illegal agreement for occupancy in pari delicto (in equal fault) and was not entitled to relief	T08-0271 et al	O'Kiersey et al. v. Bagan et al
<b>Notice of Rent Adjustment Program</b>	Fair Return on Investment	Failure to give RAP notice precludes owner from asserting claim for fair return on investment	T03-0075	Freeman v. Lewald

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Notice of Rent Adjustment Program</b>	Fair Return on Investment	Party alleging fair rate of return must have a financial interest in the property	T03-0201	Rax v. Eng
<b>Notice of Rent Adjustment Program</b>	Failure to Give 6 Month RAP Notice	Owner's failure to give 6 month rap notice results in invalidation of rent increase & owner response to petition cannot be considered	T02-0287	Witt/ Bronisas v. Ma
<b>Notice of Rent Adjustment Program</b>	Failure to Give 6 Month RAP Notice	Failure by owner to provide RAP notice at any point in the past justifies invalidation of past rent increases and an order for restitution in addition to a six month moratorium on future increases	T05-0080	Chaney-Williams & Williams v. Lau
<b>Notice of Rent Adjustment Program</b>	Failure to Give 6 Month RAP Notice	Failure by owner to produce sufficient evidence that tenants were properly notified of the rent increase pursuant to O.M.C. Section 8.22.060 (E) invalidates rent increase	T01-0040	Francis/Griffin v. Martin
<b>Notice of Rent Adjustment Program</b>	Forfeiture of 6 Mos.	Affirmed six month forfeiture of the permitted rental increase for failure to give proper notices of the existence and scope of the Residential Rent Arbitration Program with notice of rent increase	T00-0227	Trujillo v. Fair
<b>Notice of Rent Adjustment Program</b>	Forfeiture of 6 Months reversed	Board reversed hearing decision imposing 6 month forfeiture of rent increase	T01-0245	Jackson v. Trinity
<b>Notice of Rent Adjustment Program</b>	Invalid Rent Increase	Invalidates all rent increases for tenant that never received notice of RAP	T01-0396	Katoa v. Bangol
<b>Notice of Rent Adjustment Program</b>	Notice to All Tenants Not Required	Owner is not required to give notice of RAP to every tenant in building to file a response to a petition. Owner need only have given notice to petitioner tenant.	T03-0201	Rax v. Eng
<b>Notice of Rent Adjustment Program</b>	Reliance on Staff information	Reliance on incorrect advice from an employee of the Rent Adjustment Program is not a proper excuse for failure to comply with the filing requirements of the Ordinance	T00-0302	Diamond v. Rose Ventures, III

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Notice of Rent Adjustment Program</b>	Restitution Time Limit-Rent Rollback	Tenant's rent is reduced to rent paid before the increase and restitution for overpaid rent for 3 years prior due to no prior RAP notice. There is no limit on rent rollback due to owner failure to provide RAP	T06-0051	Barajas/Avalos v. Chu
<b>Notice of Rent Adjustment Program</b>	Substantial Compliance with RAP Notice	Owner who fails to provide City's RAP notice is in substantial compliance because: Owner has previously given tenant RAP Notice Owner notice provides substantially the same information as RAP, including existence of RAP, contact information, justifications of rent increases, tenant's right to contest a rent increase & time frame for filing a petition; Owner's notice has no false or misleading information	T00-0449	Frierson et al. v. Grand Lake Terrace
<b>Notice of Rent Adjustment Program</b>	Substantial Evidence	There was substantial evidence to support the Hearing Officer's finding that the tenant was never served with the required notice of the Rent Program-Provision of lease agreement that informed tenant there was a RAP insufficient to satisfy RAP notice requirements	T06-0109	Dennis v. Shers
<b>Notice of Rent Adjustment Program</b>	Substantial Evidence	Hearing decision finding that the owner had not provided notice of the Rent Program with the rent increase notice was supported by the testimony of both the owner and the tenant.	T07-0005	Grace v. Hakim
<b>Notice of Rent Adjustment Program</b>	Termination of Section 8 Subsidy Contract	Rent increases were invalidated for lack of RAP notice after termination of Section 8 subsidy contract	T06-0308	Parces et al. v. Howard
<b>Notice of Rent Adjustment Program</b>	Timeliness	Once tenant receives notice of RAP, petition contesting a rent increase must be filed within time limit after receipt of rent increase	T02-0241	Small v. G&L Properties



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Subject	Sub-Category	Decision	File #	File Name
*	Timeliness	overruled by Lindsay v. Grimsley, T09-0086, Board held that a tenant could file a petition to invalidate a rent increase at any time until 60 days after receipt of a RAP	T03-0239	* <b>Befort v. Cederborg</b>
*	Timeliness	Board over ruled Befort v. Cederborg and concluded a tenant must file a petition contesting a rent increase within 60 days after the date of service of a rent increase notice or the date the tenant first receives the RAP notice, whichever is later.	T09-0239	* <b>Lindsay v. Grimsley</b>
<b>Notice of Rent Adjustment Program</b>	Timeliness	State law provides 30 day notice required for rent increase up to 10%	T03-0179	Kadoya v. Rose Ventures
<b>Notice of Rent Adjustment Program</b>	Timeliness	Because of failure of either party to appear, Board dismissed appeal of Administrative Decision	T03-0134	Kent v. Onauguluchi
<b>Parking</b>	Housing Service	If lease includes parking, it is part of the housing services even if charged separately-an increase in parking is an increase in rent-cannot have more than 1 increase in 12 mos.	T01-0376	Miller v. Sycamore Investments
<b>Parking</b>	Housing Service	Parking is part of the housing services and the hearing decision is amended to include the CPI adjustment for parking even if the parking is paid separately.	T11-0115	Schacher v. McClain
<b>Parking</b>	Housing Service	Parking is included as a housing service	T08-0294	Pivtorak v. Ma
<b>Parking</b>	Timeliness	The Board found good cause for late filing when decrease in housing services was ongoing and where Notice to Tenants of the scope and existence of the Rent Adjustment Program was not given in the same language used in negotiating the terms of the tenancy in compliance with Civil Code, § 1632(b)(3).	T06-154, -155, -156, -157	Soriano, et al. v. Western Management Properties

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Parking</b>	Housing Service	Board affirmed hearing decision that held that use of a parking space was not included in the original lease agreement and was not a housing service but was a separate contract between the parties. Since the charge for the parking space is not part of the rent, an increase in the parking fee is not a rent increase	T09-0168	Yaranon v. Lantz
<b>Parking</b>	Tenant Estoppel Certificate	Tenant provided estoppel certificate which indicated she had one parking space in the back of the building since 2001	T12-0292	Maxwell v. Krawiec
<b>Petition Filing Requirements</b>	Calendar days	Hearing decision that denied petition filed 61 days after receipt of notice of rent increase left undisturbed because of failure for Board to act. Appellant argued that 60-day limit refers to business days and not calendar days	T04-0031	Mahan v. Dryden
<b>Petition Filing Requirements</b>	Current in Rent	Petition denied when tenants not current in rent	T01-0176	Snook/ Ernst v. Heath
<b>Petition Filing Requirements</b>	Current in Rent	Tenant proffer of evidence at Appeal Hearing justifies remanding Administrative Decision that dismissed tenant petition for lack of evidence that tenant was current in rent. (2000 Ordinance)	T00-0453	Jones v. Lam
<b>Petition Filing Requirements</b>	Current in Rent	Tenant's failure to pay full rent because of reliance on a calculation error by hearing officer is excusable. Case remanded to be heard on the merits.	T04-0129	Jesus v. Rhoemer/ Lewis
<b>Petition Filing Requirements</b>	Current in Rent	Tenant has standing to bring a petition-\$18.11 underpayment over 2.8 years was minimal= substantial compliance to be current	T03-0267	Tengeri v. Phillip, Henry, Wai and Frederick
<b>Petition Filing Requirements</b>	Current in Rent	Tenant lacks standing to file petition if rent not current when petition filed; All arrearages must be paid, not just current month's rent	T05-0130	Wright v. Christian-Miller

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Petition Filing Requirements</b>	Information Omitted	Information absent from tenant's petition and subsequently filed documents does not cure an otherwise deficient petition	T02-0029	Futerman v. Beacon Properties
<b>Petition Filing Requirements</b>	Issues Not Raised in Petition	Affirms Hearing Officer's refusal to hear issue of invasion of privacy not raised in tenant petition	T01-0353.0359	Fisher v. HC Properties
<b>Petition Filing Requirements</b>	Late Charges	Late charges are not considered rent and owner contention that tenant is not current in rent for failure to pay late charges lacks merit	T08-0294	Pivtorak v. Ma
<b>Petition Filing Requirements</b>	Late Filing of Petition	The Board found good cause for late filing where Notice to Tenants of the scope and existence of the Rent Adjustment Program was not given in the same language used in negotiating the terms of the tenancy in compliance with Civil Code, § 1632(b)(3).	T06-154, 155-157	Soriano, et al. v. Western Management Properties
<b>Petition Filing Requirements</b>	Late Filing of Petition	Tenant's distraction over relatives displaced by Hurricane Katrina did not justify late filing of the petition.	T06-0038	Daniels v. Fruitvale Gardens
<b>Petition Filing Requirements</b>	Late Filing of Petition	Tenant was confused by two notices of rent increase. Case remanded for hearing on merits	T08-0079	Harriman v. Bearde
<b>Petition Filing Requirements</b>	Late Tenant Response	Hearing decision remanded which granted owner petition because tenants did not respond to the owner petition. Notice to tenants did not clearly state time for response.		Gardner v. Tenants
<b>Petition Filing Requirements</b>	Postmark Insufficient	A postmark is insufficient to meet the filing deadline; petition must be received by RAP on due date-hearing decision affirmed	T10-0008	Xue v. JR Associates
<b>Petition Filing Requirements</b>	RAP Prescribed Form Required	Where tenant substantially changed the prescribed form and deficiency letter mailed to tenant to submit the proper form to avoid dismissal. Tenant refusal to comply = dismissal.	T07-0154	Chang v. Lui

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Petition Filing Requirements</b>	RAP Prescribed Form Required	Appeal was not filed on RAP form and was also untimely and was dismissed	T06-0183	Jones v. Taylor
<b>Petition Filing Requirements</b>	Reimbursement of in One Lump sum	Board affirms hearing decision finding that there was no rent increase when owner paid restitution in one lump sum and tenant was obligated to pay base monthly rent	T07-0226	English v. Nero
<b>Petition Filing Requirements</b>	Response to Deficiency Letter	Tenant claimed she did not receive deficiency letter but would file new petition and Board accepted the request to dismiss the appeal	T12-0020	Harzeez v. Bert Realty
<b>Petition Filing Requirements</b>	Specificity	Rejected appeal alleging that hearing decision failed to consider decrease in housing services because petition lacked allegations of which housing services were decreased	T03-0027	Aswad v. Fields
<b>Petition Filing Requirements</b>	Standing	Resident is not a tenant with standing to petition until resident pays rent to owner which is accepted	T02-0205	Brown v. Bell
<b>Petition Filing Requirements</b>	Standing	Tenant moved to San Diego and brother moved in; Tenant continued to pay the rent and owner asked brother to move several times and brother lacked standing due to lack of owner consent	T07-0021	Goldfarb v. Small
<b>Petition Filing Requirements</b>	Standing	Tenant lacks standing to file petition if rent not current when petition filed; For rent to be up-to-date all arrearage must be paid, not just current month's rent.	T05-0130	Wright v. Christian-Miller
<b>Petition Filing Requirements</b>	Standing	Affirmed Administrative dismissal of petition where tenancy had been terminated by a judgment of the Superior Court prior to the petition being filed. In order to have standing to file a petition, a person must be a tenant in a covered unit at the time the petition is filed. OMC, §§ 8.22.090.A.1, 8.22.020	T06-0284	O'Hara v. Sansui

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<b>Petition Filing Requirements</b>	Standing	Tenant who moved from property has no standing to challenge rent increase	T03-0306	Raymond v. Horizon Mgt. Group
<b>Petition Filing Requirements</b>	Standing	Due to an unlawful detainer judgment the tenant did not have a right to occupy the subject premises on the date he filed the petition and Rent Program lacked jurisdiction	T07-0261	<b>Jackson v. Guiton</b>
<b>Petition Filing Requirements</b>	Tenancy	Board finds substantial evidence to support hearing officer's decision that tenant created a new tenancy, despite the absence of a written agreement, when tenant paid rent, and rent was accepted for 20 months.	T07-0133	Huynh v. Ly
<b>Petition Filing Requirements</b>	Tenancy	Petitioner is a tenant where he had paid rent for four years prior while occupying the apartment with the knowledge of both the former and current owners	T07-0210, 0214	Generalao, et al. v. Treadway
<b>Petition Filing Requirements</b>	Timeliness	Hearing decision affirmed dismissing petition when petitioner conceded it was untimely	T03-0132	York v. Dagdagan
<b>Petition Filing Requirements</b>	Timeliness	Petition filed in 2000 + 2001 re 1998 rent increase is untimely	T01-0633	Kennedy v. Rose Ventures III
<b>Petition Filing Requirements</b>	Timeliness	Board affirms denial of petition filed over sixty days after the date tenant received notice of Rent Adjustment Program as determined by preponderance of the evidence	T03-0188	Jackson-Fowler v. Nipay
<b>Petition Filing Requirements</b>	Timeliness	Board affirmed administrative decision that dismissed tenant petition which was filed 77 days late	T07-0362	Mandros v. Solnordal

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Petition Filing Requirements</b>	Timeliness	Board affirmed hearing decision that denied portion of petition contesting a prior rent increase because tenant received notice of RAP over sixty days before filing petition, but granted portion of petition contesting current rent increase because of owner's failure to provide concurrent notice of RAP. Not to be used as precedent per specific Board direction.	T03-0329	Jesus v. Rhoemer/ Lewis
<b>Petition Filing Requirements</b>	Timeliness	Appeal filed on 21st day after hearing decision mailed exceeds 15 day limit plus 5 days for mailing and is dismissed as untimely	T04-0260	Hirt v. Ellington
<b>Petition Filing Requirements</b>	Timeliness	Appeal filed on 29th day after hearing decision issued is untimely	T03-0312	Bertaud v. Henry
<b>Petition Filing Requirements</b>	Timeliness	Appeal filed on 3/10/03 after 1/21/03 hearing decision is untimely and is dismissed	T02-0313	Brooks v. Fitzgerald
<b>Petition Filing Requirements</b>	Timeliness	When petition not filed timely, failure of owner to provide concurrent notice of RAP with rent increase not grounds for appeal of dismissal of petition	T02-0241	Small v. G&L Properties
<b>Petition Filing Requirements</b>	Timeliness	Board affirmed administrative decision dismissing petition filed approximately 37 days after notice of proposed rent and increase	T01-0285	Rax v. McLain
<b>Petition Filing Requirements</b>	Timeliness	Board found good cause for late filing where RAP notice to tenants was not given in same language used in negotiating the terms of the tenancy and the lease agreement in compliance with Civil Code §1632 (b)(3)-this does not apply if tenant negotiated with an interpreter.	T06-0154, 155, 156,157	Soriano et al. v. Western Management Properties
<b>Petition Filing Requirements</b>	Timeliness	Portions of petition contesting rent increases whose time limits have passed may be dismissed	T02-0162	Rax v. Marlinton Corp

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Subject	Sub-Category	Decision	File #	File Name
<b>Petition Filing Requirements</b>	Timeliness	Tenant petition filed in 2010 contesting decreased housing services in 2008 is untimely. Substantial evidence indicated the decreased housing services were repaired or abated	T10-0080	Cortez v. Wang
<b>Petition Filing Requirements</b>	Timeliness	Ordinance does not automatically invalidate improper increase independent of whether tenant filed petition. Affirms denial of petition not filed timely.	T02-0429	Randall v. American Realty
<b>Petition Filing Requirements</b>	Timeliness	Denial of tenant appeal on basis that required notices were not served in Spanish and decreased housing services was supported by substantial evidence; Owner appealed on 13 grounds including denial of due process because hearing officer who heard the case did not write the decision and did not assess witness credibility; timeliness; restitution in excess of three years; burden of proof wrongly imposed on owner; Board found errors in findings of fact vs. documentary evidence in Record; remanded all 7 cases for review of evidence and correction of any errors based on review; also to determine whether 1 tenant has standing to challenge rent increases given earlier than three years before filing the petition	T01-0550	Martinez et al. v. Horizon Mgt
<b>Petition Filing Requirements</b>	Timeliness	When petition filed untimely, Board will not reach other issues in petition or appeal	T01-0311	Tillery v. Pollar-Oderico Investments

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Petition Filing Requirements</b>	Timeliness	When tenant received notice of RAP form that said, "The petition must be filed within 30 days of receiving written notice of the rent increase or of receiving this Notice to Tenant's from the owner, whichever is later," time limits refers to the receipt of that notice of RAP, and not the first notice of RAP. Form has since been changed to reflect that time limit for begins at first receipt of notice of RAP or notice of rent increase, whichever is later	T02-0045	Ault v. Jackovics
<b>Petition Filing Requirements</b>	Timeliness	When notice of rent increase and notice of the Rent Program were served two years before the tenant filed his petition contesting the rent increase and claiming decreased housing services, the petition was not timely and dismissed	T05-0150	Lopez v. Adams
<b>Petition Filing Requirements</b>	Timeliness	Administrative Decision remanded for to determine whether good cause existed for late filing and failure to provide additional information when petitioner claimed hospitalization and recovery during the relevant time periods	T06-0177	Ghebregziabher v. Johnson-Jacobs
<b>Petition Filing Requirements</b>	Timeliness	Tenant claimed Rent Adjustment Program notice did not inform him of the right to file a petition based on decreased housing services and therefore, that claim should not have been dismissed. Board affirmed decision dismissing the tenant petition as untimely	T07-0289	Mayo v. Lapham, et al.
<b>Petition Filing Requirements</b>	Timeliness	Tenant's distraction over relatives displaced by Hurricane Katrina did not justify late filing of petition	T06-0328	Daniels v. Fruitvale Gardens



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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Petition Filing Requirements</b>	Timeliness	Petition must be filed within 60 days-Tenant's claim that he was in China or that rent increase notice was not in Chinese is not good cause	T04-0291	Xu v. Regency Towers Apts
<b>Rent Increase</b>	Timeliness	Board overruled Befort v. Cederborg, Case No. 03-0239 and determined that a tenant must file a petition contesting a rent increase within 60 days after the date of service of a rent increase notice or the date the tenant first receives the RAP Notice, whichever is later.	T09-0086	<b>*Lindsay v. Grimsley et al.</b>
<b>Rent Increase</b>	Addition of Another Tenant	Addition of another tenant does not by itself justify rent increase unless there is proof of increased cost attributable to the new tenant	T00-0276	Yancy v. Ma Properties
<b>Rent Increase</b>	Addition of Another Tenant	Ordinance does not authorize a rent increase for increased housing services but Board disapproved the portion of the hearing decision that the lack of notice in change of terms of tenancy invalidated the rent increase under the circumstances of this case where husband signed month to month lease as sole tenant in 10/00 and wife moved in and signed original lease agreement, which changed rental amount from \$950 to \$1,075	T03-0082	MacCurdy v. DeMartini
<b>Rent Increase</b>	Anniversary Date	Anniversary Date is a function of the date of the last valid prior rent increase	T04-0073	Lister v. Linnane
<b>Rent Increase</b>	Back Rent	Petition to challenge owner's attempt to collect back rent is dismissed because this is not rent increase	T04-0254	Pemberton v. Rose Venture
<b>Rent Increase</b>	Base Rent	Allows separate \$50 charge for parking to be excluded from base rent in banking calculation	T03-0179	Kadoya v. Rose Ventures

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Subject	Sub-Category	Decision	File #	File Name
<b>Rent Increase</b>	Base Rent	Base rent is the monthly rental rate before the latest proposed rent increase. If rent is reduced, absent evidence that the parties intended to reset the rent only temporarily, a future rent increase is based on the reduced rent.	T09-0016	Wilson v. Yoon
<b>Rent Increase</b>	Base Rent	Owner calculated Banking on incorrect base rent	T12-0206	Sandler v. Carta Holdings
<b>Rent Increase</b>	Base Rent	Board affirmed decision invalidating the rent increases for lack of notice of the Rent Adjustment Program and because the rent increases exceeded the CPI adjustment without justification. Units became rent controlled after project-based Section 8 subsidy contract was terminated.	T06-0308 (18 consolidated cases)	Parces, et al. v. Howard
<b>Rent Increase</b>	Base Rent –Section 8	Board affirmed hearing decision which invalidated rent increases due to termination of section 8 contract and failure of owner to provide concurrent RAP notice with change in rent from tenant’s portion to total portion including portion formerly paid by HUD subsidy; Board rejected owner contention that hearing officer was biased or incompetent and noted issue had been decided in two prior hearing decisions	T09-0150 et al.	Foster et al. v. Howard
<b>Rent Increase</b>	Base Rent–HUD Fair Market Value for Vacant Unit	The Board remanded for a full evidentiary hearing on a debt service issue and for the hearing officer to consider the Housing and Urban Development’s annual rent surveys in determining the fair market value of a vacant unit.	T06-0277	Nairobi v. Nwamu

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Rent Increase</b>	Date of Rent Increase	An increase may be given at any time on or after the anniversary date. Rent increase after the anniversary date is not a violation of the Settlement Agreement or the Ordinance.	T06-0243	Waller v. Haight Street Partnership
<b>Rent Increase</b>	Deficient Response	An owner response that lacks a filing fee, a copy of the business license and documents supporting owner's positions does not meet minimum standards for response and petition may be decided administratively	T02-0089-0090	Mateer v. Green
<b>Rent Increase</b>	Failure to File Response	Owner received notice of tenant petition; then a copy of a deficiency letter from RAP to tenant. Owner did not file a response because reasonably misled by deficiency letter. Board excused owner's failure to file a response and remanded case for a hearing	T03-0073	Robinson v. Robinson
<b>Rent Increase</b>	Failure to File Response	Owner's failure to file a response not excused by tenant notice to owner that tenant would vacate unit within thirty days	T02-0367	Ken v. Seville Real Estate
<b>Rent Increase</b>	Failure to File Response	Owner's claimed illness was not adequate excuse for the owner's agent not to have responded to petition because agent was managing his affairs	T00-0361	Colbert v. Ngow
<b>Rent Increase</b>	Failure to File Response	Owner claims staff told him a written response was unnecessary; later payment of the fee and filing of proof of business license and owner claim of an accord with tenant over rent not an acceptable excuse for failure to file a response to petition	T01-0091	Rappaport v. Stephens Properties

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Subject	Sub-Category	Decision	File #	File Name
<b>Rent Increase</b>	Failure to File Response	When owner fails to file a response to petition, and did not provide sufficient justification for failure, Board could not consider any subsequent evidence submitted by the owner and affirmed administrative decision	T00-0262	Monahan v. Lane
<b>Rent Increase</b>	Failure to File Response	Owner failed to file response and did not provide justification for failure; Board did not consider any subsequent evidence submitted by the owner and affirmed the Hearing Decision	T00-0313	Burrell v. Lane
<b>Rent Increase</b>	Failure to File Response	Owner failed to file a response, & no evidence introduced to demonstrate compliance with notice requirements so rent increase invalid	T01-0126	Stubbs v. Lewis
<b>Rent Increase</b>	Failure to File Response	Owner's failure to file a response constituted a waiver of his objection to the timeliness of the petition	T06-0140, 0141-0145, 0169	Nemzer et al. v. Cody
<b>Rent Increase</b>	Failure to File Response	Board affirmed hearing decision which invalidated a rent increase, found that a capital improvements pass-through had expired, and granted one decreased housing service when owner did not file response and did not appear hearing	T12-0276	Siliezar v. Realty Pros
<b>Rent Increase</b>	Failure to Pay RAP Program Fee	Owner evidence of debt service increase excluded because owner's Rental Property Service Fee account not current. Board remanded for a hearing to determine whether, under standards of CA Code of Civil Procedure § 473(b), owner's late payment was excusable for mistake, inadvertence, surprise or excusable neglect	T03-0310-0334	Costner et al. v. Bello

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<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Rent Increase</b>	Failure to Provide RAP Notice	Failure to provide RAP Notice results in 6 month forfeiture	T02-0287	Witt/ Bronisas v. Ma
<b>Rent Increase</b>	Failure to Provide RAP Notice	Owner who had failed to give tenant notice of RAP not in procedural compliance with Ordinance and so is not entitled to assert claim for fair return on investment	T03-0075	Freeman v. Lewald
<b>Rent Increase</b>	Failure to Provide RAP Notice	RAP notice was not given 6 months prior to rent increase so rent increase is invalid	T11-0106	Johnston v. Warren
<b>Rent Increase</b>	Failure to Provide RAP Notice	Tenant challenged various rent increases in 1979, 2002-2005, 2007, 2011; Restitution was limited to 3 years prior to filing of tenant petition; Base rent was set to amount paid in 1995, which was date that owner was required to serve RAP notice on pre-existing tenants(tenancies created at time Ordinance was created, as amended-prior to January 1, 1983);Tenant's last verifiable rent was \$565, amount paid in 2002-Hearing decision affirmed	T11-0191	Howard v. Smith
<b>Rent Increase</b>	Failure to Provide RAP Notice	If the owner fails to serve RAP notice at start of tenancy, rent cannot be increased until 6 months after the RAP notice is first served on the tenant	T97-0011	Brown v. Rudman
<b>Rent Increase</b>	Failure to Provide Notice Required by CC§827	Rent increase invalidated for failure to give notice required by CC§827; Rent Adjustment Program will enforce Civil Code §827 which requires 30 or 60 day written notice of a rent increase	T01-0095	Ishikawa/Keweshaw v. PMSI
<b>Rent Increase</b>	Failure to Provide Notice Required by CC§827	Rent increase of 35.9% invalid because owner did not give 60 days' notice	T01-0179	Lee v. Ma
<b>Rent Increase</b>	Failure to Provide Notice Required by CC§827	Rent increase up to 10% requires 30 day notice	T03-0179	Kadoya v. Rose Ventures
<b>Rent Increase</b>	Increased Housing Services (New)	Ordinance does not authorize a rent increase for increased housing services	T03-0082	MacCurdy v. DeMartini

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<b>Rent Increase</b>	No Six-Month Forfeiture of Rent Increase	The Board reversed the hearing decision which denied tenant petition but imposed six-month forfeiture of a rent increase	T01-0245	Jackson v. Trinity Properties
<b>Rent Increase</b>	Parking	If lease includes parking, parking is part of housing services, even if it is charged separately-an increase in parking fee is increase in rent-cannot have more than 1 increase in 12 months	T01-0376	Millar v. Sycamore Investments
<b>Rent Increase</b>	One Increase per 12-Month Period	Reversed H.D. that allowed two rent increases in a 12-month period	T04-0273	Mangi v. Friedkin Investment Co
<b>Rent Increase</b>	Moot	Where rent increase was rescinded by owner Board reversed hearing decision	T01-0532, 0533	Avdibasic et al. v. Gansmiller
<b>Rent Increase</b>	Moot	Where owner rescinded rent increase and prior appeal disposed of decreased housing service issues, appeal is dismissed as moot	T01-0320	Tangeri v. Wai Louie
<b>Rent Increase</b>	Moot	Where tenant moved out without paying rent increase petition pending appeal was dismissed as moot	T01-0197	Essien v Marquardt
<b>Rent Increase</b>	Moot	RAP staff dismissed case as moot upon receipt of tenant letter which stated that the Corrected Administrative Decision did not make sense to the parties,the parties were doing fine, and do not need a correction of prior corrected decisions which were incorrect	T01-0614	Gebhardt v. Brenner
<b>Rent Increase</b>	Parking	If lease includes parking, it is part of the housing services even if charged separately-an increase in parking fee is increase in rent and cannot have more than 1 increase in 12 months	T01-0376	Millar v. Sycamore Investments
<b>Rent Increase</b>	Pre-existing Tenancies-1996	For tenancies existing prior to 1996, RAP notice not required until 1996 and base rent is set as of 1996, not original date of tenancy	T07-0021	Goldfarb v. Small

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<b>Rent Increase</b>	Prior Agreement with Owner	Agreement with prior owner not to raise rent in exchange for services does not preclude new owner from raising rent on the basis of Banking	T00-0160	Rhone v. Stephens Property Mgt.
<b>Rent Increase</b>	Reinstatement of Rescinded Rent Increase	Board found that letter reinstating rescinded notices of increase do not comply with Rent Ordinance and Civil Code Section 827 and was ineffective. Case remanded for re-calculation based on Banking granted in decisions based on base rents effective 11/1/02	T04-0019-53	Brenneis et al. v. Crown Fortune Properties
<b>Rent Increase</b>	Rent Increase during Amortization Period while Tenant is Paying Reduced Rent	Owner did not violate the order when he increased the tenant's rent while tenant was receiving rent reduction for overpayments amortized over 12 month period-Request for citation hearing denied	C11-0001	Castrejon v. Abbushi
<b>Rent Increase</b>	Required RAP Notice	Board reversed hearing decision that found RAP notice was not served; RAP Notice was served 6 months prior to effective date of increase and also concurrently with Notice of Rent Increase	T08-0299	Andrea v. Snyder
<b>Response Procedure</b>	Agreement to Move Out	Owner's failure to file a response not excused by tenant notice to landlord that tenant would vacate unit within thirty days	T02-0367	Ken v. Seville Real Estate
<b>Response Procedure</b>	Deficient Response	Owner response that lacks filing fee, copy of business license, and supporting documents does not meet minimum standards for response and petition may be decided administratively	T02-0089-0090	Mateer v. Green
<b>Response Procedure</b>	Failure to File Response	When owner fails to file a response to petition and did not provide justification for failure, Board could not consider any subsequent evidence submitted by owner and affirmed administrative decision	T00-0262	Monahan v. Lane

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<b>Response Procedure</b>	Failure to File Response	Owner failed to file response and no evidence was introduced to demonstrate compliance with notice requirements so rent increase was invalid	T01-0126	Stubbs v. Lewis
<b>Response Procedure</b>	Failure to File Response	Owner's failure to file a response constituted a waiver of his objection to timeliness of the tenant petition	T06-0140, 0141,0145,0169	Nemzer v. Cody
<b>Response Procedure</b>	Failure to File Response	Owner who failed to file response presented evidence that he did not receive notice of hearing which was in his name but sent to agent's address. Case remanded to determine whether owner received proper notice of the petition	T01-0006	Jefferson v. Leath
<b>Response Procedure</b>	Failure to Provide RAP Notice	When owner fails to provide notice of RAP, response to petition cannot be considered	T02-0287	Witt/ Bronisas v. Ma
<b>Response Procedure</b>	Late Response	Owner reliance on Rent Program employee stating that he could file response late, plus check that the owner wrote to the Rent Program dated within the time to file the response constitute a valid excuse for late response. Response deemed timely; Case remanded and petition heard on merits	T00-0237	Guillen v. Scott
<b>Response Procedure</b>	Late Response	Board reversed hearing decision that held owner's response was late and excluded owner evidence and response and justification for rent increase; Board remanded for hearing re good cause for late filing(2000 ordinance)	T01-0170-0172	Remkiewicz v. Payumo
<b>Response Procedure</b>	Late Response	Owner response filed more than 14 days after notice of the petition was mailed justifies exclusion of response (2000 Ordinance)	T01-0099	Hill v. Brown



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<b>Response Procedure</b>	Late Response	Owner who failed to file response presented evidence that he did not receive notice of hearing which was in his name but sent to agent's address. Case remanded to determine whether owner received proper notice of the petition	T01-0006	Jefferson v. Leath
<b>Response Procedure</b>	Late Response	Owner's claimed illness not adequate excuse for owner agent not to respond to petition because agent was managing owner's affairs	T00-0361	Colbert v. Ngow
<b>Response Procedure</b>	Late Response	Board remanded Hearing Decision that granted owner petition because tenant did not respond to owner petition; notice did not clearly state time for response to the owner petition	L01-0005	Gardner v. Tenants
<b>Response Procedure</b>	Late Response	Board remanded case on issue of whether tenants had good cause for failure to file timely response to owner petition; Remand decision determined there was no good cause for late filing and Board affirmed hearing decision on Remand	L08-0005	Oumsount v. Tenants
<b>Response Procedure</b>	No Response-Reliance on Staff Advice	Owner claim that RAP staff told him a written response was unnecessary, + later payment of RAP fee and filing of proof of business license and claim of accord with tenant over rent is not acceptable excuse for failure to file a response	T01-0091	Rapoport v. Stephens Properties
<b>Response Procedure</b>	Time for Response	2000 Ordinance-Time limit for owner response started on date owner received the tenant petition, not the date the petition was mailed by RAP	T00-0455	Dabit v. Beacon Properties

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<b>Response Procedure</b>	Timeliness	Tenant petitions which contested rent increases in 2011 were not timely filed and denied. Tenant petition that filed claim for rent overpayments in 2006 and 2007 was not timely.	T12-0204, T12-0234	Burma v. Carta Holdings Katsapov v. Carta
<b>Restitution</b>	Time for Response	When Board finds that Hearing Officer's determination that the owner's response was untimely was wrong, case remanded back to Hearing Officer for full hearing on the merits (2000 Ordinance)	T00-0278	Cole v. Wilson
	Rent Rollback & 3 Year Limit for Restitution	Bd. affirmed hearing decision which held that restitution is limited to 3 years prior to filing of petition per Mitchell v. Leslie, 47 Cal. Rptr. 42.; for pre-existing tenancy prior to Rent Ordinance, base rent was set back to rent paid in June 1995	T11-0191	Howard v. Smith
<b>Restitution</b>	Rent Rollback & 3 Year Limit for Restitution	Affirmed hearing decision tenant's rent to amount paid before the increase and awarded restitution for 3 years because tenant was never provided RAP notice. Restitution is limited to 3 years but rent roll-back is unlimited because owner never provided RAP notice.	T06-0051	Barajas/Avalos v. Chu
<b>Security Deposit</b>	Jurisdiction	The Rent Adjustment Program has no jurisdiction over security deposits-owner increased security deposit from \$700 to \$1,500, pursuant to Civil Code §1950.5.	T11-0186	Gallin v. Lee
<b>Security Deposit</b>	Rent Rollback & 3 Year Limit for Restitution	Board affirmed hearing decision that determined restitution for overpayments limited to three years prior to hearing. In 2008, tenant not entitled to restitution of overpayments prior to 2004.	T08-0139	Jackson-Redick v. Burks

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<b>Settlement</b>	Binding Arbitration	Board remanded hearing decision for binding arbitration because settlement agreement contained provision which provided for binding arbitration of any dispute without no right of appeal to the Rent Board	T12-0071	Austin v. Schrader
<b>Standing as Tenant</b>	Hearing Decision Reversed	Board reversed hearing decision and proposed settlement and adopted it as Board decision	T07-0301 et al.	Mendoza et al. v. Harris et al.
<b>Standing as Tenant</b>	Acceptance of Rent	Reversed and remanded for reconsideration of whether owner accepted rent from tenant of only tenant's portion of the subsidized rent after termination of Section 8 agreement. Acceptance of rent after termination of subsidy contract may affect terms of the tenancy	T07-0084	Baldassarre v. Sidhu-Brar
<b>Standing as Tenant</b>	Acceptance of Rent	Resident is not a tenant with standing to file a petition until he pays rent to owner and owner receives rent from him	T02-0205	Brown v. Bell
<b>Standing as Tenant</b>	Acceptance of Rent	Board finds substantial evidence to support hearing decision that tenant created new tenancy despite lack of written agreement when tenant paid rent and it was accepted for 20 months by landlord	T07-0133	Huynh v. Ly
<b>Standing as Tenant</b>	Acceptance of Rent	Petitioner is a tenant where he paid rent for four years prior while occupying apartment with knowledge of former and current landlord, although unit was previously occupied by petitioner's mother	T07-0210,0214	Generalao et al. v. Treadway

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<b>Standing as Tenant</b>	Acceptance of Rent	Board affirmed hearing decision that granted decreased housing service for gas stove and missing floor board; Claim of denial of use of attic and basement not supported by substantial evidence; one rent payment by petitioner made her a tenant.	T08-0135	Phillips v. Landlord
<b>Standing as Tenant</b>	Current in Rent	Tenant lacks standing to file petition if rent is not current when petition is filed; All arrearages must be paid, not just current month's rent	T05-0130	Wright v. Christian-Miller
<b>Standing as Tenant</b>	Employee v. Tenant Status	Board remanded case to determine if petitioner was employer or tenant, or both and then case will be heard on merits	T10-0031	Ghiselli v. TYLA Inc.
<b>Standing as Tenant</b>	New Evidence Allowed	Board reversed hearing decision that determined tenant was not current in her rent and allowed tenant to present new evidence at appeal of a check register to prove she was current in her rent	T06-0277	Nairobi v. Nwamu
<b>Standing as Tenant</b>	Substantial Compliance	Tenant has standing to bring a petition-An \$18.11 rent underpayment over a 2.8 yr. period	T03-0267	Tengeri v. Phillip et al.
<b>Standing as Tenant</b>	Tenant Move Out	Tenant who moves out of subject unit before filing petition lacks standing to file petition	T12-0008	Jimenez et al. v. Byal
<b>Standing as Tenant</b>	Unlawful Detainer Judgment	Administrative dismissal of petition affirmed where tenancy was terminated by Superior Court judgment prior to petition being filed. In order to have standing to file a petition, a person must be a tenant in a covered unit at the time the petition is filed. OMC§8.22.090 (A)(1)	T06-0284	O'Hara v. Sansui
<b>Successor Owner Liability</b>	Unlawful Detainer Judgment	If the Superior Court has determined that the tenant has no right to possession of a unit after a certain date, the tenant lacks standing to file a petition after that date	T07-0261	<b>Jackson v. Guiton</b>

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<b>Successor Owner Liability</b>	Stands in Shoes	New owner stands in shoes of former owner and is liable for obligations of seller/lessor for decreased housing services-Precedential Case	T05-0220	<b>McGhee v. Carraway-Brown</b>
<b>Successor Owner Liability</b>	Stands in Shoes	Based on T05-0220, successor owner is liable for decreased housing service obligation of predecessor owner and C.C. §1466 is not defense	T06-0239	Gibson v. Cornwell
<b>Successor Owner Liability</b>	Tenant Overpayment Received by Prior Owner	Board ordered memorandum re law on successor liability	T04-0344	Chang v. Lui & Martinez
<b>Termination</b>	Pre-Just Cause Ordinance	Under 1981 Ordinance owner could not terminate tenancy from date petition was filed to within 6 months of date of final decision or it would be deemed retaliation; Tenant's remedy was civil, injunction or damages action	TT01-0374	Mobley v. Bianco
<b>Timeliness of Claim</b>	Late Tenant Response	Board remanded Hearing Decision which granted owner petition because tenants did not respond to the owner petition. Notice to tenants did not clearly state time for response to the owner petition	L01-0005	Gardner v. Tenants
<b>Timeliness of Claim</b>	Untimely Claim	Hearing officer correctly denied tenant's claim arising out of events which occurred in 1998 although other tenants had filed claims regarding same item when tenant filed petition in 2000	T00-0302/T01-0508	Diamond v. Rose Ventures III
<b>Utility Bills</b>	Untimely Claim	Petition filed in 2000 and 2001 regarding 1998 rent increase is untimely.	T01-0633	Kennedy v. Rose Ventures III
<b>Utility Bills</b>	Water	Board held that splitting a water bill among tenants is a violation of RAP. Reg.10.1.10 which prohibits splitting utility bills among tenants; hearing decision affirmed with modification that future water bills may not be passed onto tenants	T08-0281	Degaud v. Bomberger

\*Asterisk denotes Precedent  
Decision

### APPEALS DECISION INDEX

<b>Subject</b>	<b>Sub-Category</b>	<b>Decision</b>	<b>File #</b>	<b>File Name</b>
<b>Utility Bills</b>	Utility bill	Owner is responsible for utility bill if there cannot be separate meters for each unit-case remanded to determine if anything is owed to tenant who paid utility bill for both units	T11-0040	Bealle v. Bannon