

Do You Know Your Rights?

Eviction



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Pro Bono Partnerships

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The information in this pamphlet is not legal advice and does not take the place of legal advice from an experienced attorney.

The law is constantly changing. The information in this pamphlet may not reflect changes in the law that happened after it was printed.

Any time your legal rights are at issue, you should consult with an attorney. There are many experienced attorneys in Wayne County who can help you. You can find them at <https://waynecountypalawyers.com/members/>

If you cannot afford an attorney, you may qualify for free assistance. Learn more at <https://waynecountypalawyers.com/pro-bono-program/>

What is an eviction? An eviction is the legal proceeding through which a landlord can force a tenant to move out of the property.

Can my landlord just throw me out? No. In PA, your landlord cannot force you to move out without going through the formal eviction process in court. If your landlord tries to force you out without following the law—such as by changing the locks or shutting off your utilities—you can call the PA Office of Consumer Protection at 1-800-441-2555 for help.

What are legal reasons for eviction?

- You are not paying your rent;
- Your lease has ended, but you refuse to move out; or
- You have violated other terms of your lease.

What are not legal reasons for eviction? You cannot be evicted because:

- Your (or a member of your household's) race, color, religion, national origin, ancestry, sex, or age;
- You, a member of your household, or someone you know is disabled or uses a guide dog or other support animal;
- You or someone in your household is pregnant or has children.

The Residential Eviction Process

Step 1: The landlord provides you with written notice. Unless it says otherwise in your lease, your landlord must give you written notice, called a “Notice to Quit,” before they can file a complaint for an eviction.

The notice must be posted on the property or hand delivered to you. Other methods, such as Certified Mail or email, may be considered “hand delivered” if the landlord provides proof that you received the notice.

If you are being evicted because of unpaid rent, the landlord must give you notice 10 days before filing a complaint for an eviction.

If the problem is something other than unpaid rent, the amount of notice depends on the length of your lease:

- If your lease is one year or less: 15 days;
- If your lease is more than one year: 30 days.

Remember to read your lease carefully. These notice requirements can be changed or eliminated by your lease.

Step 2: The landlord files complaint. Once the

required time has passed, the landlord will file a Landlord/Tenant Complaint.

Step 3: The judge schedules a hearing. In Pennsylvania, eviction hearings are usually heard by a Magisterial District Judge. The Magisterial District Judge will schedule a hearing 7 to 15 days after the landlord files the Landlord/Tenant Complaint. You will receive notice of the date and time of the hearing.

Step 4: The judge holds a hearing. At the hearing, the landlord may ask the judge for possession of the property, unpaid rent, and/or compensation for any damages to the property.

At the hearing, the Magisterial District Judge must decide:

- Whether a landlord-tenant relationship exists;
- Whether the landlord gave you the required notice (if notice was required);
- The amount of rent due per month under your lease;
- Whether you owe any unpaid rent and, if so, how much;
- Whether you paid a security deposit; and
- Whether you are responsible for any damage and the amount needed for repairs.

Step 5: The Judge issues the decision. The Judge has 3 days to make a decision, which will be mailed to you. You can also pick it up from the court.

The Notice of Judgment will set out:

1. The money judgment, which is the judge's decision on the amount of past due rent and/or damages you owe; and
2. The judgment of possession, which is the judge's decision on whether you have to leave the property. The judge will either (1) give possession to the landlord, or (2) if the only reason for eviction is unpaid rent, give possession to the landlord *if* you have not paid the money judgment before the date set for eviction.

Step 6: The landlord gets an eviction order. If the Magisterial District Judge grants possession to the landlord, the landlord must wait another 10 days and then go back to court to get an Order for Possession.

You will be given a copy of the Order for Possession, which will tell you the date and time you have to leave the property (which is at least 10 days from the date of the Order of Possession).

Step 7: If the landlord gets possession, you must move out or you will be forcibly removed. You must move out by the date stated on the Order for Possession. If you do not, a constable or sheriff's deputy will forcibly remove you at that time, and you will have no time to remove any of your belongings.

If you are forcibly evicted, contact your landlord within 10 days and let them know if you intend to get any belongings you left behind. If you do, the landlord must allow you to come back and get your property within 30 days.

Step 8: Appeal. If you think the Magisterial District Judge made an error in the Notice of Judgment, you can appeal either the Judgment for Possession or money judgment, or both.

You have 10 days from the date of the judgment to appeal the Judgment for Possession and 30 days if you only want to appeal the money judgment.

You should get an attorney if you decide to appeal. Resources for finding attorneys are located on the inside cover of this booklet.



The Wayne County Bar Association serves as a one-stop-shop for individuals seeking professional legal counsel.

waynecountypalawyers.com



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