

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD
APPEAL PANEL**

**OCTOBER 18, 2018
7:00 P.M.
CITY HALL, HEARING ROOM #2
ONE FRANK H. OGAWA PLAZA
OAKLAND, CA**

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. OPEN FORUM
4. NEW BUSINESS
 - A. Appeal Hearing in cases:
 - i. T16-0521, McRay v. Tang
 - ii. T17-0048, Chau v. Cai
 - iii. T17-0345, Cucci v. Lantz Properties
5. SCHEDULING AND REPORTS
6. ADJOURNMENT

Accessibility. This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email sshannon@oaklandnet.com or call (510) 238-3715 or California relay service at 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonese, Mandarin o de lenguaje de señas (ASL) por favor envíe un correo electrónico a sshannon@oaklandnet.com o llame al (510) 238-3715 o 711 por lo menos cinco días

hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 sshannon@oaklandnet.com 或致電 (510) 238-3715 或 711 California relay service。請避免塗搽香氛產品, 參加者可能對化學成分敏感。

Service Animals/Emotional Support Animals: The City of Oakland Rent Adjustment Program is committed to providing full access to qualified persons with disabilities who use service animals or emotional support animals.

If your service animal lacks visual evidence that it is a service animal (presence of an apparel item, apparatus, etc.), then please be prepared to reasonably establish that the animal does, in fact, perform a function or task that you cannot otherwise perform.

If you will be accompanied by an emotional support animal, then you must provide documentation on letterhead from a licensed mental health professional, not more than one year old, stating that you have a mental health-related disability, that having the animal accompany you is necessary to your mental health or treatment, and that you are under his or her professional care.

Service animals and emotional support animals must be trained to behave properly in public. An animal that behaves in an unreasonably disruptive or aggressive manner (barks, growls, bites, jumps, urinates or defecates, etc.) will be removed.

CHRONOLOGICAL CASE REPORT

Case No: T16-0521
Case Name: McRay v. Tang
Property Address: 2800 Nicol Ave., #203, Oakland, CA
Parties: Justin McRay (Tenant)
Susan Tang (Owner)
Chao-Hun Tan (Owner)

TENANT APPEAL

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	September 16, 2016
Owner Response filed	April 14, 2017
Hearing Decision Mailed	November 21, 2017
Tenant Appeal filed	December 12, 2017

TVE 0521 MB / BRB

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM Mail To: P. O. Box 70243 Oakland, California 94612-0243 (510) 238-3721	For date stamp. <div style="text-align: center;"> RECEIVED SEP 16 2016 OAKLAND RENT ADJUSTMENT </div>
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Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed.

Please print legibly

TENANT PETITION

Your Name <i>JUSTIN MCRAE</i>	Rental Address (with zip code) <i>OAKLAND CA 94602</i>	Telephone <i>510-967-2195</i>
Your Representative's Name	Mailing Address (with zip code) <i>2800 NICOL #203</i>	Telephone
Property Owner(s) name(s) <i>SUSAN & CHAO TANG</i>	Mailing Address (with zip code)	Telephone <i>415-722-7805</i>

Number of units on the property: 12

Type of unit you rent (circle one)	House	Condominium	<u>Apartment, Room, or Live-Work</u>
Are you current on your rent? (circle one)	Yes	No	Legally Withholding Rent. You must attach an explanation and citation of code violation.

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. **I (We) contest one or more rent increases on one or more of the following grounds:**

<input checked="" type="checkbox"/> (a) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/> (b) The owner did not give me a summary of the justification(s) for the increase despite my written request.
<input type="checkbox"/> (c) The rent was raised <u>illegally</u> after the unit was vacated (Costa-Hawkins violation).
<input type="checkbox"/> (d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
<input type="checkbox"/> (e) A City of Oakland form notice of the existence of the Rent Program was not given to me at least six months before the effective date of the rent increase(s) I am contesting.
<input checked="" type="checkbox"/> (f1) The housing services I am being provided have decreased. (Complete Section III on following page)
<input type="checkbox"/> (f2) At present, there exists a health, safety, fire, or building code violation in the unit. <u>If the owner has been cited in an inspection report, please attach a copy of the citation or report.</u>
<input type="checkbox"/> (g) The contested increase is the second rent increase in a 12-month period.
<input type="checkbox"/> (h) The notice of rent increase based upon capital improvement costs does not contain the "enhanced notice" requirements of the Rent Adjustment Ordinance or the enhanced notice was not filed with the RAP.
<input type="checkbox"/> (i) My rent was not reduced after the expiration period of the rent increase based on capital improvements.
<input type="checkbox"/> (j) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
<input type="checkbox"/> (k) I wish to contest an exemption from the Rent Adjustment Ordinance (OMC 8.22, Article I)

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: Dec 2011 Initial Rent: \$ 850 /month

When did the owner first provide you with a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program (RAP NOTICE)? Date: _____ . If never provided, enter "Never."

• Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. You must check "Yes" next to each increase that you are challenging.

Date Notice Served (mo/day/year)	Date Increase Effective (mo/day/year)	Amount Rent Increased		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
4-9-2016	6-1-2016	\$ 850.	\$ 875	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		\$	\$ 901	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

* You have 60 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you never got the RAP Notice you can contest all past increases.

List case number(s) of all Petition(s) you have ever filed for this rental unit: 2

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for service problems, you must complete this section.

- Are you being charged for services originally paid by the owner? Yes No
- Have you lost services originally provided by the owner or have the conditions changed? Yes No
- Are you claiming any serious problem(s) with the condition of your rental unit? Yes No

If you answered "Yes" to any of the above, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include at least the following: 1) a list of the lost housing service(s) or serious problem(s); 2) the date the loss(es) began or the date you began paying for the service(s); and 3) how you calculate the dollar value of lost problem(s) or service(s). Please attach documentary evidence if available.

To have a unit inspected and code violations cited, contact the City of Oakland, Code Compliance Unit, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612. Phone: (510) 238-3381

IV. VERIFICATION: The tenant must sign:

I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition is true and that all of the documents attached to the petition are true copies of the originals.

[Signature]
Tenant's Signature

5-8-2016
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a Rent Adjustment Program Hearing Officer the same day.

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services.

Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

[Signature]
Tenant's Signature

5-8-2016
Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

File Review

The owner is required to file a Response to this petition within 35 days of notification by the Rent Adjustment Program. You will be mailed a copy of the Landlord's Response form. Copies of documents attached to the Response form will not be sent to you. However, you may review these in the Rent Program office by appointment. For an appointment to review a file call (510) 238-3721; please allow six weeks from the date of filing before scheduling a file review.

VII. HOW DID YOU LEARN ABOUT THE RENT ADJUSTMENT PROGRAM?

- Printed form provided by the owner
- Pamphlet distributed by the Rent Adjustment Program
- Legal services or community organization
- Sign on bus or bus shelter
- Other (describe): _____

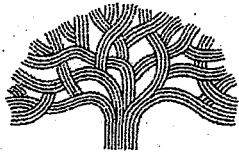
* 2800 NICOL APARTMENT #203
I HAVE A CRACKED BEDROOM WINDOW
FOR 3 YEARS SINCE A FIRE OUTSIDE
MY WINDOW.

* WHEN I MOVED IN 2800 NICOL 2011
OWNER PROVIDED SECURITY PARKING NOW
SINCE NEW OWNERSHIP OF 2015 SEPT
SUSAN & CHAO TANG WILL NOT FIX PARKING
SECURITY GATE OVER A YEAR NOW.
IT HAS BEEN BROKEN OVER 1 YEAR.

Just MG

10-20-2016

Decreased Svc.



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

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PROPERTY OWNER
RESPONSE

Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your response being rejected or delayed.

CASE NUMBER T16-0521

Your Name FHN LLC	Complete Address (with zip code) P.O. Box 28152 Oakland CA 94604	Telephone: 415 722 7805
		Email: SusanTang@att.net
Your Representative's Name Susan Tang Chao Tang	Complete Address (with zip code) P.O. Box 28152 Oakland CA 94604	Telephone: 510 369 0964
		Email: ChaoTang@gmail.com
Property Address (If the property has more than one address, list all addresses) 2800 Nicol Ave Oakland CA 94602		Total number of units on property 23

Have you paid your business license? Yes No Number 28058957

Have you paid the Rent Program Service Fee (\$69 per unit)? Yes No APN: 027-0859-023-01

Date on which you acquired the building 9/16/15

Is there more than one street address on the parcel? Yes No

Type of unit (Circle One): House / Condominium / Apartment, room, or live-work

I. JUSTIFICATION FOR RENT INCREASE You must check the appropriate justification(s) box for each increase greater than the Annual CPI adjustment contested in the tenant(s) petition. For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

You must prove the contested rent increase is justified. For each justification checked on the following table, you must attach organized documentary evidence demonstrating your entitlement to the increase. This documentation may include cancelled checks, receipts, and invoices. Undocumented expenses, except certain maintenance, repair, legal, accounting and management expenses, will not usually be allowed.

For more information phone (510)-238-3721.

Date of Contested Increase	Banking (deferred annual increases)	Increased Housing Service Costs	Capital Improvements	Uninsured Repair Costs	Debt Service	Fair Return
9-1-16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are justifying additional contested increases, please attach a separate sheet.

II. RENT HISTORY If you contest the Rent History stated on the Tenant Petition, state the correct information in this section. If you leave this section blank, the rent history on the tenant petition will be considered correct

When did you enter into the rental agreement for this unit?

The tenant moved into the rental unit on 12-23-2011

The tenant's initial rent including all services provided was: \$ 850 / month.

Have you (or a previous Owner) given the City of Oakland's form entitled "NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") to all of the petitioning tenants? Yes No I don't know

If yes, on what date was the Notice first given? 9-22-15 *EXH 1*

Is the tenant current on the rent? Yes No *EXH 2*

Begin with the most recent rent and work backwards. If you need additional space please attach another sheet.

Date Notice Given (mo./day/year)	Date Increase Effective	Rent Increased		Did you provide NOTICE TO TENANTS with the notice of rent increase?
		From	To	
<i>EXH 3</i> 7-22-16	8-1-16	\$ 850	\$ 901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No

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III. EXEMPTION

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). If claiming exemption under Costa-Hawkins, please answer the following questions on a separate sheet:

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building housing, fire or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the petitioning tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction.

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.


The unit is located in a building with three or fewer units. The owner occupies one of the units continuously as his or her principal residence and has done so for at least one year.

IV. DECREASED HOUSING SERVICES

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services. If you need more space attach a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

V. VERIFICATION

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Property Owner's Signature

4/14/17

Date

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IMPORTANT INFORMATION:

Time to File

This form **must be received** by the Rent Adjustment Program (RAP), P.O. Box 70243, Oakland, CA 94612-0243, within 35 days after a copy of the tenant petition was mailed to you. Timely mailing as shown by a postmark does not suffice. The date of mailing is shown on the Proof of Service attached to the response documents mailed to you. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open.

You can date-stamp and drop your Response in the Rent Adjustment drop box at the Housing Assistance Center. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m.

File Review

You should have received a copy of the petition (and claim of decreased housing services) filed by your tenant. When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

Mediation Program

Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. In mediation, the parties discuss the situation with someone not involved in the dispute, discuss the relative strengths and weaknesses of the parties' case, and consider their needs in the situation. Your tenant may have agreed to mediate his/her complaints by signing the mediation section in the copy of the petition mailed to you. If the tenant signed for mediation and if you also agree to mediation, a mediation session will be scheduled before the hearing with a RAP staff member trained in mediation.

If the tenant did not sign for mediation, you may want to discuss that option with them. You and your tenant may agree to have your case mediated at any time before the hearing by submitted a written request signed by both of you. If you and the tenant agree to a non-staff mediator, please call (510) 238-3721 to make arrangements. Any fees charged by a non-staff mediator are the responsibility of the parties that participate. You may bring a friend, representative or attorney to the mediation session. Mediation will be scheduled only if both parties agree and after your response has been filed with the RAP.

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If you want to schedule your case for mediation and the tenant has already agreed to mediation on their petition, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff member at no charge.

Property Owner's Signature

Date

For more information phone (510)-238-3721.

APRIL 13, 2017

Property Owner Response Case # T16-0521

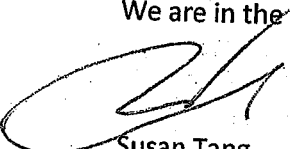
1. Justin McRay complaint that he has a cracked bedroom window for 3 years since a fire outside his window.

Owner Response to #1 issue:

1. He didn't state that on the Estoppel. SEE EXH 4.
2. He invited me into his unit when we first purchased 2800 Nicol Ave in Sept 2015 to show me that his unit was all good and there was no damage whatsoever.
3. He has not reported claim of any serious problem with the condition in his rental unit #203 in his first filing Case# T15-0535.
4. He has not requested for any repair service via phone, text, email or mail. We only found out about his complaint of his bedroom window when we received Case #T16-0521.
5. Once we found out, Eddie, our general manager, contacted Justin to fix his bedroom window and even offered an option to him to look for a window company to repair his bedroom window. But in both occasions, he refused service and didn't allow entry on April 12, 2017 even after a 24hours Notice to Enter Dwelling was served on April 11, 2017. SEE EXH 5.

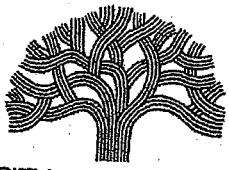
Owner Response to #2 issue:

We are in the process of fixing the Parking Security Gate.


Susan Tang

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**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

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For date stamp.

**PROPERTY OWNER
PETITION FOR
APPROVAL OF RENT
INCREASE**

Please Fill Out This Form Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed. Attach copies of the documents that support your petition. Before completing this petition, please read the Rent Adjustment Ordinance (Oakland Municipal Code 8.22), sections 8.22.010 through 8.22.190, and the Rent Adjustment Program Regulations.

Your Name <i>JUN LLC</i>	Complete Address (with zip code) <i>P.O. Box 28152 Oakland CA 94604</i>	Daytime Telephone: <i>415-722-7805</i>
Your Representative's Name (if any) <i>Susan Tang Chao Tang</i>	Complete Address (with zip code) <i>P.O. Box 28152 Oakland CA 94604</i>	E-mail: <i>swonhtang@aatt.net</i>
Property Address (If the property has more than one address, list all addresses) <i>2800 Nicol Ave Oakland CA 94602</i>		Daytime Telephone: <i>510-368-2864</i>
		E-mail: <i>CHAchtang@gmail.com</i>

Total number of units on property: 23

Date on which you acquired the building: 9-16-15

Type of units (circle one) House Condominium Apartment, Room, or Live-Work

Have you (or a previous Owner) given the City of Oakland's form entitled Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to the tenants in each unit affected by the petition?	<u>Yes</u>	No
On what date was the RAP Notice first given?	<u>9-17-15</u>	
Have you paid your Oakland Business License? The property owner must have a current Oakland Business License. If it is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.)	<u>Yes</u>	No
Oakland Business License number.	<u>28058957</u>	

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<p>Have you paid the Rent Adjustment Program Service Fee (\$68 per unit)? The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition may not be considered in a Rent Adjustment proceeding. (Provide proof of payment.) Note: If RAP fee is paid on time, the property owner may charge the tenant one-half of the \$68 per-unit RAP Service fee (\$34).</p>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<p>Use the table on the next page to list each tenant who is affected by this petition.</p>		

REASON(S) FOR PETITION.

Note: Justifications for Rent Increases other than the annual allowable rate are discussed in the Rent Adjustment Program Regulations – Appendix A, Sec. 10.

You must attach organized documentation clearly showing the rent increase justification(s) and detailing the calculations to which the documentation pertains. All documents submitted to the Rent Adjustment Program become permanent additions to the file. (Regs. 8.22.090.C)

I (We) petition for approval of one or more rent increases on the grounds that the increase(es) is/are justified by (check all that apply):

- Banking (Reg. App. 10.5)
- Capital Improvements (Reg. App. 10.2)
- Fair return (Reg. App. 10.6)
- Increased Housing Service Costs (Reg. App. 10.1)
- Uninsured Repair Costs (Reg. App. 10.3)

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 RENT ADJUSTMENT PROGRAM
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Have you ever filed a petition for this property?

- Yes
- No

List case number(s) of all Petition(s) you have ever filed for this property and all other relevant Petitions:

T15-0535, T16-0521

List each tenant and requested information for each unit affected by this petition. Increases based on increased housing service costs and fair return affect all of the units on the property. Attach additional sheets if necessary.

Address	Unit #	Tenant Name(s)	Phone	E-mail	Current Rent
2800 NICOL AVE	203	Justin McRay	570 815 5719	jbumpy2@gmail.com	840.00

Revised 2-14-17
 For more information phone (510) 238-3721
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 CITY OF RAYMOND
 RENT REGISTRATION DIVISION
 Page | 3

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Uninsured Repair Costs: Uninsured repair costs are casualty losses that are not reimbursed to the property owner. See Regulations for details. An increase for uninsured repairs is calculated the same way as an increase for capital improvements.

Increased Housing Service Costs: Housing Service Costs are expenses for services provided by the property owner. The costs are related to the use of a rental unit and also known as "operating expenses". The most recent two years of operating expenses are compared to determine if a rent increase greater than the CPI is justified. The calculation in both years must provide a reasonable comparison of all expenses. Evidence is required to prove each of the claimed expenses.

Fair Return: A property owner may submit evidence to show that without the requested rent increase he or she is being denied a fair return on the investment. A fair return will be measured by maintaining the net operating income (NOI) produced by the property in a base year (2014), subject to CPI related adjustments. Permissible rent increases will be adjusted upon a showing that the NOI in the comparison year is not equal to the base year NOI.

Banking: "Banking" refers to deferred allowed annual rent increases. These annual rent increases are known as CPI increases. CPI rent increases that were not given, or were not given in full, can be carried forward to future years. Subject to certain limitations, property owners may defer giving CPI increases up to ten years. CPI increases that were not imposed within ten years expire. No banked increase can exceed three times the then current CPI allowable increase. If your petition includes a request for a banked increase, **attach a rent history for the current tenant(s) in each affected unit.**

You do not need to petition the Rent Adjustment Program for approval to increase rent based on banking. Rents can be increased for banked CPI rent increases by giving the Tenant a rent increase notice. (Note that the Tenant can file a petition contesting the increase if the Tenant believes the banking is incorrect or unjustified.) If you do choose to petition for approval of a banked rent increase provide the documentation and calculations as required by this petition.

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Capital Improvements: Capital improvements increases may be taken to reimburse the property owner for property improvements. Reimbursement is limited to 70% of the cost of the improvement spread out over an amortization period as set forth in the Amortization Schedule below. The property owner must show the costs incurred were to improve the property and benefit the tenants. Property owners must also show that these costs were paid. Examples include: copies of receipts, invoices, bid contracts or other documentation.

- If your petition contains capital improvements for which permits are first issued on or after February 1, 2017, capital improvements will be amortized according to an amortization schedule (attached at the end of this form).
- If the petition includes only work where permits were issued before February 1, 2017, improvements will be amortized over five years unless the increase causes a rent increase over 10 percent in one year or 30 percent in five years, in which case the amortization period will be extended until the rent increase is smaller than 10 percent in one year or 30 percent in five years.

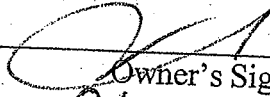
Building-Wide Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR
SUBTOTAL:			

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Unit-Specific Capital Improvements CATEGORY (attach separate sheet if needed)	TOTAL COSTS	DATE COMPLETED	DATE PAID FOR	AFFECTED UNITS
SUBTOTAL:				

Verification (Each petitioner must sign this section):

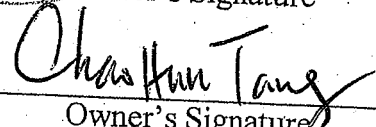
I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition and attaches pages is true and that all of the documents attached to the petition are originals or are true and correct copies of the originals.



Owner's Signature

4/14/17

Date



Owner's Signature

4/14/17

Date

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File Review

Your tenant(s) will be required to file a response to this petition within 35 days of notification by the Rent Adjustment Program. **You will be sent a copy of the Tenant's Response. Copies of attachments submitted with the Response form are not sent, out, but can be reviewed in person at the Rent Adjustment Program office by calling (510) 238-3721 to schedule a file review.** When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files.

Mediation Program

If you are interested in submitting your dispute to mediation, please read the following information carefully. To request mediation, all petitioners must sign the form that follows. Voluntary mediation of rent disputes is available to all parties involved in Rent Adjustment proceedings. Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. Mediation will be scheduled only if both you and your tenant(s) agree and after both a petition and a response have been filed with the Rent Adjustment Program. You may elect to use a Rent Adjustment Program staff Hearing Officer acting as mediator or an outside mediator. Staff Hearing Officers are available to conduct mediation free of charge. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services. If you are unable to resolve your dispute after a good faith attempt at mediation, you will be given a priority hearing presided by a Hearing Officer other than your mediator.

IF YOU WANT TO SUBMIT YOUR CASE TO MEDIATION, PLEASE CHECK THE APPROPRIATE BOX AND SIGN.

- I agree to have my case mediated by a Rent Adjustment Program staff Hearing Officer (no charge).
- I agree to have my case mediated by an outside mediator (fees to be paid by the parties).

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Owner's Signature (for mediation request)

Date

Owner's Signature (for mediation request)

Date



P.O. BOX 70243, OAKLAND, CA 94612-2043
Department of Housing and Community Development
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM

- Oakland has a Rent Adjustment Program ("RAP") that limits rent increases (Chapter 8.22 of the Oakland Municipal Code) and covers most residential rental units built before 1983. It does not apply to subsidized units, most single family dwellings, condominiums and some other types of units. For more information on which units are covered, contact the RAP office.
- You have a right to file a petition with the RAP to contest a rent increase that is greater than the annual general rent increase ("CPI increase"). An owner can increase rent more than the CPI rate, but with limits, for: capital improvements, operating expense increases, and deferred annual rent increases ("banking"). No annual rent increase may exceed 10%. The owner must provide you with a written summary of the reasons for any increase greater than the CPI rate if you request one in writing. If the owner decreases your housing services, this may be an increase in your rent. Decreased housing services include substantial problems with the condition of a unit.
- To contest a rent increase, you must file a petition with the RAP within sixty (60) days of whichever is later: (1) the date the owner served the rent increase notice; or (2) the date you first received this Notice To Tenants. Information and the petition forms are available from the RAP office: 250 Frank H. Ogawa Plaza, 6th Fl., Oakland, CA 94612 or: <http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment>
- If you contest a rent increase, you must pay your rent with the contested increase until you file a petition. After your petition is filed, if the rent increase notice separately states the amount of the CPI rate, you have to pay your rent plus the CPI increase. If the CPI rate has not been stated separately, you may pay the rent you were paying before the rent increase notice. If the increase is approved and you did not pay it you will owe the amount of the increase retroactive to the effective date of increase.
- Oakland has eviction controls (the Just Cause for Eviction Ordinance and Regulations, O.M.C. 8.22) which limit the grounds for evictions in covered units. For more information contact the RAP office.
- Oakland charges owners a Rent Program Service Fee per unit per year. If the fee is paid on time, the owner is entitled to get half of the fee from you. Your payment for the annual fee is not part of the rent. Tenants in subsidized units are not required to pay the tenant portion of the fee.
- Oakland has a Tenant Protection Ordinance ("TPO") to deter harassing behaviors by landlords and to give tenants legal recourse in instances where they are subjected to harassing behavior by landlords (O.M.C. 8.22.600). (City Council Ordinance No. 13265 C.M.S.)

TENANTS' SMOKING POLICY DISCLOSURE

- Smoking (circle one) IS or ~~IS NOT~~ permitted in Unit 203, the unit you intend to rent.
- Smoking (circle one) IS or ~~IS NOT~~ permitted in other units of your building. (If both smoking and non-smoking units exist in tenant's building, attach a list of units in which smoking is permitted.)
- There (circle one) IS or ~~IS NOT~~ a designated outdoor smoking area. It is located at _____

I received a copy of this notice on _____ (Date) _____ (Tenant's signature)

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CITY OF OAKLAND
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
APR 14 11:31

此份屋寄(奧克蘭)市租客權利通知書附有中文版本。請致電(510) 238-3721 索取副本。
La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.
Baun Thoang Baun quyean loi của ngôôoi thea trong Oakland nay cuong cou baeng tieang Vieat. Nea cou moat baun sao, xin goii (510) 238-3721.

EXH 1

CITY OF OAKLAND



P.O. BOX 70243, OAKLAND, CA 94612-2043

Housing and Community Development Department
Rent Adjustment Program

TEL(510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

HEARING DECISION

CASE NUMBER: T16-0521, McRay v. Tang

PROPERTY ADDRESS: 2800 Nicol Ave., No. 203
Oakland, CA

DATE OF HEARING: July 12, 2017

DATE OF DECISION: November 20, 2017

APPEARANCES:

Justin McRay	Tenant
Susan Tang	Owner
Chao-Hun Tan	Owner

SUMMARY OF DECISION

The tenant petition is GRANTED IN PART.

INTRODUCTION

The tenant filed a petition on September 16, 2016, which contests a monthly rent increase from \$850.00 to \$901, effective June 1, 2016.

The basis for the tenant's petition includes the following:

- The rent increase exceeds the CPI adjustment and is unjustified or are greater than 10%;
-
- Decreased housing services regarding a crack in the bedroom window and broken security gate.

The tenant contends that there is a crack in the bedroom window for 3 years after a fire outside his window and the security gate has been broken for over a year. The owner did not file a response to the tenant petition.

000021

A hearing was scheduled for January 31, 2017. The tenant did not appear and the Hearing Officer dismissed the tenant's petition. The tenant stated that he was attending a funeral service for a friend although he did not notify the staff. The dismissal was set aside and a new hearing date was set for March 27, 2017. The owners contacted RAP staff and advised that they never received the notice of the tenant petition, only a notice of the hearing on March 27, 2017. A review of the file indicates that the initial copy of the tenant petition sent to the owners at P.O. Box 28152, Oakland, CA 94602, was returned to the RAP office on October 25, 2016, with the notation that there was no such address. The owner did not receive the tenant petition. A copy of the tenant petition was sent to the owners on March 27, 2017.

The owners filed a timely response to the tenant petition on April 14, 2017, which states that the basis for the rent increase is Banking. They also filed a landlord petition for approval of a rent increase. The case was re-scheduled for Hearing on July 12, 2017.

ISSUES

1. When did the tenant first receive a notice of the existence of the Rent Adjustment Program?
2. Is the rent increase valid?
3. Were the tenant's housing services decreased? If so, what restitution is due the tenant?

EVIDENCE.

Rent History/Notice of the Rent Adjustment Program

The tenant received notice of the existence of the Rent Adjustment Program in September 2015, pursuant to a prior hearing decision, and his monthly base rent was set at \$850.00.¹ The tenant petition states that he did not receive concurrent notice of the Rent Adjustment Program with notice of the rent increase.

The owner provided a copy of the notice of change in terms in tenancy dated July 22, 2016, effective September 1, 2016, from \$850.00 to \$901.00. The RAP notice was on the back side of the notice of change in terms in tenancy.²

Rent Increase

The tenant petition incorrectly stated the notice and effective date of the rent increase, which was April 9, 2016, effective June 1, 2016. However, the owner correctly

¹ T15-0535, McKay v. Tang

² Ex. No. 1

responded that the rent increase notice was provided July 22, 2016, with an effective date of September 1, 2016.

Although the tenant petition was incorrect regarding the dates of the notice and increase the owner provided the correct date of the contested rent increase so the tenant petition regarding the rent increase was considered.

Decreased Housing Services

Security Gate

The tenant testified that the exterior security gate was broken for over a year and repaired a few months ago but it is still unlocked.³ The owners testified that there was an issue with getting in and out of the gate and the fire department advised them to keep the gate locked for safety reasons. They further testified that tenant Martin in unit 207 had a new car and had not received his new license plates and they were concerned that his car would be towed away by the tow company because the car had no license plates. Additionally, tenant Martin was unavailable and been in the hospital for one month but they thought the situation would be resolved shortly.

Cracked Window

The tenant testified that the bedroom window is cracked and been like this for the past three years. He testified that he told Benson, the prior owner and Helen, the manager, about the problem.

The owners testified that they had no notice of any problem with the tenant's bedroom window until they received the tenant petition sent by staff on March 27, 2017. They immediately contacted Eddie, their onsite manager, and directed him to take care of the problem. The onsite manager emailed them on April 11, 2016, and stated that he had texted the tenant to choose a glass company and set up an appointment and the manager would meet the company and pay them to do the repair. The tenant refused and did not allow access into his unit. The tenant confirmed that he did not allow access to his unit for the repair and testified that "I wanted to wait and to see what you guys were going to do before I let them in."

The owners further testified that shortly after they bought the building in September 2015 they were doing an inspection and the tenant told them everything was fine, that he showed them his unit and said if there was a problem he would let them know. He did not say anything about a broken bedroom window, showed her around and said everything was fine. The tenant testified that he did not know the Tangs were the owners. The owners testified that the tenant knew they were the owners and asked them to hire him as the onsite manager. Why would he ask them that if he did not know that they were the owners.

³This issue arose in a prior hearing in T15-0333, Martin et al. v. Tang

FINDINGS OF FACT AND CONCLUSIONS OF LAW

RAP Notice and Rent Increase-Banking

The tenant has received the required RAP notices. Therefore, the rent increase based on Banking is valid.

An owner is allowed to bank increases and use them in subsequent years, subject to certain limitations.⁴ Banking is allowed going back ten years. However, the total of CPI adjustments imposed in any one rent increase, including the current CPI adjustment, may not exceed three times the allowable CPI Rent Adjustment on the effective date of the rent increase.⁵ The allowable rent increase based on Banking is \$51.00, which increases the tenant's monthly rent to \$901.00 effective September 1, 2016. The tenant has underpaid rent in the amount of \$765.00 through November 1, 2017. A Banking table is attached to this Hearing Decision as Exhibit 1 and made a part of this Decision.

Decreased Housing Services

Under the Oakland Rent Ordinance, a decrease in housing services is considered to be an increase in rent and may be corrected by a rent adjustment.⁶ However, in order to justify a decrease in rent, a decrease in housing services must be the loss of a service that seriously affects the habitability of a unit, a service that was originally provided and removed, or one that is required to be provided in a contract between the parties. The tenant has the burden of proving decreased housing services by a preponderance of the evidence. The tenant also has the burden of proving notice to the owner about a complaint and the owner must be afforded a reasonable opportunity to respond to the complaint.

Section 8.22.090(2)(O.M.C. also provides that a tenant petition must be filed 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. This includes a complaint for decreased housing services, which is defined as a rent increase.⁷ The tenant received the RAP notice initially in September 2015. He did not file the tenant petition for decreased housing services until September 16, 2016. Therefore, restitution is limited to 60 days prior to filing of the tenant petition, which is July 28, 2016.

Window

There is a factual dispute about when the owners received notice about the crack in the bedroom window. Both parties are equally credible. However, it is the tenant's burden of proof regarding this issue and he testified that he did not want to let the

⁴ O.M.C. §8.22.70 (A)

⁵ Regulations Appendix, §10.5.1

⁶ O.M.C. Section 8.22.070 (F)

⁷ O.M.C. §8.22.090(A)(3)-As of September 20, 2016, this was changed to 90 days

owners into his unit until after a hearing decision in this case. The tenant has not sustained his burden of proof regarding notice and access. Therefore, compensation for this item is denied.

Security Gate

The security gate was fixed a few months ago. However, it still remains unlocked so there is a continuing security issue. The owner's testimony about the fire department is unsupported and the testimony about the problem with the tenant in unit 207 is unpersuasive. The prior hearing decision granted a 5% decrease to other tenants for the problem with the security gate. Although the security gate has been repaired it is still unlocked which poses a continuing security issue. Therefore, the tenant is granted a 5% decrease in his rent until the owner locks the security gate.

VALUE OF LOST SERVICES

Service Lost	From	To	Rent	% Rent Decrease	Decrease /month	No. Months	Overpaid
Unlocked security gate	7/28/16	11/1/17	\$901.00	5%	\$42.50	16	\$680.00
TOTAL LOST SERVICES							\$680.00

ORDER

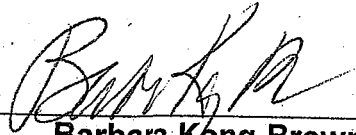
1. Petition T16-0521 is granted in part. The tenant's monthly base rent is \$901.00. Due to a continuing decreasing service, the tenant's current monthly rent is reduced by \$42.50. The tenant has overpaid rent totaling \$680.00 since July 28, 2016.
2. The tenant has underpaid rent totaling \$765.00 from September 1, 2016, through November 1, 2017
3. The net rent under payment is amortized as follows:

Base Rent	\$901.00
+rent underpayment-\$765-\$680=\$85.00	+85.00
-current decreased housing services	-\$42.50
Rent payment for December 1, 2017	\$944.35
Rent payment commencing January 1, 2017	\$858.50

4. When the owner locks the security gate he may restore the rent by \$42.50. In order to restore the rent the owner must provide proper notice in accordance with Section 827 of the California Civil Code (30 days-add 5 days if service by mail).

5. Right to Appeal: **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Date: November 20, 2017



Barbara Kong-Brown, Esq.
Senior Hearing Officer
Rent Adjustment Program

PROOF OF SERVICE

Case Number T16-0521

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached Hearing Decision by placing a true copy of it in a sealed envelope in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

Tenants

Justin McRay
921 Cedar St
Berkeley, CA 94710

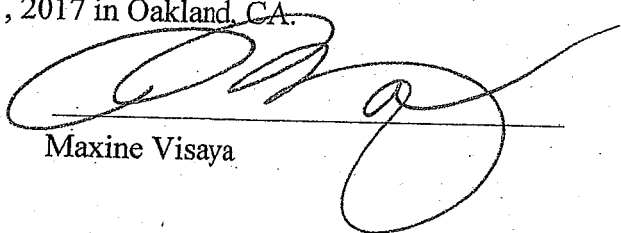
Justin McRay
2800 Nicol Ave #203
Oakland, CA 94602

Owner

Susan & Chao Tang
P.O. Box 28152
Oakland, CA 94604

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

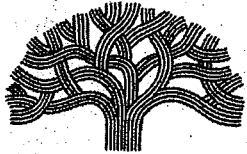
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 21, 2017 in Oakland, CA.


Maxine Visaya

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CITY OF OAKLAND

2017 DEC 12 PM 3:44
CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

2017 DEC 12 PM 3:44

APPEAL

Appellant's Name <i>Just in McRAY</i>		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant	
Property Address (Include Unit Number) <i>2800 NICOL #203 OAKLAND CA 94602</i>			
Appellant's Mailing Address (For receipt of notices) <i>2800 NICOL #203</i>		Case Number <i>716-0521</i>	Date of Decision appealed <i>NOV. 20 2017</i>
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
 - b) The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
 - c) The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
 - d) The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

REVIEWED AND APPROVED
<i>MB</i> <i>12/14/17</i>
INITIAL DATE

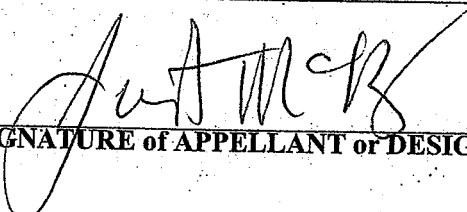
- f) I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board are limited to 25 pages from each party. Please number attached pages consecutively.
 Number of pages attached: _____

You must serve a copy of your appeal on the opposing party(ies) or your appeal may be dismissed.

I declare under penalty of perjury under the laws of the State of California that on DEC 1, 2017, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	CITY OF OAKLAND
Address	HOUSING AND COMMUNITY RENT
City, State Zip	250 Frank H. Ogawa Plaza #5313 OAKLAND, CA 94612-2034
Name	SUSAN AND CHAO TANG
Address	P.O. BOX 28152
City, State Zip	OAKLAND CA 94604

	12-4-2017
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

This is an attached document Appealing the following decision by Senior Hearing Officer Barbara Kong-Brown Rent Adjustment Program.

McRay vs. Tang T16-0521

Window

1. Finding of Facts and Conclusions of Law page 4 speaks to the factual dispute of when the owners/Tangs received notice about the cracked bedroom window. Which compensation was denied.

However, I informed the previous owner and on site Manager Helen Young and Owner Benson Eddesor came into my apartment to look at the cracked window. Furthermore, on page 3 of Cracked Window speaks to the testimony of the Owners/Tangs conducting apartment unit inspections by a licensed real estate property inspectors.

I allowed them to enter into my apartment look at whatever they wanted. It was not my duty to point out a cracked window, for I was not contract to do so. That lies solely between Owners, Real-estate Agent and inspectors in the purchasing of the property.

I was never asked if everything was ok in my apartment. In fact according to California Renters law, when the Tangs purchased 2800 Nicol they inherited my lease, from previous owner, which make them responsible for inspecting all Windows on the property and fixing.

I have attached a signed letter from Hellen Young on site Manager to back my claim that I notified her of the damage to my window from a tree fire outside my window.

I would like to be compensation from 2014 to 2017 for a broken window that just was fix November 25 2017.

Thanks

Justin McRay

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This is to confirm Tenant
Justin McKay notified me Hellen
Young on site Manager at 2800
Nicol Ave Oakland CA of a Broken
Cracked Bedroom Window in his
apartment unit #203 in 2014 from
a tree just outside his apartment
window. I Hellen Young then notified
the previous owner Benson Ezedson
of the damages.

~~Justin McKay~~

Hellen Young
12/15/2017
apt #106

Justin McKay

Outlook Mail

Hide email

Magdalene Tatum

Search Mail and People

Fwd: T16-0521 McRay vs Tang archive Junk

Fwd: T16-0521 McRay vs Tang
Justin McRay <jbumpy12@gmail.com>

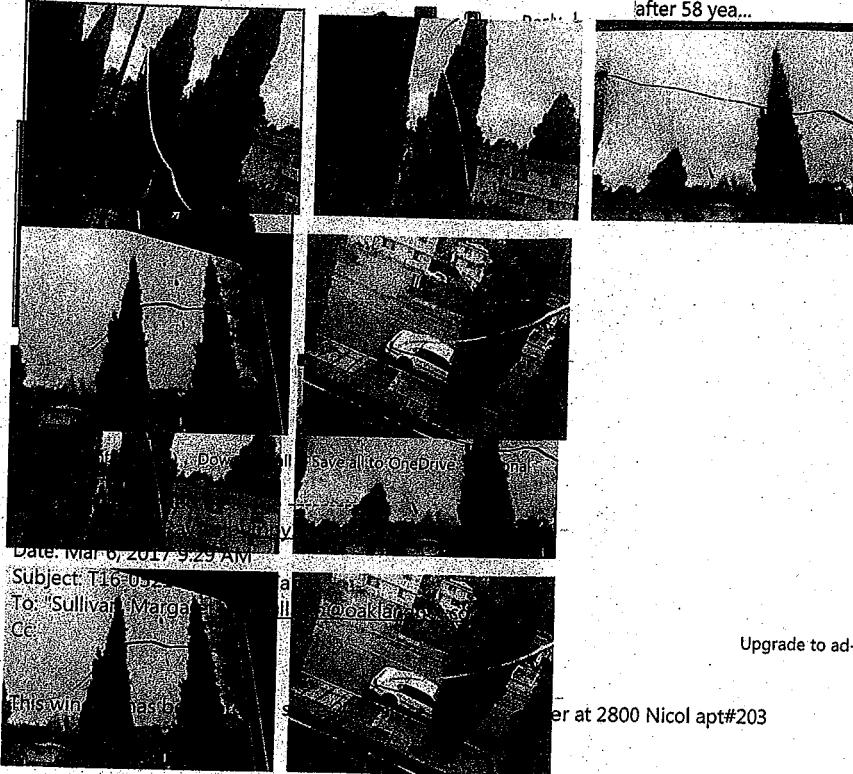
Yesterday, 11:21 PM

You
Justin McRay <jbumpy12@gmail.com>

You May Like Promoted Lit
Before Applying For A Citi Card, Check If You
Pre-Qualify
Citi

Man surprises his biological mom at airport
after 58 years...

by Taboola



Date: Mar 6, 2017 9:29 AM
Subject: T16-0521 McRay vs Tang
To: "Sullivan, Margaret" <msullivan@oaklandnet.com>
Cc: "Justin McRay" <jbumpy12@gmail.com>

Upgrade to ad-free

er at 2800 Nicol apt#203

5 attachments (14 MB) Download all Save all to OneDrive - Personal

----- Forwarded message -----
From: "Justin McRay" <jbumpy12@gmail.com>
Date: Mar 6, 2017 9:29 AM
Subject: T16-0521 McRay vs Tang
To: "Sullivan, Margaret" <msullivan@oaklandnet.com>
Cc:

This window has been broken since 2014 since previous owner
at 2800 Nicol apt#203
Justin McRay

Upgrade to Premium

Justin McRKY

2860 NICOL #803

Bank load at 9/6/62

CITY OF OAKLAND
RENT ARBITRATION PROGRAM

2017 DEC 12 PM 3:40

City Strike today

OFFICE CLOSED

R-5-2017

SOI US MAILED
THIS APPROX

CERTIFIED MAIL



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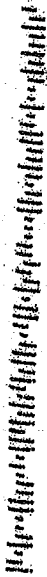
U.S. POSTAGE
PAID
OAKLAND, CA
DEC 09, 17
AMOUNT
\$3.84
R2304M115157-31

City of Oakland

Rent Adjustment Program

250 Franklin Square PL#5313

Dublin CA 94612



CHRONOLOGICAL CASE REPORT

Case Nos.: T17-0048

Case Name: Chau v. Cai

Property Address: 220 International Blvd., Oakland, CA

Parties: Randy Chau (Tenant)
Lau Lan Hing (Tenant)
Wen Sen Yang (Owner Representative)
Cai Ping Xia (Owner Representative)

OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	January 27, 2017
Owner Response filed	April 27, 2017
Hearing Decision mailed	November 15, 2017
Owner Appeal filed	November 28, 2017

T17.0048

MS/SK

RECEIVED
CITY OF OAKLAND
RENT ARBITRATION PROGRAM

CITY OF OAKLAND RENT ADJUSTMENT PROGRAM Mail To: P. O. Box 70243 Oakland, California 94612-0243 (510) 238-3721	For date stamp. <p style="text-align: center;">2017 JAN 27 AM 11:19</p>
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Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed.

TENANT PETITION

Please print legibly

Your Name RANDY CHAU	Rental Address (with zip code) 94606 220 International Blvd.	Telephone 510-328-2861
Your Representative's Name	Mailing Address (with zip code)	Telephone
Property Owner(s) name(s) <i>Business owner</i> Wen Sen Yang / Cui Ping Xia	Mailing Address (with zip code) 220 International Blvd. Oakland 94606 (415) 971-2063 (Xia)	Telephone (510) 219-9837 (Wensen)

Landlord = **Zhi Cai & Diana Ouyang** 1225 2nd Ave. Oakland CA 94606
Number of units on the property: **House**

Type of unit you rent (circle one)	House	Condominium	Apartment, Room, or Live-Work
Are you current on your rent? (circle one)	Yes	No	Legally Withholding Rent. You must attach an explanation and citation of code violation.

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. **I (We) contest one or more rent increases on one or more of the following grounds:**

<input checked="" type="checkbox"/>	(a) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/>	(b) The owner did not give me a summary of the justification(s) for the increase despite my written request.
<input type="checkbox"/>	(c) The rent was raised <u>illegally</u> after the unit was vacated (Costa-Hawkins violation).
<input type="checkbox"/>	(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
<input checked="" type="checkbox"/>	(e) A City of Oakland form notice of the existence of the Rent Program was not given to me at least six months before the effective date of the rent increase(s) I am contesting.
<input checked="" type="checkbox"/>	(f1) The housing services I am being provided have decreased. (Complete Section III on following page)
<input checked="" type="checkbox"/>	(f2) At present, there exists a health, safety, fire, or building code violation in the unit. <u>If the owner has been cited in an inspection report, please attach a copy of the citation or report.</u> Case # 1604726
<input type="checkbox"/>	(g) The contested increase is the second rent increase in a 12-month period.
<input type="checkbox"/>	(h) The notice of rent increase based upon capital improvement costs does not contain the "enhanced notice" requirements of the Rent Adjustment Ordinance or the enhanced notice was not filed with the RAP.
<input type="checkbox"/>	(i) My rent was not reduced after the expiration period of the rent increase.
<input type="checkbox"/>	(j) The proposed rent increase would exceed an overall increase of 30% in begins with rent increases noticed on or after August 1, 2014).
<input type="checkbox"/>	(k) I wish to contest an exemption from the Rent Adjustment Ordinance (O

Tenant Pet.
000035

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: January 2011 Initial Rent: \$ 180⁰⁰ /month

When did the owner first provide you with a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program (RAP NOTICE)? Date: Never. If never provided, enter "Never."

• Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. You must check "Yes" next to each increase that you are challenging.

Date Notice Served (mo/day/year)	Date Increase Effective (mo/day/year)	Amount Rent Increased		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
VERBAL 07-01-2015	07-01-2015	\$ 180	\$ 200	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

* You have 60 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you never got the RAP Notice you can contest all past increases.

List case number(s) of all Petition(s) you have ever filed for this rental unit: _____

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for service problems, you must complete this section.

Are you being charged for services originally paid by the owner? Yes No
 Have you lost services originally provided by the owner or have the conditions changed? Yes No
 Are you claiming any serious problem(s) with the condition of your rental unit? Yes No

If you answered "Yes" to any of the above, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include at least the following: 1) a list of the lost housing service(s) or serious problem(s); 2) the date the loss(es) began or the date you began paying for the service(s); and 3) how you calculate the dollar value of lost problem(s) or service(s). Please attach documentary evidence if available.

h DVD is attached. Oakland Planning & Building Dept case # 1604726

To have a unit inspected and code violations cited, contact the City of Oakland, Code Compliance Unit, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612. Phone: (510) 238-3381

Full Documents are listed in DVD.

IV. VERIFICATION: The tenant must sign:

I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition is true and that all of the documents attached to the petition are true copies of the originals.

Raul
Tenant's Signature

12/21/2016
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a Rent Adjustment Program Hearing Officer the same day.

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services.

Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Raul
Tenant's Signature

12/21/2016
Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

File Review

The owner is required to file a Response to this petition within 35 days of notification by the Rent Adjustment Program. You will be mailed a copy of the Landlord's Response form. Copies of documents attached to the Response form will not be sent to you. However, you may review these in the Rent Program office by appointment. For an appointment to review a file call (510) 238-3721; please allow six weeks from the date of filing before scheduling a file review.

VII. HOW DID YOU LEARN ABOUT THE RENT ADJUSTMENT PROGRAM?

- Printed form provided by the owner
- Pamphlet distributed by the Rent Adjustment Program
- Legal services or community organization
- Sign on bus or bus shelter

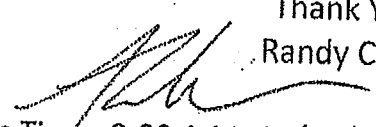
Other (describe): Oakland Fire Dept inspection

WenSen Yang and Cui Ping Xia,
Can you fix the leaking windows in
Randy Chau's bedroom at
220 International Blvd. Oakland
this Sunday, 01/22/2017
after 2:00 P.M. and make sure
Randy can go back to his bedroom
before 11:00 P.M. the same day?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

THIS IS
EMERGENCY!
★ SMOKE DETECTOR NEEDED.

不会英文
请讲中文

Thank You,
Randy Chau

Notice Time: 8:00 A.M. 01/21/2016

1/21-2017 PM 10-



CITY OF OAKLAND

RENT ADJUSTMENT PROGRAM

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

For date stamp.
RECEIVED
CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

2017 APR 27 AM 11:44

**PROPERTY OWNER
RESPONSE**

Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your response being rejected or delayed.

CASE NUMBER T - T17-0048

Your Name WENSEN YANG / CUI PING XIA	Complete Address (with zip code) 220 INTERNATIONAL BLVD, OAKLAND, CA 94606	Telephone: (415) 971-2063 Email: 844608103@QQ.COM
Your Representative's Name (if any) STANLEY SIU	Complete Address (with zip code) 601 ATHOL AVE OAKLAND, CA 94610	Telephone: (510) 520-3891 Email: StanSiu@GMAIL.COM
Tenant(s) Name(s) RANDY CHAU	Complete Address (with zip code) UNKNOWN MOVE OUT ON FEB 1, 2017	
Property Address (If the property has more than one address, list all addresses) 220 INTERNATIONAL BVD OAKLAND, CA 94606		Total number of units on property 1

Have you paid for your Oakland Business License? Yes No Lic. Number: _____
The property owner must have a current Oakland Business License. If it is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Have you paid the current year's Rent Program Service Fee (\$68 per unit)? Yes No APN: _____
The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Date on which you acquired the building: ___/___/___ WENSEN YANG & CUI PING XIA are Master Tenant

Is there more than one street address on the parcel? Yes No

Type of unit (Circle One): House Condominium/ Apartment, room, or live-work

I. JUSTIFICATION FOR RENT INCREASE You must check the appropriate justification(s) box for each increase greater than the Annual CPI adjustment contested in the tenant(s) petition. For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent

Board Regulations. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

You must prove the contested rent increase is justified. For each justification checked on the following table, you must attach organized documentary evidence demonstrating your entitlement to the increase. This documentation may include cancelled checks, receipts, and invoices. Undocumented expenses, except certain maintenance, repair, legal, accounting and management expenses, will not usually be allowed.

<u>Date of Contested Increase</u>	<u>Banking (deferred annual increases)</u>	<u>Increased Housing Service Costs</u>	<u>Capital Improvements</u>	<u>Uninsured Repair Costs</u>	<u>Debt Service</u>	<u>Fair Return</u>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are justifying additional contested increases, please attach a separate sheet.

II. RENT HISTORY If you contest the Rent History stated on the Tenant Petition, state the correct information in this section. If you leave this section blank, the rent history on the tenant's petition will be considered correct

The tenant moved into the rental unit on January 2011

The tenant's initial rent including all services provided was: \$ NO RENT /month. ^{PAID} Tenant ~~Pays~~ Utilities \$12

Have you (or a previous Owner) given the City of Oakland's form entitled "NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") to all of the petitioning tenants?
 Yes _____ No I don't know _____

If yes, on what date was the Notice first given? ^{FROM} 1 year for storage only

Is the tenant current on the rent? Yes _____ No SEE ATTACHED SHEET & COURT JUDGMENT.

Begin with the most recent rent and work backwards. If you need more space please attach another sheet.

<u>Date Notice Given (mo./day/year)</u>	<u>Date Increase Effective</u>	<u>Rent Increased</u>		<u>Did you provide the "RAP NOTICE" with the notice of rent increase?</u>
		<u>From</u>	<u>To</u>	
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No

III. EXEMPTION

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). **If claiming exemption under Costa-Hawkins, please answer the following questions on a separate sheet:**

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building housing, fire or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the petitioning tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction.

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.

The unit is located in a building with three or fewer units. The owner occupies one of the units continuously as his or her principal residence and has done so for at least one year.

IV. DECREASED HOUSING SERVICES

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services. If you need more space attach a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

V. VERIFICATION

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Cui Ping Xia
Property Owner's Signature

4.27.2017
Date

IMPORTANT INFORMATION:

Time to File

This form **must be received** by the Rent Adjustment Program (RAP), P.O. Box 70243, Oakland, CA 94612-0243, within 35 days after a copy of the tenant petition was mailed to you. Timely mailing as shown by a postmark does not suffice. The date of mailing is shown on the Proof of Service attached to the response documents mailed to you. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open.

You can date-stamp and drop your Response in the Rent Adjustment drop box at the Housing Assistance Center.. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m.

File Review

You should have received a copy of the petition (and claim of decreased housing services) filed by your tenant. When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

Mediation Program

Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. In mediation, the parties discuss the situation with someone not involved in the dispute, discuss the relative strengths and weaknesses of the parties' case, and consider their needs in the situation. Your tenant may have agreed to mediate his/her complaints by signing the mediation section in the copy of the petition mailed to you. If the tenant signed for mediation and if you also agree to mediation, a mediation session will be scheduled before the hearing with a RAP staff member trained in mediation.

If the tenant did not sign for mediation, you may want to discuss that option with them. You and your tenant may agree to have your case mediated at any time before the hearing by submitted a written request signed by both of you. If you and the tenant agree to a non-staff mediator, please call (510) 238-3721 to make arrangements. Any fees charged by a non-staff mediator are the responsibility of the parties that participate. You may bring a friend, representative or attorney to the mediation session. Mediation will be scheduled only if both parties agree and after your response has been filed with the RAP.

If you want to schedule your case for mediation and the tenant has already agreed to mediation on their petition, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff member at no charge.

Property Owner's Signature

Date

For more information phone (510)-238-3721.

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MS/SK

RECEIVED
CITY OF OAKLAND
RENT ARBITRATION PROGRAM

CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM
Mail To: P. O. Box 700
Oakland, California 94612
(510) 238-3721

For date stamp.

2017 JAN 27 AM 11:19

Fraudulent add
b/c it's storage
fee, no lease at
all, misrepresent

Court order Randy
to move out
earlier

Please Fill Out This Form
result in your petition being

Failure to provide

Please print legibly

Your Name RANDY CHIAU	Rental Address (with zip code) 94606 220 International Blvd.	Telephone 510-326-2861
Your Representative's Name	Mailing Address (with zip code)	Telephone
Property Owner(s) name(s) Business owner Wen Sen Yang / Wei Ping Xia	Mailing Address (with zip code) 220 International Blvd. Oakland 94606 (A15)	Telephone (510) 219-9837 (We) (510) 971-2063 (Xiao)

Landlord = **Zhi Cai & Diana Ouyang** 1225 2nd Ave. Oakland CA 94606
Number of units on the property: **House**

Type of unit you rent (circle one)	House	Condominium	Apartment, Room, or Live-Work
Are you current on your rent? (circle one)	Yes	No	Legally Withholding Rent. You must attach an explanation and citation of code violation.

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. I (We) contest one or more rent increases on one or more of the following grounds:

<input checked="" type="checkbox"/>	(a) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/>	(b) The owner did not give me a summary of the justification(s) for the increase despite my written request.
<input type="checkbox"/>	(c) The rent was raised <u>illegally</u> after the unit was vacated (Costa-Hawkins violation).
<input type="checkbox"/>	(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
<input checked="" type="checkbox"/>	(e) A City of Oakland form notice of the existence of the Rent Program was not given to me at least six months before the effective date of the rent increase(s) I am contesting.
<input checked="" type="checkbox"/>	(f1) The housing services I am being provided have decreased. (Complete Section III on following page)
<input checked="" type="checkbox"/>	(f2) At present, there exists a health, safety, fire, or building code violation in the unit. <u>If the owner has been cited in an inspection report, please attach a copy of the citation or report.</u> case # 1604726
<input type="checkbox"/>	(g) The contested increase is the second rent increase in a 12-month period.
<input type="checkbox"/>	(h) The notice of rent increase based upon capital improvement costs does not contain the "enhanced notice" requirements of the Rent Adjustment Ordinance or the enhanced notice was not filed with the RAP.
<input type="checkbox"/>	(i) My rent was not reduced after the expiration period of the rent increase based on capital improvements.
<input type="checkbox"/>	(j) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
<input type="checkbox"/>	(k) I wish to contest an exemption from the Rent Adjustment Ordinance (OMC 8.22, Article I)

Randy Chau

Subject:

Case Numbers: RG17844105, HG17844484, RG17845206

2017 NOV 28 PM 2:21

Dear Judge David Krashna,

First, I would like to thank you for your understanding about these cases.

Secondly, after a month long of thinking about what these cases have effected all of us. I know I have done wrong that I should have reported to the appropriated authorities regarding to the mistreatment from both WenSen Yang & Cui Ping Xia during my stay at the rented room for the past year. Instead, I confronted them.

Thirdly, WenSen Yang originally told me that he has a hardship after the surgery early 2016 and his wife was unable to care for him, which he asked me not to tell anyone. Actually his wife was fully capable to care for him. So he has convinced the INS to allow his son, son's wife, son two young children, a girl & a boy, come from China to Oakland California for a visit. However, they only stayed in the U.S. for couple of months since March 2016, which they have tried to use this opportunity to force me out every time I when I paid the rent to them.

Earlier 2015 to earlier 2016, I have refused to do any graphics design work for WenSen Yang for free anymore and have also complained that my living condition from his rented room is getting worst. This are two reasons why our relationship having issues. Every time we have discussed about the graphics design work and I have mentioned these type issues about my room with them, they always asked me to move out. He and his wife like to control others. He has mentioned that even this property is rental from the actual property own. He has the power to force me out unless I followed his orders.

The very first day that I move in to this 220 International Blvd. Oakland. I told him the truth that I am a 290 registered sex offender. He understood this very well because he told me that he knew a friend of him was selling child pornography video, which have the same thing that I have to wear the GPS monitor. Since earlier 2013, I told him that I am no longer in parole. He said that I am proud of you that you have done well and deserved that I was released parole early than five years.

During August 22nd 2016. He has purposely used this type of tactic to threaten and accusing me that I have inappropriate touching his granddaughter. I have reported this incident to the Oakland police depart right away. The responded officer found no evidences that this incident has taken place because WenSen Yang could not provide when, where, & how I was inappropriate touching his granddaughter. After that, he was just saying that I was only touching her face. The officer said that there are no evidence that me, Randy has committed a crime and there is not case to file. I have asked the office that can he accusing & threaded me that if this have not happened, the official said there is no crime aga WenSen Yang keep saying that to me and he should not that. If this is the only time, I understand we get angry and said tl wrong thing. However, he kept repeating it about five(5) times and telling other I have done terrible thing to his granddaughter. When I confront with him that he should stop all these non-sense accusation, threatened, and harassing remarks, he is accusing me throwing hot coffee at him. I know him for years. He liked to attack others most weakest poin He will do this to me again if he have a chance.

Point one, I am asking the judge's help to set a Civil Harassment Restraining Order After Hearing to WenSen Yen' families and friends not to use his granddaughter as a weapon to use against me. I know WenSen Yang will do it again because he has done it many times before. As for now, his is granddaughter back to China. Please set a restraining order until she is eighteen(18) years old. After that, let the granddaughter make her own decision, not used by WenSen Yang a tool to make someone's life miserable including me. *I would like the judge place a stay-away orders for the granddaughter from Randy Chau (100 yards.)*

Point two, please don't let WenSen Yang as renter to rent out rooms, which not belong to him as a property own to others. All he wanted is money and does not care the people who lived under his control. *I would like to show a 4-minute video of what Wensen Yang & Cui Ping Xia wrong doing to me.*
Thank You for your understanding, *Randy Chau. If the judge allowed, I will play from my laptop.*
Randy Chau

Granddaughter must stay at least 100 yard away from Randy Chau

000044

Civil Harassment Restraining Order After Hearing

stamps date here when form is filed.

CV *14732674*

RECEIVED CITY OF OAKLAND

NEUTRAL MEDIATION PROGRAM

2017 APR 27 AM 11:46

Endorsed FILED ALAMEDA COUNTY JAN 25 2017 CLERK OF THE SUPERIOR COURT By NIKOLE D. WHITE, Deputy

Person in 1 must complete items 1, 2, and 3 only.

1 Protected Person

a. Your Full Name: Cui Ping Xia

Your Lawyer (if you have one for this case):

Name: State Bar No.:

Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: 220 International Blvd

City: Oakland State: CA Zip: 94606

Telephone: 415-971-2063 Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of Alameda Hayward Hall of Justice 24405 Amador Street Hayward, CA 94544

Court fills in case number when form is filed.

Case Number:

RG17844105

2 Restrained Person

Full Name: Randy Chau

Description:

Sex: [X] M [] F Height: 5'3" Weight: 130 Date of Birth: Unknown Hair Color: Blk Eye Color: Blk Age: 52 Race: Chinese Home Address (if known): 220 International Blvd City: Oakland State: CA Zip: 94610 Relationship to Protected Person: None

3 [X] Additional Protected Persons

In addition to the person named in 1, the following family or household members of that person are protected by the orders indicated below:

Table with columns: Full Name, Sex, Age, Lives with you?, How are they related to you?. Row 1: Wensen Yang, M, 67, [X] Yes [] No, Husband

[] Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3-Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

4 Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: [] a.m. [] p.m. [X] midnight on (date): 01/25/2018

When here, this Order expires three years from the date of issuance.

This is a Court Order.

Civil Harassment Restraining Order After Hearing (CLETS-CHO) (Civil Harassment Prevention)

Jul Rd Co Ap

RESTRAINING ORDER

000045

5 Hearing

- a. There was a hearing on (date): 01/25/2017 at (time): 13:35 in Dept.: 514 Room: _____
(Name of judicial officer): David Krashna made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ① (3) The lawyer for the person in ① (name): _____
 - (2) The person in ② (4) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): 3/1/2017 at (time): 13:35

To the Person in ②:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in ① and to the other protected persons listed in ③:
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify): _____
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least One (1) yards away from (check all that apply):
 - (1) The person in ① (7) The place of child care of the children of the person in ①
 - (2) Each person in ③ (8) The vehicle of the person in ①
 - (3) The home of the person in ① (9) Other (specify): _____
 - (4) The job or workplace of the person in ① _____
 - (5) The school of the person in ① _____
 - (6) The school of the children of the person in ① _____

This is a Court Order.

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use Form CH-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)*
- c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for:

- a. Lawyer's fees
- b. Costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 10.

To the Person in 1:

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 11.

This is a Court Order.



12 Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
- (1) Proof of service of Form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
- (2) The judge's orders in this form are different from the temporary restraining orders in Form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

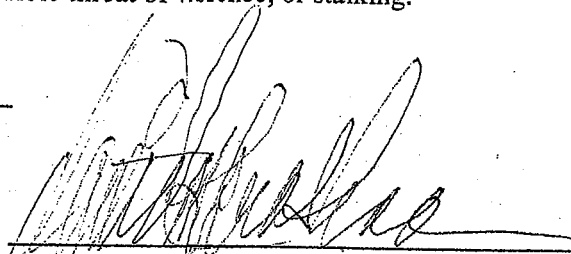
13 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

14 Number of pages attached to this Order, if any: 1

Date: 01/25/2017


Judicial Officer

Warning and Notice to the Restrained Person in ②:**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

This is a Court Order.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item ④ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

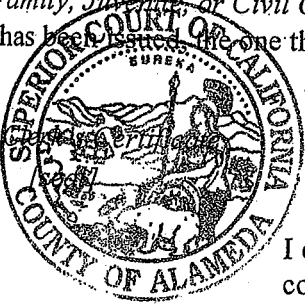
If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.



(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by NIKOLE WHITE, Deputy

This is a Court Order.

SHORT TITLE: <p style="text-align: center;">Cui Ping Xia</p>	CASE NUMBER: <p style="text-align: center;">RG17844105</p>
---	---

ATTACHMENT (Number): 10

(This Attachment may be used with any Judicial Council form.)

January 25, 2017.

Attachment 10, "Other Orders"

Protected party is ordered and must not allow granddaughter to stay in unit while the Restrained party is in the home.

Restrained party is ordered to move out from 220 International Blvd. Oakland, CA no later than February 1, 2017 by 12:00 PM.

Parties are ordered not to curse, yell, or throw anything at each other nor touch each other for any reason.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1
(Add pages as required)

Superior Court of California, County of Alameda
Hayward Hall of Justice

RECEIVED

MAR 27 2017

SENT AN INSTANT PROGRAM
CALIFORNIA

Chau	Plaintiff/Petitioner(s)
VS	
Yang	Defendant/Respondent(s)
(Abbreviated Title)	

No. HGI7B4484

Minutes

Department 507 Honorable Jennifer Madden Judge
Reporter Roseleen O'Brien CSR#11670

Cause called for trial: March 10, 2017

Petitioner Randy Chau appearing in pro per.
Respondent Wensen Yang appearing.

Certified Cantonese Interpreter, Amy Lo is present in court to assist the Respondent.

Randy Chau sworn for Petitioner as a witness and under Direct Examination.

Wensen Yang sworn for Respondent as a witness and under Direct Examination.

Matter appears on calendar having been continued from March 1, 2017.

The Court asks general questions and listens to testimony of the Petitioner and the Respondent.

The Court will maintain orders issued on 1/25/2017. Restraining order shall remain in effect until 1/25/2018 as previously ordered.


No additional orders are made on this date.

No future court dates needed.

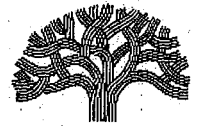
Court Adjourns

Minutes of 03/10/2017
Entered on 03/10/2017

Chad Finke, Executive Officer, Clerk of the Superior Court

By: 

Minutes



P.O. BOX 70243, OAKLAND, CA 94612-2043

CITY OF OAKLAND

Department of Housing and Community Development
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

HEARING DECISION

CASE NUMBER: T17-0048, Chau v. Cai,
PROPERTY ADDRESS: 220 International Blvd., Oakland, CA
DATE OF HEARING: September 25, 2017
DATE OF DECISION: October 20, 2017
APPEARANCES: Randy Chau (Tenant)
Lau Lan Hing (Tenant)
Wen Sen Yang (Owner Representative)
Cai Ping Xia (Owner Representative)
Stanley Siu (Interpreter)

SUMMARY OF DECISION

The tenant's petition is granted.

CONTENTIONS OF THE PARTIES

Tenant Chau ("the tenant") filed a petition on January 27, 2017, which alleges that a proposed rent increase from \$180 to \$200 per month, effective July 1, 2017, exceeds the CPI Adjustment and is unjustified or is greater than 10%; that he has never received the form Notice to Tenants of the Rent Adjustment Program (RAP Notice); that at present, there exists a health, safety, fire, or building code violation in his unit; and that his housing services have been decreased, as follows: improper security bars; mice; and no smoke detector.

The owners filed a response to the petition, which states that the tenant was never given a RAP Notice, and that the subject rental unit was rented only for storage, and denied that the tenant's housing services have been decreased. No justification for the contested rent increase is stated.

000052

THE ISSUES

- (1) Was the subject unit rented for storage or as a residence?
- (2) If the unit was rented as a residence, when, if ever, did the tenant receive the RAP Notice?
- (3) If the unit was rented as a residence, is there a justification for the contested rent increase?
- (4) If the unit was rented as a residence, have the tenant's housing services been decreased and, if so, by what percentage of the total housing services that are provided by the owner?

EVIDENCE

Residence or Storage? At the Hearing, the tenant testified that he rented the subject room in a house as a residence, and that he lived there from January 2011 through January 2017. He further testified that his initial rent was \$180 per month, and increased to \$200 per month in July 2015. He last paid rent in January 2017, and paid rent in these amounts for the entire time that he lived there. The tenant submitted copies of 7 rent checks each in the amount of \$200, payable to the owner, which are dated between June 1, 2016 and October 1, 2017.¹

Mr. Yang testified that he has lived in the house in which the subject rental unit is located since the year 2006, and he still lives there. He is familiar with the tenant's rental situation. Mr. Yang further testified that the tenant was rented a room in the house for the purpose of storage, and not as a residence. The initial rent was \$180 per month, but the tenant paid no rent for the first 6 months.

At one point in his testimony, Mr. Yang stated that the tenant never paid rent of more than \$190 per month. However, after being shown the aforementioned rent checks, Mr. Yang testified that the rent was increased to \$200 because the tenant's girlfriend was moving in.²

RAP Notice: All parties testified that the tenant has never received the RAP Notice.

Decreased Housing Services:

Security Bars: The tenant testified that, at the start of his tenancy, there were security bars on the two bedroom windows that could not be opened from the inside. The tenant submitted a City of Oakland Fire Inspection Report dated December 20, 2016 regarding the subject rental unit.³ This Report cites a Code Section and states, in part: "Emergency escape (window bars) – appear to be quick-release type, but bolted from interior in sleeping area. Repair or remove." The tenant further testified that in January 2017, the owner removed the bars from one, but not both, of these windows. Mr. Yang did not dispute this testimony.

¹ Exhibit Nos. 4A through 4C. These Exhibits, and all others to which reference is made in this Decision, were admitted into evidence without objection.

² Recording of Hearing, at 1:09:50.

³ Exhibit No. 2. This Exhibit, and all others to which reference is made in this Decision, were admitted into evidence without objection.

Mice: The tenant testified that there have been mice and mice droppings in his room since he moved in, and he immediately reported this problem to the owner and the owner's representative. He further testified that the owner gave him mouse poison, and that he bought and used mouse traps that he bought himself. However, there was little improvement during the course of his tenancy.

The tenant submitted a document entitled "Record Detail with Comments" from the City Inspection Services Agency regarding the subject unit.⁴ The entry on this document dated December 19, 2016 states, in part: "Onsite Inspection, photos taken, violations verified. Tenant showed me mice droppings at kitchen floor near range . . ."

At the Hearing, the tenant played a DVD that he had submitted, which he testified he had taken in his unit. This recording depicted mice in traps, a mouse running across the floor, and a live mouse in a garbage can. Mr. Yang testified that there are mice because the tenant's room is dirty, and because the tenant had a dog, and dog food was always in a bowl on the floor.

Smoke Detector: The tenant testified that there has never been a smoke detector in his unit. The Fire Inspection Report states, in part: "Smoke Alarm- Required in all sleeping areas. Must be installed." Mr. Yang did not dispute this testimony.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Residence or Storage? It would be unusual for someone to pay \$180 per month in order to store belongings in a room in a house, rather than in a storage unit in a locked facility. Further, Mr. Yang's testimony that the rent was increased when the tenant's girlfriend "moved in" belies his testimony that the room was merely rented for storage. The tenant has proven by a preponderance of the evidence that he lived in a residential rental unit.

RAP Notice: It is found that the tenant has never received the RAP Notice.

Rent Overpayments: A tenant petition must be filed within 90 days of the date of service of a rent increase notice or the date the tenant first receives the RAP Notice, whichever is later.⁵ Since the tenant has never received the RAP Notice, his petition is timely to challenge the rent increase of July 2015.

Further, the second page of the Owner Response form states, in part: "You must prove that each contested rent increase greater than the Annual CPI Adjustment is justified . . . For each justification checked on the following table, you must submit organized documents demonstrating your entitlement to the increase." No justification is checked.

Each party has a Due Process right to know what claims the other party is making. Since the tenant has never received the RAP Notice, and the owner's response did not state a justification for the contested rent increase, as set forth on the Table below, the tenant overpaid rent from July 2015 through January 2017.

⁴ Exhibit No. 3

⁵ O.M.C. Section 8.22.090 (A)(2)

Decreased Housing Services: Under the Rent Adjustment Ordinance, a decrease in housing services is considered to be an increase in rent⁶ and may be corrected by a rent adjustment.⁷ However, in order to justify a decrease in rent, a decrease in housing services must be either the elimination or reduction of a service that existed at the start of the tenancy or a violation of the housing or building code which seriously affects the habitability of the tenant's unit.

There is also a time limit for claiming decreased housing services. A tenant petition must be filed within 90 days after the date of service of a rent increase notice or change in the terms of a tenancy or the date the tenant first receives the RAP Notice, whichever is later.⁸ Where the RAP notice has never been given, as is the case here, a tenant can be granted restitution for rent overpayments due to decreased housing services for a maximum of 3 years.⁹ Therefore, restitution for rent overpayments may be granted from February 2014 through January 2017.

Further, in order for a tenant's claim for decreased housing services to be granted, an owner must have notice of a problem and a reasonable opportunity to make needed repairs.

Security Bars: Window bars that cannot be opened from the inside create a potentially life-threatening situation. The owner obviously knew about this situation at the start of the tenancy. This condition reduced the package of housing services by 10% from February 2014 through January 2017. As set forth on the Table below, the tenant overpaid rent during that time.

Mice: The tenant has proven by a preponderance of the evidence that there was a significant mouse infestation in the unit that he did not cause, and that he notified the owner's agent about this shortly after the start of his tenancy. Mice are certainly annoying, and pose a significant health risk, as well. This condition reduced the package of housing services by 10% from February 2014 through January 2017. As set forth on the Table below, the tenant overpaid rent during that time.

Smoke Detector: The Oakland Fire Code states: "Within each unit, smoke detectors shall be located in each bedroom and hallway adjacent to a bedroom."¹⁰ Smoke detectors are potentially life-saving devices, and the absence of smoke detectors in the bedrooms reduced the package of housing services by 10% from February 2014 through January 2017. As set forth on the Table below, the tenant overpaid rent during that time.

Conclusion: If a tenant continues to live in a rental unit, restitution for rent overpayments is accomplished by lowering future rent. Since the tenant in this case has moved, that is obviously not possible. However, because of overpaid rent and decreased housing services, the tenant overpaid rent in the total amount of \$2,438. The tenant can pursue his remedy in a court of law.

⁶ O.M.C. Section 8.22.070(F)

⁷ O.M.C. Section 8.22.110(E)

⁸ O.M.C. Section 8.22.090(A)(2)

⁹ Appeal Decision in Case No. T06-0051, Barajas/Avalos v. Chu

¹⁰ Oakland Fire Code, Section 2-15.32

VALUE OF LOST SERVICES

Service Lost	From	To	Rent	% Rent Decrease	Decrease /month	No. Months	Overpaid
Security Bars	1-Feb-14	30-Jun-15	\$180	10%	\$ 18.00	17	\$306.00
Security Bars	1-Jul-15	31-Jan-17	\$200	10%	\$ 20.00	19	\$380.00
Mice	1-Feb-14	30-Jun-15	\$180	10%	\$ 18.00	17	\$306.00
Mice	1-Jul-15	31-Jan-17	\$200	10%	\$ 20.00	19	\$380.00
Smoke Alarm	1-Feb-14	30-Jun-15	\$180	10%	\$ 18.00	17	\$306.00
Smoke Alarm	1-Jul-15	31-Jan-17	\$200	10%	\$ 20.00	19	\$380.00
TOTAL LOST SERVICES							\$2,058.00

OVERPAID RENT

From	To	Monthly Rent paid	Max Monthly Rent	Difference per month	No. Months	Sub-total
1-Jul-15	31-Jan-17	\$200	\$180	\$20.00	19	\$380.00
TOTAL OVERPAID RENT						\$380.00

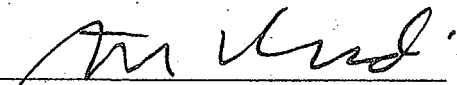
RESTITUTION

TOTAL TO BE REPAYED TO TENANT \$ 2,438.00

ORDER

1. Petition T17-0048 is granted.
2. The tenant overpaid rent in the amount of \$2,438.
3. Right to Appeal: **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) calendar days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: October 20, 2017



 Stephen Kasdin
 Hearing Officer
 Rent Adjustment Program

PROOF OF SERVICE

Case Number T17-0048

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached Hearing Decision by placing a true copy of it in a sealed envelope in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

Tenants

Randy Chau
831 International Blvd
Oakland, CA 94606

Randy Chau
220 International Blvd.
Oakland, CA 94606

Owner

Wen Sen Yang & Lui Ping Xia
220 International Blvd
Oakland, CA 94606

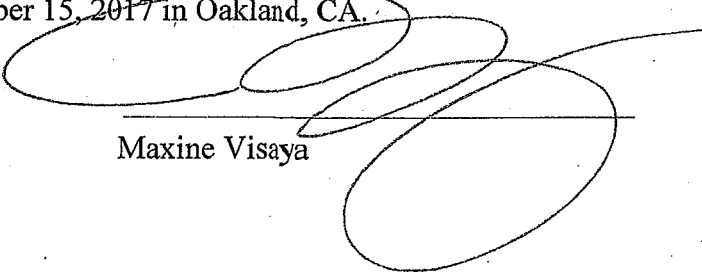
Zhi Cai & Diana Owyang
1225 2nd Ave
Oakland, CA 94606

Owner Representative

Stanley Siu
601 Athol Ave
Oakland, CA 94610

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 15, 2017 in Oakland, CA.



Maxine Visaya

000057

2017 NOV 28 PM 2:03

City of Oakland Residential Rent Adjustment Program 250 Frank Ogawa Plaza, Suite 5313 Oakland, California 94612 (510) 238-3721		APPEAL REVIEWED AND APPROVED [Signature] INITIAL DATE	
Appellant's Name CAI PING XIA		Landlord <input checked="" type="checkbox"/> Tenant <input type="checkbox"/>	
Property Address (Include Unit Number) 220 INTERNATIONAL BOULEVARD, BACK ROOM A, OAKLAND, CA 94606			
Appellant's Mailing Address (For receipt of notices) 220 INTERNATIONAL BLVD, OAKLAND, CA 94606		Case Number T 17 0048 Date of Decision appealed NOVEMBER 15, 2017	
Name of Representative (if any)		Representative's Mailing Address (For notices)	

I appeal the decision issued in the case and on the date written above on the following grounds:
 (Check the applicable ground(s). Additional explanation is required (see below). Please attach additional pages to this form.)

- The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board.** You must identify the Ordinance section, regulation or prior Board decision(s) and specify the inconsistency. Randy signed only in petition, is ordered to move out by court. He fraudulently concealed. His storage period differed. No written storage agreement in writing. Other roommate left in 2015. No possession. No standing.
- The decision is inconsistent with decisions issued by other hearing officers.** You must identify the prior inconsistent decision and explain how the decision is inconsistent. More info will be provided asap. Limited English speaking seniors co-tenants failed to understand fully because of previous staff's statement "Close case".
- The decision raises a new policy issue that has not been decided by the Board.** You must provide a detailed statement of the issue and why the issue should be decided in your favor.
- The decision is not supported by substantial evidence.** You must explain why the decision is not supported by substantial evidence found in the case record. The entire case record is available to the Board, but sections of audio recordings must be pre-designated to Rent Adjustment Staff. Substantial evid was presented in previous court. Judge ordered Randy out, with considering all stated issues.
- I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim.** You must explain how you were denied a sufficient opportunity and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute. 3 witnesses present in court. Hearing on 9/25/2017 wasn't provide sufficient chance for limited Eng senior to ans, to understand.
- The decision denies me a fair return on my investment.** You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.

Co-tenant of Room B (Lau's) ended in 2015 with no complaint, no notify necessity, and satisfactory relation for 12+mths. No standg
 ance caused by illegal stayover, illegal sex act, harassing minor (granddaughter), physical abused senior (Restraining order
 granted by court Randy against female senior Xia 1 year, ordered to moveout); "Not for residence" was warned to Randy.
 commercial kickout, This order to moveout in 12/2016 by court. Current kickout around 10/2017- All 3 proves habitual misdeam
 info was reserved to be presented to appeal. Senior abuses require reasonable level, continued. Randy habitually fraud.


000058

2017 NOV 28 PM 2:03

7. Other. You must attach a detailed explanation of your grounds for appeal. Submissions to the Board Reserve right to present timely due to senior capacity, limited English proficient, police reports and court paper retrieval process are limited to 25 pages from each party. Number of pages attached 2. Please number attached pages consecutively.

8. You must serve a copy of your appeal on the opposing party(ies) or your appeal may be dismissed. I declare under penalty of perjury under the laws of the State of California that on Nov 28, 2002017, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

Name	Randy Chau (storage space payor)
Address	831 International Blvd
City, State Zip	Oakland, CA 94606
Name	Lau Lan Hing (past non-evicted co-tenant in 2015)
Address	831 International Blvd
City, State Zip	Oakland, CA 94606

 SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	11/27/2017 DATE
--	--------------------

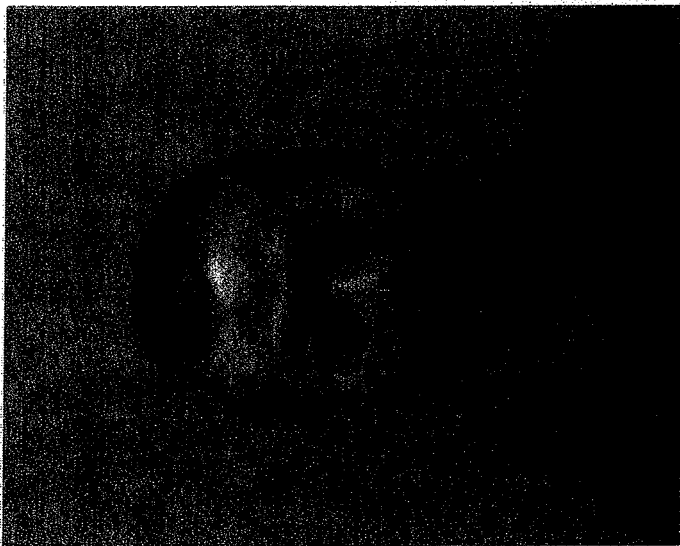
IMPORTANT INFORMATION:

This appeal must be received by the Rent Adjustment Program, 250 Frank Ogawa Plaza, Suite 5313, Oakland, California 94612, not later than 5:00 P.M. on the 20th calendar day after the date the decision was mailed to you as shown on the proof of service attached to the decision. If the last day to file is a weekend or holiday, the time to file the document is extended to the next business day.

- Appeals filed late without good cause will be dismissed.
- You must provide all of the information required or your appeal cannot be processed and may be dismissed.
- Anything to be considered by the Board must be received by the Rent Adjustment Program by 3:00 p.m. on the 8th day before the appeal hearing.
- The Board will not consider new claims. All claims, except as to jurisdiction, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.

CHAU, RANDY

2017 NOV 28 PM 2:03



Known Aliases

- None

Description

Date of Birth: 9/18/1963
Sex: MALE
Height: 5'05
Weight: 145
Eye Color: BROWN
Hair Color: GRAY/PARTIALLY GRAY
Ethnicity: VIETNAMESE

*Not disclosed
 until discovered -
 concealment*

Offenses

Offense Code: 286(a)
Description: LEWD OR LASCIVIOUS ACTS WITH A CHILD UNDER 14 YEARS OF AGE
Year of Last Conviction: 2007
Year of Last Release: 2008

If you believe a crime has been committed, please contact your local law enforcement agency.

The Department of Justice has no information about a subsequent felony incarceration for this registrant

SHORT TITLE: Randy Chau	CASE NUMBER: HG1784484
----------------------------	---------------------------

ATTACHMENT (Number): 10

(This Attachment may be used with any Judicial Council form.)

January 25, 2017

Attachment 10, "Other Orders"

Restrained party is ordered and must not allow granddaughter to stay in unit while the Protected party is in the home.

Protected party is ordered to move out from 220 International Blvd, Oakland, CA no later than February 1, 2017 by 12:00 PM.

Parties are ordered not to curse, yell, or throw anything at each other nor touch each other for any reason.

Judge
ORDER
Randy to move out

RECEIVED
 CLERK OF SUPERIOR COURT
 COUNTY OF ALAMEDA
 2017 NOV 28 PM 2:03

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1
(Add pages as required)

Clerk stamps date here when form is filed.

Notice to the person being sued:

- You are the defendant if your name is listed in 2 on page 2 of this form. The person suing you is the plaintiff, listed in 1 on page 2.
You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
If you lose, the court can order that your wages, money, or property be taken to pay this claim.
Bring witnesses, receipts, and any evidence you need to prove your case.
Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en 2 de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en 1 de la página 2.
Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar éste reclamo.
Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse
1225 Fallon Street
Oakland, CA 94612

Clerk fills in case number and case name:

Case Number: RS17883889
Case Name: Xia VS Chau

Order to Go to Court

The people in 1 and 2 must go to court on: (Clerk fills out section below)

Table with columns: Trial Date, Date, Time, Department, Name and address of court if different from above. Includes handwritten entries for trial date 04/10/2018 at 01:30 PM in Department 511 at 24405 Amador Street, Hayward. Includes signature of Doreen Oh and date 11/28/2017.

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
Before you fill out this form, read Form SC-100-INFO, Information for the Plaintiff, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/smallclaims/forms.
Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names): Cai Ping Xia

Case Number: RS17883889

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: Cai Ping Xia Phone: _____

Street address: 220 International Blvd Room A Oakland CA 94606
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

- Check here if more than two plaintiffs and attach Form SC-100A.
Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.
Check here if any Plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity that is being sued) is:

Name: Randy Chau, (Storage Payor) Phone: _____

Street address: 831 International Blvd Oakland CA 94606
Street City State Zip

Mailing address (if different): _____
Street City State Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: _____ Job title, if known: _____

Address: _____
Street City State Zip

- Check here if your case is against more than one defendant, and attach form SC-100A..
Check here if any defendant is on active military duty, and write his or her name here: _____

3 The plaintiff claims the defendant owes \$ 4,938.00. (Explain below):

a. Why does the Defendant owe the plaintiff money?

Unpaid repairs after moved-out; non-stop retaliating bona fida sumaritian who help his difficult issues before, inflicting emotional distress against senior co-tenants; physical damages by moving

b. When did this happen? (Date): 2015

If no specific date, give the time period: Date started: 2/2014 Through: 1/31/2017

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) Unpaid repairs, damages physically to property, illegal use of premise as storing, unfair practice, senior abusing verbally and physically, retaliation against bona fida senior co-tenants, sexual

- Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property.

Have you done this? [X] Yes [] No

If no explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. [X] (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
(2) Where the plaintiff's property was damaged.
(3) Where the plaintiff was injured.
b. [] Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans.
c. [] Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card).
d. [] Where the buyer signed the contract, lives now, or lived, when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale.
e. [] Other (specify):

6 List the zip code of the place checked in 5 above (if you know): 94606

7 Is your claim about an attorney-client fee dispute? [] Yes [X] No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: []

8 Are you suing a public entity? [] Yes [X] No

If yes, you must file a written claim with the entity first. [] A claim was filed on (date):

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

[] Yes [X] No If yes, the filing fee for this case will be higher.

10 Is your claim for more than \$2500? [X] Yes [] No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 11/28/2017

Cai Ping Xia

Signature on File

Plaintiff types or prints name here

Plaintiff signs here

Date:

Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.*) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparesse.

¿Qué hago si necesito una adaptación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Request for Accommodations. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Pregúntele al secretario de la corte lo más pronto posible si en el juzgado habrá un intérprete disponible y cómo solicitarlo. No siempre están disponibles los intérpretes de la corte. Otra opción es llevar a un adulto que pueda interpretar para usted siempre que esa persona no sea un testigo ni un abogado. O puede pedir a la corte una lista de intérpretes particulares disponibles para contratar.

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de apelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140. Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, Solicitud de desestimación (Request for Dismissal) ante el secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)

- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió el orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

Call (510) 272-1393

- visit www.courts.ca.gov/reclamosmenores/asesores



SHORT TITLE: Xia VS Chau	CASE NUMBER: RS17883889
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ADDITIONAL ADDRESSEES

Cai Ping Xia
220 International Blvd
Room A
Oakland, CA 94606

Randy Chau, (Storage Payor)
831 International Blvd
Oakland, CA 94606

This is correct
address. Also
commercial add.
Prove habitual illegality



CHRONOLOGICAL CASE REPORT

Case No: T17-0345

Case Name: Cucci v. Lantz Properties

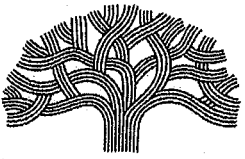
Property Address: 2500 Ivy Drive, #104, Oakland, CA

Parties: Lawrence Cucci (Tenant)
Edgar Lantz (Owner)
Bruce C. Harmon (Agent for Owner)

OWNER APPEAL

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	June 5, 2017
Owner Response filed	August 14, 2017
Hearing Decision Mailed	November 16, 2017
Owner Appeal filed	December 12, 2017

T17.0345 KM/BK

 CITY OF OAKLAND	CITY OF OAKLAND RENT ADJUSTMENT PROGRAM P.O. Box 70243 Oakland, CA 94612-0243 (510) 238-3721	For date stamp: 2017 JUN -5 AM 10:16
		TENANT PETITION

Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your petition being rejected or delayed.

Please print legibly

Your Name LAWRENCE B. CUCCI	Rental Address (with zip code) 2500 IVY DR APT. 104 OAKLAND, CA 94606	Telephone: 415-308-7149
		E-mail:
Your Representative's Name	Mailing Address (with zip code)	Telephone: Email:
Property Owner(s) name(s) EDGAR LANTZ	Mailing Address (with zip code) (Same as below) ↓	Telephone: 1-510-428-9111 Email:
Property Manager or Management Co. (if applicable) LANTZ PROPERTIES LLC	Mailing Address (with zip code) 5339 BROADWAY # 400 OAKLAND, CA 94618	Telephone: 1-510-428-9111 Email: lantzproperties.com

Number of units on the property: 12

Type of unit you rent (check one)	<input type="checkbox"/> House	<input type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Apartment, Room, or Live-Work
Are you current on your rent? (check one)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)

I. GROUNDS FOR PETITION: Check all that apply. You must check at least one box. For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. **I (We) contest one or more rent increases on one or more of the following grounds:**

<input type="checkbox"/>	(a) The CPI and/or banked rent increase notice I was given was calculated incorrectly.
<input checked="" type="checkbox"/>	(b) The increase(s) exceed(s) the CPI Adjustment and is (are) unjustified or is (are) greater than 10%.
<input type="checkbox"/>	(c) I received a rent increase notice before the property owner received approval from the Rent Adjustment Program for such an increase and the rent increase exceeds the CPI Adjustment and the available banked

	rent increase.
	(d) No written notice of Rent Program was given to me together with the notice of increase(s) I am contesting. (Only for increases noticed after July 26, 2000.)
<input checked="" type="checkbox"/>	(e) The property owner did not give me the required form "Notice of the Rent Adjustment Program" at least 6 months before the effective date of the rent increase(s).
	(f) The rent increase notice(s) was (were) not given to me in compliance with State law.
	(g) The increase I am contesting is the second increase in my rent in a 12-month period.
	(h) There is a current health, safety, fire, or building code violation in my unit, or there are serious problems with the conditions in the unit because the owner failed to do requested repair and maintenance. (Complete Section III on following page)
	(i) The owner is providing me with fewer housing services than I received previously or is charging me for services originally paid by the owner. (OMC 8.22.070(F): A decrease in housing services is considered an increase in rent. A tenant may petition for a rent adjustment based on a decrease in housing services.) (Complete Section III on following page)
	(j) My rent was not reduced after a prior rent increase period for a Capital Improvement had expired.
	(k) The proposed rent increase would exceed an overall increase of 30% in 5 years. (The 5-year period begins with rent increases noticed on or after August 1, 2014).
	(l) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake (OMC 8.22, Article I)
	(m) The owner did not give me a summary of the justification(s) for the increase despite my written request.
	(n) The rent was raised <u>illegally</u> after the unit was vacated as set forth under OMC 8.22.080.

II. RENTAL HISTORY: (You must complete this section)

Date you moved into the Unit: 1997 Initial Rent: \$ 783.86 /month

When did the owner first provide you with the RAP NOTICE, a written NOTICE TO TENANTS of the existence of the Rent Adjustment Program? Date: 1-27-2017. If never provided, enter "Never."

Is your rent subsidized or controlled by any government agency, including HUD (Section 8)? Yes No

List all rent increases that you want to challenge. Begin with the most recent and work backwards. If you need additional space, please attach another sheet. If you never received the RAP Notice you can contest all past increases. You must check "Yes" next to each increase that you are challenging.

Date you received the notice (mo/day/year)	Date increase goes into effect (mo/day/year)	Monthly rent increase		Are you Contesting this Increase in this Petition?*	Did You Receive a Rent Program Notice With the Notice Of Increase?
		From	To		
<u>1-27-17</u>	<u>10-7-17</u>	<u>\$783.86</u>	<u>\$918.20</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

* You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a *RAP Notice* with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)

Have you ever filed a petition for this rental unit?

- Yes
 No

List case number(s) of all Petition(s) you have ever filed for this rental unit and all other relevant Petitions:

III. DESCRIPTION OF DECREASED OR INADEQUATE HOUSING SERVICES:

Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

- Are you being charged for services originally paid by the owner? Yes No
Have you lost services originally provided by the owner or have the conditions changed? Yes No
Are you claiming any serious problem(s) with the condition of your rental unit? Yes No

If you answered "Yes" to any of the above, or if you checked box (h) or (i) on page 2, please attach a separate sheet listing a description of the reduced service(s) and problem(s). Be sure to include the following:

- 1) a list of the lost housing service(s) or problem(s);
- 2) the date the loss(es) or problem(s) began or the date you began paying for the service(s)
- 3) when you notified the owner of the problem(s); and
- 4) how you calculate the dollar value of lost service(s) or problem(s).

Please attach documentary evidence if available.

You have the option to have a City inspector come to your unit and inspect for any code violation. To make an appointment, call the City of Oakland, Code of Compliance Unit at (510) 238-3381.

IV. VERIFICATION: The tenant must sign:

I declare under penalty of perjury pursuant to the laws of the State of California that everything I said in this petition is true and that all of the documents attached to the petition are true copies of the originals.

Laudence B. Cudee
Tenant's Signature

6-5-17
Date

V. MEDIATION AVAILABLE: Mediation is an entirely voluntary process to assist you in reaching an agreement with the owner. If both parties agree, you have the option to mediate your complaints before a hearing is held. If the parties do not reach an agreement in mediation, your case will go to a formal hearing before a different Rent Adjustment Program Hearing Officer.

You may choose to have the mediation conducted by a Rent Adjustment Program Hearing Officer or select an outside mediator. Rent Adjustment Program Hearing Officers conduct mediation sessions free of charge. If you and the owner agree to an outside mediator, please call (510) 238-3721 to make arrangements. Any fees charged by an outside mediator for mediation of rent disputes will be the responsibility of the parties requesting the use of their services.

Mediation will be scheduled only if both parties agree (after both your petition and the owner's response have been filed with the Rent Adjustment Program). **The Rent Adjustment Program will not schedule a mediation session if the owner does not file a response to the petition.** Rent Board Regulation 8.22.100.A.

If you want to schedule your case for mediation, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff Hearing Officer (no charge).

Tenant's Signature

Date

VI. IMPORTANT INFORMATION:

Time to File This form must be received at the offices of the City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612 within the time limit for filing a petition set out in the Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22. Board Staff cannot grant an extension of time to file your petition by phone. For more information, please call: (510) 238-3721.

File Review

Your property owner(s) will be required to file a response to this petition within 35 days of notification by the Rent Adjustment Program. You will be sent a copy of the Property Owner's Response. The petition and attachments to the petition can be found by logging into the RAP Online Petitioning System and accessing your case once this system is available. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

VII. HOW DID YOU LEARN ABOUT THE RENT ADJUSTMENT PROGRAM?

- Printed form provided by the owner
- Pamphlet distributed by the Rent Adjustment Program
- Legal services or community organization
- Sign on bus or bus shelter
- Rent Adjustment Program web site
- Other (describe): _____



CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

P.O. Box 70243
Oakland, CA 94612-0243
(510) 238-3721

For date stamp
RECEIVED
CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM

2017 AUG 14 PM 12:09

PROPERTY OWNER
RESPONSE

Please Fill Out This Form As Completely As You Can. Failure to provide needed information may result in your response being rejected or delayed.

CASE NUMBER T17-0345

Your Name LANTZ PROPERTIES LLC EDGAR A. LANTZ	Complete Address (with zip code) 5339 BROADWAY #400 OAKLAND, CA 94618	Telephone: 510-428-9111
		Email: lantzproperties@ lantzproperties.com
Your Representative's Name (if any)	Complete Address (with zip code)	Telephone:
		Email:
Tenant(s) Name(s) LAWRENCE B. LUCCI	Complete Address (with zip code) 2500 IVY DR #104 OAKLAND, CA 94606	415-308-7149
Property Address (If the property has more than one address, list all addresses) 2500 IVY DR, OAKLAND, CA 94606		Total number of units on property 13

Have you paid for your Oakland Business License? Yes No Lic. Number: 56691 "EXHIBIT 1"
The property owner must have a current Oakland Business License. If it is not current, an Owner Petition or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Have you paid the current year's Rent Program Service Fee (\$68 per unit)? Yes No APN: 22-0340-018-02
The property owner must be current on payment of the RAP Service Fee. If the fee is not current, an Owner Petition "EXHIBIT 2" or Response may not be considered in a Rent Adjustment proceeding. Please provide proof of payment.

Date on which you acquired the building: 1/14/83.

Is there more than one street address on the parcel? Yes No .

Type of unit (Circle One): House / Condominium / Apartment room, or live-work

I. JUSTIFICATION FOR RENT INCREASE You must check the appropriate justification(s) box for each increase greater than the Annual CPI adjustment contested in the tenant(s) petition. For the detailed text of these justifications, see Oakland Municipal Code Chapter 8.22 and the Rent

Board Regulations. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

You must prove the contested rent increase is justified. For each justification checked on the following table, you must attach organized documentary evidence demonstrating your entitlement to the increase. This documentation may include cancelled checks, receipts, and invoices. Undocumented expenses, except certain maintenance, repair, legal, accounting and management expenses, will not usually be allowed.

"EXHIBITS 3, 4, 5"

<u>Date of Contested Increase</u>	<u>Banking (deferred annual increases)</u>	<u>Increased Housing Service Costs</u>	<u>Capital Improvements</u>	<u>Uninsured Repair Costs</u>	<u>Debt Service</u>	<u>Fair Return</u>
10/1/2017	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are justifying additional contested increases, please attach a separate sheet.

II. RENT HISTORY If you contest the Rent History stated on the Tenant Petition, state the correct information in this section. If you leave this section blank, the rent history on the tenant's petition will be considered correct

The tenant moved into the rental unit on 3/9/1996

The tenant's initial rent including all services provided was: \$ 465.00 / month.

Have you (or a previous Owner) given the City of Oakland's form entitled "NOTICE TO TENANTS OF RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") to all of the petitioning tenants?

Yes No I don't know

If yes, on what date was the Notice first given? 2/9/1996

Is the tenant current on the rent? Yes No

Begin with the most recent rent and work backwards. If you need more space please attach another sheet.

<u>Date Notice Given (mo./day/year)</u>	<u>Date Increase Effective</u>	<u>Rent Increased</u>		<u>Did you provide the "RAP NOTICE" with the notice of rent increase?</u>
		<u>From</u>	<u>To</u>	
11/31/2017	10/1/2017	\$ 858.86	\$ 919.20	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No
		\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No

III. EXEMPTION

If you claim that your property is exempt from Rent Adjustment (Oakland Municipal Code Chapter 8.22), please check one or more of the grounds:

The unit is a single family residence or condominium exempted by the **Costa Hawkins Rental Housing Act** (California Civil Code 1954.50, et seq.). **If claiming exemption under Costa-Hawkins, please answer the following questions on a separate sheet:**

1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building housing, fire or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the petitioning tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?

The rent for the unit is **controlled, regulated or subsidized** by a governmental unit, agency or authority other than the City of Oakland Rent Adjustment Ordinance.

The unit was **newly constructed** and a certificate of occupancy was issued for it on or after January 1, 1983.

On the day the petition was filed, the tenant petitioner was a resident of a **motel, hotel, or boarding house** less than 30 days.

The subject unit is in a building that was **rehabilitated** at a cost of 50% or more of the average basic cost of new construction.

The unit is an accommodation in a **hospital, convent, monastery, extended care facility, convalescent home, non-profit home for aged, or dormitory** owned and operated by an educational institution.

The unit is located in a building with three or fewer units. The owner occupies one of the units continuously as his or her principal residence and has done so for at least one year.

IV. DECREASED HOUSING SERVICES

If the petition filed by your tenant claims **Decreased Housing Services**, state your position regarding the tenant's claim(s) of decreased housing services. If you need more space attach a separate sheet. Submit any documents, photographs or other tangible evidence that supports your position.

V. VERIFICATION

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Bruce Hammon FOR,
Property Owner's Signature

LANTZ PROPERTIES II, LLC

EDGAR A. LANTZ, SOLE MANAGING MEMBER

8/12/2017
Date

3

For more information phone (510)-238-3721.

IMPORTANT INFORMATION:

Time to File

This form **must be received** by the Rent Adjustment Program (RAP), P.O. Box 70243, Oakland, CA 94612-0243, within 35 days after a copy of the tenant petition was mailed to you. Timely mailing as shown by a postmark does not suffice. The date of mailing is shown on the Proof of Service attached to the response documents mailed to you. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open.

You can date-stamp and drop your Response in the Rent Adjustment drop box at the Housing Assistance Center.. The Housing Assistance Center is open Monday through Friday, except holidays, from 9:00 a.m. to 5:00 p.m..

File Review

You should have received a copy of the petition (and claim of decreased housing services) filed by your tenant. When the RAP Online Petitioning System is available, you will be able to view the response and attachments by logging in and accessing your case files. If you would like to review the attachments in person, please call the Rent Adjustment Program office at (510) 238-3721 to make an appointment.

Mediation Program

Mediation is an entirely voluntary process to assist you in reaching an agreement with your tenant. In mediation, the parties discuss the situation with someone not involved in the dispute, discuss the relative strengths and weaknesses of the parties' case, and consider their needs in the situation. Your tenant may have agreed to mediate his/her complaints by signing the mediation section in the copy of the petition mailed to you. If the tenant signed for mediation and if you also agree to mediation, a mediation session will be scheduled before the hearing with a RAP staff member trained in mediation.

If the tenant did not sign for mediation, you may want to discuss that option with them. You and your tenant may agree to have your case mediated at any time before the hearing by submitted a written request signed by both of you. If you and the tenant agree to a non-staff mediator, please call (510) 238-3721 to make arrangements. Any fees charged by a non-staff mediator are the responsibility of the parties that participate. You may bring a friend, representative or attorney to the mediation session. Mediation will be scheduled only if both parties agree and after your response has been filed with the RAP.

If you want to schedule your case for mediation and the tenant has already agreed to mediation on their petition, sign below.

I agree to have my case mediated by a Rent Adjustment Program Staff member at no charge.

Property Owner's Signature

Date

For more information phone (510)-238-3721.

LANTZ PROPERTIES LLC

LANDLORD RESPONSE

Cucci vs. Lantz Case Number: T17-0345

I. Grounds for Petition

Mr. Cucci's is contesting that the rent increase is greater than the annual CPI increase allowed on the grounds that (b) The increase exceeds the CPI Adjustment and is unjustified or is greater than 10%.

Mr. Cucci's increase is based on Capital Improvements and falls within the allowable limit according to your ENHANCED NOTICE TO TENANTS FOR CAPITAL IMPROVEMENTS form.

Also, the tenant portion of the Oakland Rent Service Fee increased from \$1.25 per month to \$2.83 per month

On the THIRTY DAY NOTICE OF CHANGE OF MONTHLY RENT we gave Mr. Cucci on 1/31/2017, we mistakenly listed his previous rent as \$783.86, but this did not include \$75 for the garage he rents. His previous rent was \$858.86.

Please see Exhibit 6, the THIRTY DAY NOTICE OF CHANGE OF MONTHLY RENT, effective 10/01/2016, increasing Mr. Cucci's rent to \$858.86, and Exhibit 7 Mr. Cucci's Rent Statement from 8/1/2016 showing that he has been paying \$858.86 per month from 10/01/2016 to date.

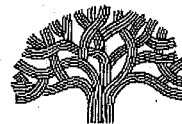
Mr. Cucci is also contesting the rent increase on the grounds that (e) The property owner did not give me the required form "Notice of the Rent Adjustment Program" at least 6 months before the effective date of the rent increase(s).

Mr. Cucci first received a copy of the "Notice of the Rent Adjustment Program" on 2/9/1996 and on the back of every rent increase he has been given since then including the one given to him on 1/31/2017. He states in II Rental History that he received a copy on 1/27/2017 which is more than 6 months prior to the effective date of the rent increase.

Sincerely,

Edgar A. Lantz

(21)



P.O. BOX 70243, OAKLAND, CA 94612-2043

CITY OF OAKLAND

Department of Housing and Community Development
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
TDD (510) 238-3254

HEARING DECISION

CASE NUMBER: T17-0345, Cucci v. Lantz
PROPERTY ADDRESS: 2500 Ivy Dr., # 104, Oakland, CA
DATE OF HEARING: October 17, 2017
DATE OF DECISION: October 25, 2017
APPEARANCES: Lawrence B. Cucci (Tenant)
Edgar Lantz (Owner)
Bruce C. Harmon (Agent for Owner)

SUMMARY OF DECISION

The tenant's petition is granted.

CONTENTIONS OF THE PARTIES

The tenant filed a petition on June 5, 2017, which alleges that a proposed rent increase from \$858.86 to \$919.20 per month, effective October 1, 2017, exceeds the CPI Adjustment and is unjustified or is greater than 10%. The owner filed a response to the petition, which alleges that the proposed rent increase is justified by Capital Improvements.

THE ISSUE

Is a rent increase based upon Capital Improvements justified and, if so in what amount?

EVIDENCE

Capital Improvement Costs: The owner submitted the following documents regarding claimed capital improvement expenses: A Repair Proposal from Paramount Elevator Corp. dated July 14,

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2016, for replacement of the elevator cylinder in the subject building in the amount of \$60,900, and a document apparently prepared by "Lantz Properties, LLC."¹ This latter document states that in July and August 2016, the total sum of \$65,486 was paid for a "repair."

Rent History: At the Hearing, the tenant testified that he paid rent of \$858.86 in October 2017, and that he will continue to pay this amount until he receives a Hearing Decision.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The applicable rules of evidence in an Administrative Hearing are stated in Government Code Section 11513: "Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs . . ."

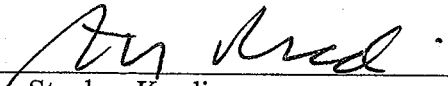
The Rent Adjustment Ordinance states: "In order for an owner to file a response to a tenant petition . . . the owner must provide the following: . . . Documentation supporting the owner's claimed justification(s) for the rent increase."² The Board has held that "[I]n order for a landlord to establish an exemption for a substantially rehabilitated building . . . a landlord must provide evidence independent of his own testimony or summaries prepared in anticipation of the hearing to substantiate the costs of new construction."³ The same principle applies in a capital improvement case.

A list of purported expenses that was prepared by the owner – without any other proof of payment – clearly does not meet the required evidentiary standard for a rent increase. Therefore, the contested rent increase is invalid. Therefore, the tenant's rent remains \$858.86 per month.

ORDER

1. Petition T17-0345 is granted.
2. The rent remains \$858.86 per month.
3. **Right to Appeal:** This decision is the final decision of the Rent Adjustment Program Staff. Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) calendar days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: October 25, 2017



Stephen Kasdin
Hearing Officer
Rent Adjustment Program

¹ Exhibit Nos. 6 through 8, which were admitted into evidence without objection.

² O.M.C. Section 8.22.090(B)(1)

³ T04-0158, Ulman v. Breen & Orton

PROOF OF SERVICE

Case Number T17-0345

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached Hearing Decision by placing a true copy of it in a sealed envelope in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

Tenant

Lawrence B. Cucci
2500 Ivy Dr #104
Oakland, CA 94606

Owner

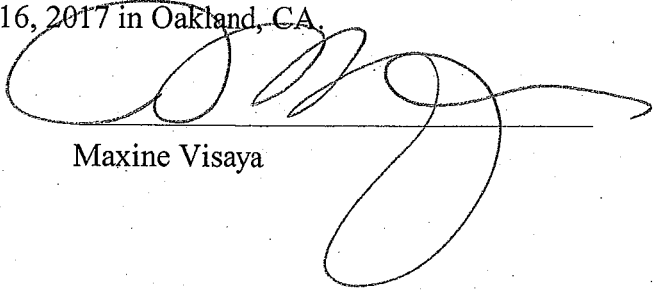
Lantz Properties LLC/Edgar Lantz
5339 Broadway #400
Oakland, CA 94618

Owner Representative

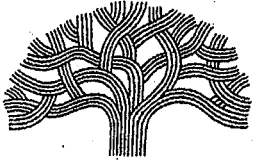
Bruce Harmon
5339 Broadway #400
Oakland, CA 94618

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 16, 2017 in Oakland, CA.


Maxine Visaya

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CITY OF OAKLAND

**CITY OF OAKLAND
RENT ADJUSTMENT PROGRAM**

250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

RECEIVED
CITY OF OAKLAND
RENT ARBITRATION PROGRAM
For date stamp

2017 DEC 12 PM 4:34

APPEAL

Appellant's Name LANTZ PROPERTIES LLC / EDGAR A LANTZ		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) 2500 IVY DR. #104 OAKLAND, CA 94606			
Appellant's Mailing Address (For receipt of notices) 5339 BROADWAY #400 OAKLAND, CA 94618		Case Number T17-0345	Date of Decision appealed 10/25/17
Name of Representative (if any) BRUCE HARMON		Representative's Mailing Address (For notices) SAME AS APPELLANT'S ADDRESS	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
 - a) The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
 - b) The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
 - c) The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
 - d) The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
 - e) The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

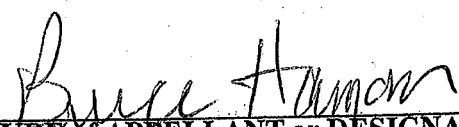
- f) I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g) The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h) Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board are limited to 25 pages from each party. Please number attached pages consecutively.
 Number of pages attached: 2

You must serve a copy of your appeal on the opposing party(ies) or your appeal may be dismissed.

I declare under penalty of perjury under the laws of the State of California that on DECEMBER 6, 2017, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<u>Name</u>	LAWRENCE B. CUCCI
<u>Address</u>	2500 IVY DR #104
<u>City, State Zip</u>	OAKLAND, CA 94606
<u>Name</u>	
<u>Address</u>	
<u>City, State Zip</u>	

	12/6/2017
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

LANTZ PROPERTIES LLC

APPEAL OF CASE NUMBER 717-0345

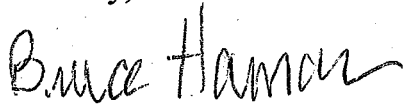
Under FINDINGS OF FACT AND CONCLUSIONS OF LAW, the last paragraph reads, in part:

A list of purported expenses that was prepared by the owner – without any other proof of payment – clearly does not meet the required evidentiary standard for a rent increase.

Exhibit 8, Hearing Officer Kasdin's numbering, is a receipt from Paramount Elevator showing bill was paid in full. This receipt is on Paramount Elevator's letterhead. We highlighted the total amount paid, \$65,486.00, on Paramount Elevator's receipt since the statement shows we were given a refund because the milling work, that we paid for in advance, was \$1,730.00 less than estimated.

I am attaching a copy of Exhibit 8 with Hearing Officer Kasdin's "8" in the upper right corner when viewed as "landscape".

Sincerely,



Bruce Harmon,
For Edgar A. Lantz
Lantz Properties LLC

LANTZPR001
 Lantz Properties, LLC
 1102 Silverado Trail
 Calistoga, CA 94515

Trial Balance - 2500 Ivy Drive
 9/30/2016

Invoice Number	Invoice Date	Division	Customer	Building Location	Total Amount	Status	Check	Payment Amt
INV-02503-K7K1	8/25/2016	Repair - 20	Lantz Properties, LLC	2500 Ivy Drive	\$ 47,216.00	Paid	6505	(\$47,216.00)
INV-01995-D5T6	7/18/2016	Repair - 20	Lantz Properties, LLC	2500 Ivy Drive	\$ 18,270.00	Paid	6450	(\$20,000.00)
					\$ 65,486.00			(\$67,216.00)

Balance Due (\$1,730.00)
 Refund Issued 9/22/16 CK#75500 \$ 1,730.00
 Balance Due \$ -



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EMBIT 5

(16)