

All parties must appear in the assigned courtroom on time on the day of their trial. All parties should leave enough time to pass through security on the ground floor and get to the 6th Floor. **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 at 1339 Chestnut Street, Room 1000. 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.

Before trial, 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 relevant documents. A trial is a formal court proceeding. You should following 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.

At the end of the trial, the court will make a decision. 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.

PHILADELPHIA MUNICIPAL COURT



INFORMATION FOR LANDLORD-TENANT COURT

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

If an attorney does not represent you, you must come to the court's first filing office 1339 Chestnut Street, Room 1000. 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 web site.

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 wish to contact Pennsylvania's Corporation Bureau (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 wish to check to see if the entity has a Philadelphia business privilege license by contacting the Department of Licenses and Inspections' License Issuance Unit. It is located in the Concourse Level of the Municipal Services Building, 1401 JFK Boulevard and may be reached by calling 311.

I. 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 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 date, courtroom 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 Patricia McDermott, Deputy Court Administrator, 1339 Chestnut St. Rm. 1020, Philadelphia, PA 19107. 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 not made ten (10) days before trial must be made in person at the time of trial. The requesting party should contact all other parties before trial to notify them that such a request will be made.