

## INFORMATION ABOUT LANDLORD-TENANT COURT

The Philadelphia Municipal Court hears cases involving a written or oral lease. The court has the authority to evict a tenant and to enter a money judgment. There is no limit to the amount of a money judgment. The court cannot hear a case involving a squatter and cannot order a landlord to make repairs.

A landlord may bring an action to recover money due under a lease, including the cost of repairs for which the former tenant is responsible when any security deposit is insufficient. A landlord may also bring an action to evict a tenant if: (1) the tenant failed to pay any rent due after it has been demanded by the landlord; (2) the tenant violated a material condition of the lease; or (3) the tenant failed to leave the leased premises in accordance with the lease. Self-help by a landlord is not permitted. A landlord may not change the locks, cut off utilities or remove a tenant's possessions from the property.

A tenant may sue a former landlord to recover a security deposit that has not been returned in a timely manner in accordance with the law.

The court has a web site (<http://fjdclaims.phila.gov>) where you can find case histories and documents filed in any case.

## HOW TO START A LANDLORD-TENANT CASE

The Philadelphia Municipal Court requires landlords seeking to evict to participate in the City of Philadelphia's Eviction Diversion Program first, and wait 30 days before filing an eviction complaint if the issues are not resolved or 90 days after the last covered month if the landlord has received payment through Eviction Diversion Program's Targeted Financial Assistance Program.

Applications can be made through <https://eviction-diversion.phila.gov/#/>. If an attorney does not represent you, you must come to the court's First Filing Unit on the 10<sup>th</sup> floor of 1339 Chestnut Street. **Call the unit at 215.686.2901/215.686.7987 or visit <https://www.courts.phila.gov> for information.** Only the owner of the property or the tenant has the right to bring an action. The owner or tenant may, however, authorize someone with knowledge of the case to bring the action. The court has an Authorized Representative Form for that purpose. Before coming to the First Filing Office, the form must be completed and signed by the owner or tenant and the authorized representative. The form may be found on and downloaded from the court's website.

The court has interviewers to assist in completing the necessary papers. The interviewer cannot provide legal advice. There is a charge to file an action and a charge to serve the legal papers on the opposing party. If you can demonstrate that you cannot afford these charges, the court may allow you to file an action without having to pay the initial filing fee.

Before coming to court, you must know the name and address of the party you want to sue. The court cannot accept post office boxes. If the party being sued is not an individual, you should make sure that you have the correct name of the corporation, partnership, limited liability entity. For assistance with locating Pennsylvania entities, you may contact Pennsylvania's Corporation Bureau ([www.dos.state.pa.us/corps/cwp/view.asp](http://www.dos.state.pa.us/corps/cwp/view.asp)) at 717.787.1057. For assistance in locating an entity that does business in Philadelphia, you may check to see if the entity has a Commercial Activity License by contacting the Department of Licenses and Inspections' License Issuance Unit. It is in the Concourse Level of the Municipal Services Building, 1401 JFK Boulevard and may be reached by calling 311.

### 1. Required documents when the landlord is seeking money due under a lease and/or eviction of the tenant

- A written lease if one exists.
- A current Business Privilege License.
- A current Housing Inspection License if the landlord is operating a multiple-family property, rooming house, dormitory, or hotel, or is renting a one- or two-family property or a rooming unit.
- A completed Certificate or Rental Suitability provided to the tenant at the beginning of tenancy.

- A copy of the Notice to Quit letter unless the lease provides that no notice is required. This letter puts the tenant on notice that the tenant must leave the property due to any of the following: (a) rent is past due; (b) the term of the lease has expired; or (c) the tenant has breached a condition of the lease other than nonpayment of rent. The letter must also notify the tenant of the date to leave the property. Unless the lease provides a different time period, the law provides the following minimum time periods that are measured from the date that the tenant receives the letter:

-Ten (10) days if it is alleged that rent is past due;

-If the lease has a current term of a year or less, fifteen (15) days if it is claimed that there is a breach of a condition of the lease other than nonpayment of rent or that the term of the lease has expired; and

-If the lease has a current term of more than a year, thirty (30) days if it is claimed that there is a breach of a condition of the lease other than nonpayment of rent or that the term of the lease has expired.

- Unpaid utility bills if the lease requires the tenant to pay them.

## ii. Required documents, if they exist, when the landlord is seeking to recover the cost of repairs

- A written lease.
- Photographs of the alleged damages.
- Proof of payment, invoices, and estimates.
- Correspondence or other documentation concerning the alleged damage.

## iii. Required documents, if they exist, when the tenant is seeking return of a security deposit

- A written lease.
- Documentation that the tenant returned the key and provided the landlord with a forwarding address.
- Correspondence from the tenant demanding the return of the security deposit.
- Correspondence from the landlord explaining why the full amount of the security deposit was not returned.

# THE LANDLORD TENANT TRIAL

Landlord-tenant trials are heard on the 6th Floor of 1339 Chestnut Street. The courtroom, date and time will be on the complaint.

Continuance requests should be made in writing at least ten (10) days before the scheduled trial. All requests should be addressed to John J. Joyce, Deputy Court Administrator, 1339 Chestnut St. Rm. 1020, Philadelphia, PA 19107 or emailed to <mailto:mcclaims@courts.phila.gov>. A copy must be sent to all parties. The request must specify the reason why a continuance is needed and provide a telephone number. Any continuance request received less than (10) days before trial will be attached for Judicial review on the day of the hearing unless there is an agreement of all parties to continue the matter.

All parties must appear on time in the assigned courtroom on the day of the trial. All parties should leave enough time to pass through security. **COURT STARTS ON TIME.**

If you are late or fail to appear, a default judgment will be entered against you. The court will send you a notice that a default judgment has been entered against you. You may file a petition to open the default judgment on the 10<sup>th</sup> floor of 1339 Chestnut Street. You must have a good reason for missing or being late for the trial, must file the petition promptly after learning of the default judgment, and must have a valid, meritorious claim or defense.

On the day of trial, Courtroom Navigators are available to explain the process, provide resources and provide neutral information.

The Lawyer of the Day Program is available to income-eligible tenants. This program can provide free, same day representation on the day of the trial for those who qualify.

The parties are given the opportunity to reach an agreement with or without the court's mediation program. The mediators are trained to help the parties to reach a binding agreement. They do not represent either side.

All agreements are in writing and must be signed by all parties. They are binding and cannot be appealed. A party should not sign an agreement unless it is completely clear and understood by that party. A mediator, member of the mediation program or a judge is always available.

If an agreement is not reached, the case will proceed to trial before a judge. The documents filed with the complaint must be brought to court. The defending party should also bring all the relevant documents. A trial is a formal court proceeding. You should follow these guidelines:

- Maintain your composure and be polite.
- Address your comments and questions to the judge unless the judge permits you to ask a question of another party.
- Do not interrupt the judge or another party. You will have the opportunity to explain your case.

The court will make an oral decision immediately after the trial or send the parties a written decision shortly after the trial. The court will give the parties information about the options available to them.



THE MUNICIPAL COURT COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT, WHICH REQUIRES THAT ALL COURT SERVICES AND FACILITIES BE ACCESSIBLE TO PERSONS WITH DISABILITIES. IF YOU HAVE A DISABILITY, AND REQUIRE REASONABLE ACCOMMODATIONS TO FILE A CLAIM, PARTICIPATE IN A MUNICIPAL COURT PROCEEDING OR USE ANY SERVICE PROVIDED BY THE COURT, PLEASE CALL 215-686-7986. REQUESTS FOR REASONABLE ACCOMMODATIONS MUST BE MADE AT LEAST THREE BUSINESS DAYS BEFORE ANY HEARING, OR WITHIN THREE BUSINESS DAYS AFTER SERVICE (DELIVERY) OF THE NOTICE OF THE HEARING, WHICHEVER IS LATER.

#### LANDLORD-TENANT EVICTION FILING FEES

\$0 to \$2000		\$2,000.01 to \$10,000		Over \$10,000	
<b>Court Costs</b>	\$22.00	<b>Court Costs</b>	\$44.00	<b>Court Costs</b>	\$66.00
<b>State Tax</b>	\$28.25	<b>State Tax</b>	\$28.25	<b>State Tax</b>	\$28.25
<b>Automation Fee</b>	\$5.50	<b>Automation Fee</b>	\$5.50	<b>Automation Fee</b>	\$5.50
<b>Service Fee*</b>	\$27.00	<b>Service Fee*</b>	\$27.00	<b>Service Fee*</b>	\$27.00
<b>ATJ Fee</b>	\$2.00	<b>ATJ Fee</b>	\$2.00	<b>ATJ Fee</b>	\$2.00
<b>ATJ Surcharge</b>	\$10.00	<b>ATJ Surcharge</b>	\$10.00	<b>ATJ Surcharge</b>	\$10.00
<b>TOTAL</b>	<b>\$94.75</b>	<b>TOTAL</b>	<b>\$116.75</b>	<b>TOTAL</b>	<b>\$138.75</b>

\$5.50 for each additional name except for a spouse.

\*Additional process service choices are available, some at a higher cost.