

# The Eviction Process in Western Pennsylvania



This guide provides a general walkthrough of how a tenant can be removed from their private rental home through a court eviction process. This overview is a “worst case scenario” for the tenant, in which they are not able to stop the eviction at any of the phases.

It does not cover all situations, including:

- If the lease has a “notice waiver.”
- If the tenant is in public housing (not private).
- If the tenant and landlord work out a settlement or use a diversion program to end the case.
- If the tenant is able to stop the process by fixing the violation (e.g., paying back rent) or successfully defending themselves in court.



## PROBLEM

### THE TENANT VIOLATES THE LEASE OR THE LEASE COMES TO AN END.

This violation may be that the tenant hasn't paid rent on time or has acted in a way that 'materially' violates the lease. Or there could be no violation — but the lease has ended, or the landlord wants to end the lease and remove the tenant.



## NOTICE

### THE LANDLORD GIVES A NOTICE WARNING OF A POSSIBLE EVICTION.

The notice informs the tenant of what they can do to fix the situation (like how much rent to pay by what date or by what date they have to leave) in order to avoid an eviction lawsuit. For non-payment of rent, it gives the tenant a 10-day window (“unless the lease has a different rule”).



## LAWSUIT

### THE LANDLORD FILES A LAWSUIT AGAINST THE TENANT.

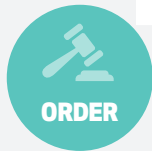
If the tenant has not fixed the situation or left the home by the notice's date, the landlord can sue the tenant in a Magisterial District Court. They must have the tenant “served” with the lawsuit by a third party. The tenant can raise counterclaims against the landlord.



## HEARING

### THE COURT HOLDS A HEARING TO MAKE A JUDGMENT ON THE CASE.

The tenant and landlord (if they both appear) can present their claims, evidence and witnesses. The magisterial district judge will rule on the issues: whether the tenant must leave, who owes what money and other claims.



## ORDER

### THE COURT MAY RULE THAT THE LANDLORD CAN EVICT THE TENANT.

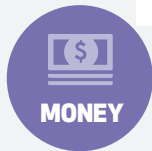
The magisterial district judge can issue a judgment for the landlord. The tenant has 10 days to appeal. If they don't, the landlord can then get an order for possession that they can take to the sheriff. The sheriff gives the tenant notice that they have 10 days (minimum) before a set-out occurs.



## SET-OUT

### THE SHERIFF PHYSICALLY REMOVES THE TENANT FROM THE HOME.

If the tenant has not left the home by the set-out date, the sheriff can then forcibly remove the tenant and their possessions from the home. Or, the tenant may pay all the rent owed by the set-out date to stop the eviction. The sheriff gives the tenant notice that they have 10 days (minimum) before a set-out occurs.

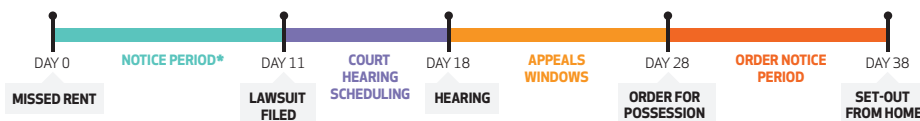


## MONEY

### THE LANDLORD TRIES TO RECOVER MONEY FROM THE TENANT.

If the court ruled that the tenant owes the landlord money, the landlord can try to collect it by retaining the tenant's security deposit, getting an order to garnish their wages, or selling their property and keeping the proceeds.

## How quickly could a tenant be evicted from their home for not paying rent?



\*Many Pennsylvania leases have a “notice waiver” that takes this 10-day notice period away. In that case, an eviction can happen by day 28. The information in this graphic is based on materials created by Neighborhood Legal Services.