



Housing Alliance  
of Pennsylvania

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# How an Eviction Case Proceeds Through Pennsylvania's Courts

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*Prepared by Rachel Rue, Analyst at the Allegheny County Department of Human Services*

## **IF YOU OR SOMEONE YOU KNOW IS FACING HOUSING INSTABILITY, CONTACT:**

### **Pennsylvania 211**

From help with a utilities bill, to housing assistance, after-school programs for kids, and more, you can dial 211 or text your zip code to 898-211 to talk with a resource specialist for free. Specialists will listen to your needs, and give you information on programs in your community that might be able to help.

Dial [2-1-1](tel:211) or visit <https://www.pa211.org/>

### **Pennsylvania Legal Aid**

The Pennsylvania Legal Aid Network is a statewide consortium of independent legal aid programs that provides civil legal assistance to low-income individuals and families.

Call [1-800-322-7572](tel:18003227572) or visit <https://palegalaid.net/>

### **PA Link to Community Care**

The PA Link to Community Care website is designed to help persons with disabilities and seniors find information that will connect them to supports and services in their community.

Call [1-800-753-8827](tel:18007538827) or visit <http://www.carelink.pa.gov/>

### **Emergency Rental and Utility Assistance**

To learn how to apply for emergency rental and utility assistance in your county, visit <https://www.compass.state.pa.us/Compass.Web/RAP/Application>.

### **COMPASS**

COMPASS is an online tool for Pennsylvanians to apply for many health and human service programs and manage benefit information.

Visit <https://www.compass.state.pa.us/compass.web/Public/CMPHome>

### **Pennsylvania Utility Commission**

Search programs to help pay your utility bills.

Visit <https://www.papowerswitch.com/your-rights-and-protections/help-paying-your-bill>

## ABOUT THIS DOCUMENT

The Housing Alliance of Pennsylvania would like to thank Rachel Rue, Analyst at the Allegheny County Department of Human Services, for preparing this document and analysis. Please email [info@housingalliancepa.org](mailto:info@housingalliancepa.org) and [rachel.rue@alleghenycounty.us](mailto:rachel.rue@alleghenycounty.us) with questions or corrections.

This document describes the sequence of events in a residential eviction case (“landlord–tenant case”) in every county in Pennsylvania except Philadelphia.<sup>1</sup> For the sake of clarity, as well as in order to demystify the process, links are provided to the text of the law and the court rules that govern each step in the process.

The document describes the process for claims of \$12,000 or less filed in the magisterial district courts. Appeals and cases involving claims of more than \$12,000 are filed in the Court of Common Pleas and are not covered in this document. Claims for money alone, where possession of the rental unit is not in dispute, are filed as ordinary civil cases and are also not covered in this document.

The document is not meant as legal advice, but to help anyone who is interested understand the steps and timelines of the legal eviction process. Not all details of rules and procedures are included. We encourage those who are interested to read the text of the rules themselves. It is a notable feature of Pennsylvania’s Minor Court Civil Rules that they are written with the aim of making it possible for ordinary people to use the magisterial district courts in civil matters without benefit of legal counsel. A prefatory note at the beginning of the chapter on civil action says this directly:

“In drafting these rules, the guiding policy was to provide a framework, insofar as the Pennsylvania constitutional system would permit, for a modern, workable small claims procedure, realizing that many magisterial district judges would not be lawyers and that members of the public using the system would be largely unrepresented by legal counsel. Thus, an attempt was made throughout these rules to achieve simplicity of phraseology, uncomplicated administration and as much standardization in the handling of civil actions by magisterial district judges as is possible.” ([Title 246, Chapter 300, Explanatory Note](#))

## SOURCES AND WHERE TO FIND THEM

Landlord–tenant cases in Pennsylvania are governed by statewide law. With the exception of Philadelphia, which has its own municipal court system, magisterial district courts in all Pennsylvania counties are governed by the state’s Minor Court Civil Rules. Court rules and statutes are available online.

The main sources for this document are:

- **The Landlord and Tenant Act of 1951** and its amendments, available [here](#). (If the link is broken, do an internet search for “the landlord and tenant act of 1951.”) The law is implemented by means of rules approved by the Pennsylvania Supreme Court. After rules are approved, they acquire the force of law and are included in the Pennsylvania Code, Title 246, Minor Court Civil Rules.

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1 This information does not apply to Philadelphia because Philadelphia has its own municipal court system.

- **Pennsylvania Code, Title 246, Minor Court Civil Rules.** These rules can be found on the Pennsylvania Code & Bulletin website. The links in the body of this document bring up the text of individual court rules. The website changes from time to time and the links may break. If that happens, the best way to find the text of the rules cited is to go to the homepage of the Pennsylvania Code & Bulletin, and look for “246 Minor Court Civil Rules” in the box for browsing the Code. This should bring up a table of contents with links to individual sections of Title 246.
  - Rules in Chapter 500 deal with eviction cases, or “Actions for the Recovery of Possession of Real Property,” and can be found in their entirety [here](#) or downloaded as a .pdf file from the Title 246 table of contents [here](#). Links below go to the text of individual rules.
  - Rules in Chapter 300 deal with Civil Action generally and include rules on “Satisfaction of Money Judgments” that apply to landlord–tenant cases. They can be found [here](#).

**NOTE:** A note in brackets indicating that a piece of information is not contained in electronic records means that the information is not collected and stored in a form that makes it accessible via public access requests for electronic records in bulk.

## HOW A RESIDENTIAL EVICTION CASE PROCEEDS

1. **Eviction Notice (Notice to Quit).** Landlord must give notice to tenant “in accordance with the law,” unless the lease says that the tenant waives the right to notice. The notice gives a date by which the tenant must move out. (246 Pa. Code [Rule 503 B \(5\)](#))

### TIMELINE:

- If the reason for the notice is unpaid overdue rent, the tenant has 10 days to pay before the landlord can file for eviction (“recovery of possession”).
- If the reason for eviction is the expiration of the term of the lease or breach of its conditions, the amount of time allowed is 15 days for leases of a year or less and 30 days for leases of over a year. (Landlord Tenant Act of 1951, [Section 501 \(b\)](#))

2. **Complaint.** Landlord files a signed, verified complaint for “recovery of possession of real property” at the magisterial district court in the district where the property is located. ([Rule 502](#))

Reasons allowed for a landlord–tenant complaint:

- a. Term of lease ended
- b. Breach of conditions of the lease
- c. Rent due has upon demand remained unpaid

(Landlord Tenant Act of 1951, [Section 501 \(a\)](#); [Rule 503 B \(6\)](#));

In addition, the complaint must say that the tenant retains the property and refuses to give up possession. ([Rule 503 B \(7\)](#))

[Reasons for complaint not in electronic records]

**NEW in 2022:** For every individual tenant, the landlord must attach an affidavit to the complaint indicating that the tenant is in the military service, that the tenant is not in the service, or that the landlord is unable to determine whether or not the tenant is in the service.

This information is required to ensure that an eligible tenant receives the protections afforded by the federal Servicemembers Civil Relief Act, [50 U.S.C. § 3951 \(b\)](#). When a servicemember's ability to pay the rent is materially affected by military service, the Act gives courts the option of staying the eviction proceedings for 90 days or adjusting the obligation under the lease "to preserve the interest of all parties."

*The protections under the Servicemembers Civil Relief Act are not new; what is new in 2022 is the requirement that landlords in Pennsylvania submit an affidavit about the tenant's military service to ensure that the court is aware of it.*

[\(Rule 503 D and Official Note\)](#)

#### TIMELINE:

- The hearing date must be set for a day between 7 and 15 days from the date the complaint is filed. [\(Rule 504 \(1\)\)](#)
- The complaint must be served to the tenant at least 5 days before the hearing. [\(Rule 506 B\)](#)

FEES: As of 2022, filing fees and costs for an action of:

- \$2,000 or less: \$85.00
- \$2,000.01-\$4,000: \$104.00
- \$4,000.01-\$12,000: \$142.00

Constable fees for service of complaints and other documents are \$13 each, plus \$5.00 for each additional tenant at the same address, plus \$2.50 for return of service (the "return of service" is the report made by the constable describing the date and manner of the service and any other required information), plus mileage.

The landlord initially pays all filing and constable fees up to the time a judgment is entered. This typically includes filing fees, attorney fees if any, and fees for serving the complaint. It does not usually include costs the landlord pays to have the judgment executed, such as fees to request, serve, and execute an order for possession. [\(44 Pa. Consolidated Statutes, Section 7161 \(d\),\(f\)\)](#)

3. **Service.** The complaint must be served to the tenant both by mail and by the constable or sheriff either in person or by posting conspicuously on the premises. The constable or sheriff who serves the complaint must make "proof of service" on the form provided, showing the manner of service and the day, time and place. [\(Rule 506 A; Rule 507\)](#)
4. **Cross-Complaint by Defendant.** At any time before the hearing, the tenant may file a cross-complaint. Tenants may file this type of complaint if they believe that the landlord owes them money, e.g., if the tenant paid for essential repairs to the property that the landlord failed to attend to promptly. The complaint is categorized as a civil complaint, not a landlord-tenant complaint. It must arise "out of the occupancy of the premises." There is no filing fee, since it "is in the nature of a responsive pleading." [\(Rule 508 A and Official Note\)](#)

[Reasons for cross-complaint not in electronic records]

**TIMELINE:**

- A new date will be set for hearing both complaints together, on a day between 7 and 15 days from the filing of the tenant's complaint.
- The cross-complaint must be served on the landlord at least 5 days before the rescheduled hearing.  
([Rule 508 B,C](#))

**5. Withdrawing or Settling the Case.**

- a. A landlord may withdraw the complaint at any time prior to the hearing by filing written notice with the court. The hearing will be canceled and the parties notified in writing that the case has been withdrawn. The case is marked as withdrawn on the docket. If the tenant has filed a cross-complaint, it will still be heard.
- b. The parties may file written notice of settlement of the complaint with the court any time prior to the entry of judgment. When the court receives notice of settlement, it cancels any scheduled hearing (unless there is a cross-complaint not resolved in the settlement), marks the case as settled on the docket, and notifies the parties in writing that the case has been settled. If the settlement is later breached, a new complaint may be filed citing breach of settlement as the cause.

([Rule 320](#))

- 6. Hearing.** Both parties are expected to appear at the hearing and present evidence to support their case. Unlike other civil cases, default judgments for the landlord are not allowed. If the tenant does not appear, the landlord must still present evidence. When the landlord fails to appear at the hearing, the magisterial district judge may continue the hearing for cause or dismiss the complaint without prejudice (dismissing a case "without prejudice" means the landlord is free to file another complaint for the same reason in the future).

([Rule 512 and Official Note](#))

- 7. Disputes Concerning Title.** If the tenant declares in writing and under oath that either someone other than the landlord claims to own the property, or that the tenant holds the property as joint tenant or tenant in common with the landlord, the proceedings must be stayed by the magisterial district judge until the claim is prosecuted in the Court of Common Pleas. If someone other than the tenant claims to own the property, that person must file a written declaration.

([Rule 513](#))

**8. Judgment.**

- a. If it appears at the hearing that the complaint has been proven (i.e., that (i) the tenant owes rent or has breached the terms of the lease, or that the term of the lease has expired; and (ii) notice to quit was given to the tenant in accordance with law or that no notice was required under the terms of the lease), the magisterial district judge enters judgment against the tenant that the property be delivered up to the landlord, and makes the following separate entries in the judgment:
  - (1) for the amount of rent, if any, which remains due,
  - (2) for the amount of damages, if any, for unjust detention (cost to the landlord from the tenant staying when not entitled to),

- (3) for the physical damages, if any, to the leasehold premises,
- (4) for the costs of the proceeding, and
- (5) for the amount of any security deposit applied as an offset to the judgment, if applicable; less any amount found due the tenant on any cross-complaint.

In addition, the magisterial district judge makes an entry identifying the amount of monthly rent.

- b. A money judgment may be rendered for the tenant on a cross-complaint if the amount found due to the tenant exceeds any amount found due to the landlord.

[\(Rule 514 A-C and Official Note\)](#)

TIMELINE:

- Judgment must be given at the hearing or within 3 days thereafter. [\(Rule 514 D\(1\)\)](#)

**9. Notice of judgment, right to appeal and right to entry of satisfaction.** The written notice of judgment or dismissal must contain:

- a. notice of the right to appeal to the Court of Common Pleas and the time allowed for appeal [\(Rule 514 E\(1\)\)](#)

**New in 2022:** notice that a tenant who is a victim of domestic violence has 30 days instead of the usual 10 days to file an appeal with the Court of Common Pleas, and instructions for how to file such an appeal [\(Rule 514 E\(2\)\)](#)

- b. notice that if there is an appeal to the Court of Common Pleas, everything further must happen at that level. [\(Rule 514 E\(3\)\)](#)
- c. notice that “anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment” [\(Rule 514 E\(4\)\)](#). An entry of satisfaction is an official court record that the amount owed has been paid, or that the landlord and tenant have worked out an agreement to the satisfaction of both parties, so that there is no unpaid debt remaining on the tenant’s record.

TIMELINE

- The court must “promptly” give or mail written notice of judgment or dismissal to the parties. [\(Rule 514 D\(2\)\)](#)
- Appeals may be made within 10 days, or within 30 days if the tenant files a domestic violence affidavit. (1995 amendment to the Landlord and Tenant Act of 1951, 68 P.S. § 250.513 (b)) (The 30-day period allowed for victims of domestic violence is **new in 2022**).

**10. New in 2022: Domestic Violence Affidavit.**

- a. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court, on a form provided by the court. ([Rule 514.1 A,B](#))
- b. The effect of filing a domestic violence affidavit is to stay the execution of an order for possession. The stay terminates 30 days after the entry of judgment or when an appeal is filed with the Court of Common Pleas, whichever is earlier. This gives the tenant time to file an appeal within the 30 days allowed for victims of domestic violence.  
  
Note that ordinarily an order for possession may be issued and executed as early as 21 days after a judgment is entered, so a tenant who does not file a domestic violence affidavit within 21 days is at risk of eviction. ([Rule 514.1 C and Official Note](#); See also [Rule 1002 B \(2\) A](#))
- c. The magisterial district judge enters the domestic violence affidavit on the docket and serves it on the landlord. ([Rule 514.1 D,E](#))
- d. If the tenant appeals, the domestic violence affidavit must be attached to the appeal filing. ([Rule 514.1 F](#))
- e. The domestic violence affidavit is not a public record and is not publicly accessible. ([514.1 G](#))
- f. If the landlord wishes to challenge a domestic violence affidavit, the challenge must be made by filing a motion in the Court of Common Pleas. It cannot be done in a magisterial district court. ([Rule 514.1 Official Note](#))

**11. Request for Order for Possession.** Unless there is an appeal or stay due to a bankruptcy proceeding [or the judgment has been satisfied], the landlord may file a request for an order for possession after 10 days.

**TIMELINE:** After 10 days (the time period allowed for an appeal) and within 120 days, the landlord may request an order for possession. ([Rule 515 B \(1\)](#))

If an appeal or stay halts the proceedings, the landlord has 120 days from the date that proceedings resume again to request an order for possession (unless the tenant wins the appeal).

Note that while an affidavit declaring that the tenant is a victim of domestic violence or an active duty service member will delay the execution of an order for possession, it does not change the timeline for issuing an order for possession. The landlord may still request that an order for possession be issued 10 days after the judgment is entered, even though enforcement of the order may be delayed.

**FEES:** At the time the landlord files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession (\$108+). Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. (See Rules 516 through 520 and Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d).)

**CONSTABLE FEES:** \$13 to execute an order for possession; \$90 for ejection (physical eviction); \$2.50 for each return of service; plus mileage.

**12. Issuance and Reissuance of Order for Possession.** Upon receiving a timely request for an order for possession, the magisterial district judge must issue the order for possession and deliver it for service and execution to a sheriff or constable. The order directs the officer executing it to deliver possession of the physical property to the landlord. ([Rule 516 A](#))

## TIMELINE:

- The order for possession must be issued as soon as the request is received. ([Rule 516 A](#))
- The order for possession expires 60 days after its issuance or reissuance and may not be executed after that date. ([Rule 519 C](#))
- On written request of the landlord within 120 days of the date of entry of the judgment, the judge must reissue an order for possession for one additional 60-day period. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. I.e., if an order for possession has expired after 60 days but it is still less than 120 days after the judgment was entered, the landlord may request that it be reissued. The reissued order for possession is good for another 60 days. ([Rule 516 B \(1\)](#))
- The judge must mail a copy of the order for possession to the tenant and deliver it for service to a sheriff or constable.

- 13. Service of the Order for Possession.** The service copy of the order must contain the notice: “If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within 10 days after the date of this notice, the law authorizes me to use such force as may be necessary to enter upon the property by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants.” ([Rule 517 \(2\)](#))

## TIMELINE

- The officer receiving the order for possession must serve the order within 48 hours by personally handing it to the tenant or posting it conspicuously on the premises.

([Rule 517](#))

- 14. Satisfaction of Order by Payment of Rent and Costs.** Up to the moment of actual physical eviction, in cases due only to unpaid rent, the tenant may pay the amount owed according to the order for possession and stay in the property. This is informally called the “Pay and Stay” option. The executing officer (usually a constable) is required to accept payment and give the tenant a signed receipt.

(Landlord and Tenant Act, [Section 503\(c\)](#))

([Rule 518](#))

- 15. Forcible Entry and Delivery of Possession.** If, on or after the eleventh day following the service of the order for possession, the tenant or any other unauthorized occupant remains on the property, the officer executing the order for possession may use force as necessary to enter the property, by the breaking in of any door or otherwise, and to eject the tenant and other unauthorized occupants and deliver possession of the property to the landlord.

([Rule 519 B](#))

TIMELINE: The serving officer must execute the order for possession between 11 and 60 days following its service. The constable will not go out to execute the order for possession until the landlord calls to request that it be executed. If the landlord does not call within 60 days to request execution of the order, it expires. ([Rule 519 B,C](#))

**16. Request for Determination of Abandoned Manufactured Home.** When a tenant lives in a manufactured (mobile) home and owns the home but pays rent to the community owner for the land, a landlord may file for a determination that the tenant has abandoned the home at the same time as filing for a monetary judgment. A determination by the court that a manufactured home has been abandoned gives the community owner (the landlord) the same rights as a landlord who has been granted a judgment for possession. This procedure is governed by [Rule 519.1](#).

**17. Officer's Return.** The officer executing the order for possession must make a return on the order for possession form to the court, showing:

- a. The date, time, place and manner of service of the order
- b. If the order was satisfied by the payment of rent in arrears and costs by or on behalf of the tenant, the amount of that payment and its distribution
- c. The time and date of any forcible entry and ejectment, or that no entry for the purpose of ejectment had to be made
- d. The officer's expenses and fees

[\(Rule 520\)](#)

[Information on the return on order for possession not in electronic records]

TIMELINE: Within 5 days following delivery of possession to the landlord OR satisfaction by payment of rent in arrears and costs, the office executing the order for possession must make a return on the order for possession form.

[\(Rule 520\)](#)

**18. Request for Entry of Satisfaction; Service; Entry of Satisfaction**

"Entry of Satisfaction" is an official court record that a money judgment has been paid in full or otherwise satisfied (for example, by settlement between the landlord and tenant). It is optional for the landlord to file it unless the tenant or another interested party requests that it be filed. In that case it becomes mandatory.

- a. If a judgment debtor (usually the tenant in a landlord-tenant case) has paid in full, settled, or otherwise complied with a judgment rendered in a district justice court, anyone interested in the judgment may request the entry of satisfaction of the judgment by filing a written request in the office of the district justice who rendered the judgment.
- b. A request for entry of satisfaction by anyone other than the judgment creditor must be served upon the judgment creditor (usually the landlord, in a landlord-tenant case).
- c. Within 90 days from the date of service of the request for entry of satisfaction, the judgment creditor shall enter satisfaction in the office of the district justice in which the request for entry of satisfaction was filed.

The party requesting the entry of satisfaction must pay any costs for the entry of satisfaction. There is no charge for filing a request for entry of satisfaction, but the requester is responsible for costs associated with serving the request. The requester may choose for service to be made by U.S. mail instead of by a constable.

These procedures apply to satisfaction of money judgments rendered in all types of civil cases.

[\(Rule 341 and Official Note\)](#)

If a judgment creditor does not comply with the provisions of this rule, the judgment debtor may proceed under [Rule 342](#) (by filing a supplementary action for damages).

A party may contest the entry of satisfaction by filing a petition to strike the entry of satisfaction with the Court of Common Pleas.

If entry of satisfaction is made in the Court of Common Pleas the judgment debtor (usually the tenant, in landlord-tenant cases) may file a request to have the satisfaction of judgment also entered in the magisterial district court where the case was originally heard.

[\(Rule 341 Official Note\)](#)

**TIMELINE:** The landlord must file an entry of satisfaction within 90 days of the tenant's request. If the tenant does not make a request, the landlord may file an entry of satisfaction at any time but is not obligated to do so.

#### **19. Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action**

If the judgment creditor does not enter satisfaction within the 90-day period after service of the request as specified in Rule 341 (C), the judgment debtor may commence a supplementary action for damages by filing a civil complaint in the office of the magisterial district justice in which the request for entry of satisfaction was filed.

Because the supplementary action is merely a continuation of the underlying action, there are no filing costs for it; however, there may be costs for service of the action.

[\(Rule 342 and Official Note\)](#)

## SOURCES

### Law and Court Rules

Pennsylvania Code and Bulletin:

<http://www.pacodeandbulletin.gov/>

Pennsylvania Consolidated Statutes:

[https://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons\\_index.cfm](https://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm)

PA Consolidated Statutes, Title 42, "Judiciary and Judicial Procedure" has a chapter governing money judgments and how they're collected: [Chapter 81. Judgments and Other Liens](#)

Pennsylvania Unconsolidated Statutes:

[https://www.legis.state.pa.us/cfdocs/legis/li/Public/ucons\\_index.cfm](https://www.legis.state.pa.us/cfdocs/legis/li/Public/ucons_index.cfm)

*Magisterial District Judge Cost Table. Effective January 1, 2022.* Obtained from the Chief Deputy Court Administrator, Allegheny County.

### Constable Handbooks

*Fifth Judicial District of Pennsylvania, County of Allegheny, Pittsburgh, Pennsylvania Constable Handbook*, Version February 29, 2016

<https://www.alleghenycourts.us/downloads/administration/ConstableHandbook.pdf>

Accessed 4/22/2022

*Constable Field Reference Guide Civil Law*, Pennsylvania Commission on Crime and Delinquency

Accessed 4/22/2022 through "Civil Law Guide (PDF)" link at

<https://www.pccd.pa.gov/training/Pages/Constables%27-Education-and-Training-Board.aspx>

### Court Forms

The Unified Judicial System of Pennsylvania website has links to forms to be filed with the courts, for example Landlord-tenant Complaint, Request for Order of Possession, and Entry of Satisfaction forms.

<http://www.pacourts.us/forms/for-the-public>

Accessed 4/22/2022