Memorandum

DATE: November 19, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Rent Board Legal Staff

SUBJECT: Case No. T-6164 (2035 9th St., Unit B)

Case Summary and Legal Recommendation

Appellant Leigh Capital Inc. ("Landlord") appeals the Hearing Examiner's August 6, 2026 decision granting Fernando Perez's ("Tenant") petition concerning parking charges at 2035 9th Street, Unit B, Berkeley ("premises"). The Hearing Examiner found that parking was a regulated housing service provided at the beginning of the tenancy and that subsequent and separately assessed parking fees resulted in rent overcharges totaling $3,837.76.

Landlord argues that the Hearing Examiner gave insufficient weight to the lease and Vacancy Registration form, improperly applied the presumption in Regulation 1269(B)(1), and should not have imposed liability for charges collected by a previous landlord. Alternatively, Landlord requests remand for additional factual findings. However, these arguments do not warrant disturbing the decision. The Hearing Examiner considered the documentary evidence and credited Tenant's specific firsthand testimony that parking was assigned at the inception of Tenant's tenancy for the basis of his decision. The Board generally defers to a hearing examiner's credibility determinations and weighing of evidence. Further, established Board precedent provides that a successor landlord steps into the shoes of its predecessor and assumes liability for rent ceiling violations. As such, legal staff recommends that the decision be affirmed.

Appellant: Robbie Schultz (Leigh Capital Inc.)
Respondent: Fernando Perez
Respondent: Joanna Perez