




# Navigating the Eviction Process

Philadelphia Municipal Court Civil Division



**Municipal Court  
Civil Division  
Widener Building  
1339 Chestnut Street  
Philadelphia, PA 19107  
215.686.2910  
[www.courts.phila.gov](http://www.courts.phila.gov)**

- The Civil Division of Municipal Court hears primarily two types of cases that arise under the Landlord and Tenant Act of 1951. The most common type of case involves a landlord seeking a monetary award and/or the right to use lawful process to evict a tenant who is in violation of a residential or commercial lease. The division also hears cases brought by landlords and tenants after a tenant has vacated the leased premises. These cases concern the return of security deposits and damages to the leased premises.



# Requirements Before Filing A Landlord-Tenant Eviction Complaint

- Send your tenant a Notice of Diversion Rights <https://dpd-eviction-diversion-documents.s3.amazonaws.com/NOTICE+OF+DIVERSION+RIGHTS+FINAL+3.10.2022.pdf>
- Apply for and participate in, the City of Philadelphia's Eviction Diversion Program.
- Visit <https://eviction-diverson.phila.gov> for further information on this free program.



Landlord-Tenant Eviction  
Complaints are filed in the  
First Filing Unit  
1339 Chestnut Street  
Room 1000  
Philadelphia, PA 19107  
215.686.2901/215.686.7987

## • Required Documents

- The written lease if one exists
- The current Housing Inspection License for the property as well as all Housing Inspection Licenses covering the time period for which rent is being requested
- A completed Certificate of Rental Suitability provided to the tenant at the beginning of the tenancy
- A copy of the Notice to Quit sent to the tenant requesting the tenant vacate the property listing the reasons why the tenant should vacate.
- A Lead Safe Certificate if applicable
- Any unpaid utility bills that are the responsibility of the tenant

- A Legal Clerk will conduct an interview and assist you in drafting your complaint.
- Once the complaint has been completed, you will be given the opportunity to review and approve it before a hearing date is assigned (usually 21 to 30 days from the time of filing) and payment is taken.
- Filing fees range from \$94.75 to \$ 138.75 dependent upon the judgment amount requested. An additional charge of \$5.50 will be assessed when more than one tenant is named if not a spouse. Cash, credit or debit cards are acceptable forms of payment.
- You will receive a packet which includes your complaint showing your hearing date, courtroom, time, and other relevant information.
- The tenant will be sent the complaint via regular mail. Personal service will be attempted or the complaint may be posted on the rental property.



# The Day of the Hearing

- Landlord-tenant trials are heard on the 6th Floor of 1339 Chestnut Street. The courtroom, date and time will be on the complaint.
- Leave enough time to pass through security. Court will start on time. If you are late or fail to appear, a default judgment will be entered against you.
- 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 landlord and the tenant are given the opportunity to reach an agreement with or without the court's mediation program. The mediators are trained to help you to reach a binding agreement. They do not represent either side.
- Do not sign an agreement unless it is completely clear and understandable to you. A mediator, member of the mediation program, or a judge is always available.



# Landlord-Tenant Hearing

- 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. 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 a 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.



# After the Hearing

- If your hearing was in front of a judge and a decision was made, all parties have 10 days to file an appeal with the Court of Common Pleas.
- If the tenant is filing the appeal and wishes to remain in the property during the appeal process, they will be required to post either three months rent or the amount of the judgment awarded whichever is less. This is called a Supersedeas. If the tenant fails to make a monthly payment, you have the ability to request the court terminate the Supersedeas in order for the eviction process to proceed.
- **If after 10 days, an appeal has not been filed, or the tenant does not secure a Supersedeas, you may begin the eviction process by filing your first writ which is called a Writ of Possession by visiting the**
- Judgment and Petitions Unit, 1339 Chestnut Street, 10<sup>th</sup> Floor, Philadelphia, PA 19107, 215.686.7957
- The court charges a fee of \$6.60 which can be paid in cash, credit or debit card. The court clerk will process your Writ of Possession and provide you with the writ to take to either the Landlord-Tenant Officer or the Sheriff of Philadelphia. The choice is yours. The Landlord-Tenant Officer's fee is \$100.00. The Sheriff's fee is \$390.00.
- 11 days after the Writ of Possession has been issued, you can return to the Judgment and Petitions Unit to secure the Alias Writ of Possession which is the second and final writ before the eviction is scheduled. The Alias Writ is required to be served by whomever served the Writ of Possession. Both the Landlord-Tenant Officer and the Sheriff of Philadelphia charge \$250.00 for the Alias Writ.





## Eviction after a Judgment by Agreement

- If a judgment was entered by agreement, the landlord may file the Writ of Possession in the same manner; however, an Alias Writ of Possession cannot be filed while the agreement is in effect. If the landlord believes the tenant has breached the agreement, the landlord must file a Breach of Agreement Affidavit detailing the tenant's breach of the Judgment by Agreement.
- The tenant will receive a copy of the Breach of Agreement Affidavit and is given five business days to respond by filing an Answer to the Breach of Agreement Affidavit. If the tenant's Answer is filed and granted, a hearing will be scheduled as quickly as possible to determine if the agreement was breached.
- If the judge determines the Judgment by Agreement has been breached, the landlord can then proceed with the eviction process.

# Take Note

- Delays in the eviction process may occur. These delays are out of the control of the court clerk and are most likely due to either the appeal process or the petition process available if the tenant misses the original hearing.
- If your judgment is based on non-payment of rent only, and the tenant pays the judgment in full prior to the eviction, you will not be permitted to proceed with the eviction. Pennsylvania is a pay to stay state.
- Under the Rules of Civil Procedure, the eviction must be completed within 180 days of the judgment being entered. Any eviction not completed in that time frame will require the landlord to file a Petition to Extend the 180 Day Rule. A granted petition will provide the landlord with an additional 45 days to complete the eviction. The landlord is required to monitor the timeline.
- Once the judgment has been paid in full or all terms of the Judgment by Agreement are met, the landlord is required to sign an Order to Satisfy. You may either mail the Order to Judgment and Petitions Unit or give it to the tenant to file with the court. The Order to Satisfy can be filed free of charge.

# Additional Resources

- It is with great excitement that we share two new digital assistants available on the Philadelphia Municipal Court website, <https://courts.phila.gov>. These tools are like virtual companions for landlord/tenant cases -- [Tenant Landlord Digital Assistant \(T/LDA\)](#) and consumer debt cases-- [Consumer Debt Information Bot \(CODI\)](#).

Each show customized legal information for self-represented litigants based on the answers they provide. Instead of sorting, selecting, and applying relevant legal information from a variety of sources, someone who needs help can now answer some questions and avoid becoming overwhelmed by an unfamiliar process. We hope that people will use these tools and download their customized document to use throughout the life of their case. This will hopefully empower them to resolve their issues and should also result in them being better prepared to engage with the court, legal aid, and others.



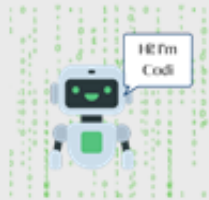
## **Tenant Landlord Digital Assistant (T/LDA)**

The Tenant Landlord Digital Assistant is a digital “guide dog” for a landlord tenant case for non-payment of rent. The application asks the user questions about:

- what documents they have received
- if they went to court and what happened there
- what they would like to do

Based on the user’s response, the tool customizes the information shared and limits it to apply to the court user’s situation.

The tool has assistance for self-represented tenants and limited assistance for landlords.



## **Consumer Debt Information Bot (CODI)**

The Consumer Debt Information Bot helps court users understand debt cases in the municipal court. The tool guides court users through the Statement of Claim form to help the court user:

- find important information on the form,
- understand what the form means,
- make a plan to go to court,
- and complete other tasks relevant to their case.

When users finish the tool, they receive a custom guide on attending their hearing and information about how to prepare.