

LANDLORD/TENANT EVICTION LAW

Overview

In Pennsylvania, a law called the Landlord/Tenant Act tells landlords what they must do to evict a tenant. The landlord has to follow this law no matter the reason for the eviction. (This law may not apply if you are staying in a rooming or boarding home, or are a guest in a hotel/motel.)

If the landlord tries to evict you without following the Pennsylvania Landlord/Tenant Act, by doing something such as changing the locks or shutting off your utilities, you should contact the Office of Consumer Protection for assistance at 1-800-441-2555.

To evict you the Landlord/Tenant Act says you must get a 10-day written eviction notice for nonpayment of rent or a 15 day notice if the eviction is for any other breach of the lease or end of lease term. **Note, however, that the Landlord/Tenant Act allows the notice requirements to be changed or waived in a written lease.** The notice must be posted on the property or hand delivered. Regular mail is not sufficient evidence of hand delivery. Certified mail, if return receipt signed by the tenant, or text message/email if evidence of actual receipt of the text or email by you is given to the court, may be considered sufficient evidence of hand delivery.

After the notice period is over the landlord must go to the Magisterial District Judge and file a Landlord/Tenant Complaint to get permission from the court to evict. Under the Magisterial District Judge court rules, the Magisterial District Judge's office will schedule a hearing in 7 to 15 days from the date the complaint is filed. You will receive notice of the date and time for the hearing. The landlord may ask for possession of the property, money for unpaid rent and damages to the property, if any, at the hearing.

At the hearing, the court rules require the Magisterial District Judge to do the following:

1. Determine if the eviction notice was given as required by the Landlord/Tenant Act or the lease;
2. The amount of rent due per month under the terms of the lease;
3. Whether any rent is past due and the amount past due;
4. The existence of any damages which are the responsibility of the tenant and the amount needed for repairs;
5. Whether a security deposit was paid and the amount where a damage claim is made by the landlord.

Any defenses you make to the landlord's claims need to focus on why the landlord wants to evict and/or get a money judgment for rent and/or damages.

The Magisterial District Judge will make a decision, either at the hearing, or within 3 days after the hearing. You will be sent a copy of the decision, called a Notice of Judgment, in the mail. **Please note:** the Notice of Judgment is the Court's decision. Therefore, do not rely on anything said by the Magisterial District Judge at the hearing that is different than what is stated in the Notice of Judgment.

The Notice of Judgment has two parts: the first is the money judgment, which consists of the amount of past due rent and/or damages owed by the tenant as decided by the court and the court costs the landlord paid to file the case if the landlord wins in whole or part on their claim. The second part of the judgment is called the Judgment for Possession. The Magisterial District Judge can either grant possession of the property to the landlord (Grant possession is "Yes") or, if the only reason for the eviction is nonpayment of rent, possession if the tenant does not pay the money judgment before the date set for the eviction (Grant possession if money judgment is not satisfied by the time of eviction is "Yes"). If the Magisterial District Judge enters a 'Grant possession' judgment only, paying the money judgment will not stop the eviction unless the landlord voluntarily decides not to evict the tenant.

If the landlord grants possession to the landlord, he or she must wait 10 days from the date the judgment is entered and then go back to the Magisterial District Judge to get an eviction order, called an Order for Possession. Sometimes Magisterial District Judges at the hearing tell the tenant they need to move in 10-days. This does not mean you have to move within that period of time, but that if you don't the landlord will then be able to get the Order for Possession. You will be given a copy of the Order for Possession by a constable or sheriff's deputy. The Order for Possession will tell you the date and time of day you have to be moved from the property. That date cannot be less than 10-days from the day the Order for Possession is served on you by a constable or sheriff's deputy. If you haven't moved by the date set forth in the Order for Possession a constable or sheriff's deputy will forcibly remove you at that time, giving you no time to remove any of your possessions.

If you are evicted by a constable or sheriff's deputy contact your landlord right away, but definitely within 10-days, to let him or her know if you intend to retrieve any possessions left behind due to the lockout. The landlord must allow you to come back and get your property within 30-days of the lockout date if you provided notice of your intent to do so within 10-days. Call Northwestern Legal Services if you have trouble getting your property from the landlord.

You can file an appeal from either or both the Judgment for Possession and money judgment if there is a reason you think the Magisterial District Judge made an error. You have 10-days from the date of judgment to appeal the Judgment for Possession and 30-days if you only want to appeal the money judgment. Call Northwestern Legal Services if you are thinking about filing an appeal for more information.

To request service with Northwestern Legal Services Call

(800) 665-6957

In Erie County call 452-6957

Or Apply online at: www.nwls.org

We have attempted to insure the accuracy of the information in this pamphlet at the time it was created or revised. However, the law does change, sometimes quickly and unexpectedly. Therefore, you should consult an attorney before taking or refraining from any action based on the information in this pamphlet.

Date Revised October 2018

