

**Step by Step – Landlord/Tenant Non-Payment of Rent
A Landlord's Guide***

Step 1 – Send Demand for Possession (Notice to Quit for Non Payment of Rent) to Tenant

- Must be sent by the landlord (or his agent) to the tenant via regular, first-class mail or personal service.
- Landlord must certify demand swearing that the demand was sent, and by what method.
- Technically, the demand for possession has a seven (7) day time limit before the next date of action. However, this time period can change depending on method of service; for example, when sending by mail, the law presumes the day after the mailing was sent as the first day.
- Once demand expires, move to step two.

Step 2 – Send Documents to your Attorney; at a minimum your attorney needs:

- The fully executed demand you sent to your tenant;
- A copy of the lease; and
- A ledger showing what is owed and why.

Step 3 – File a Complaint for Non-Payment of Rent

- Complaint must be accompanied by copies of the Demand for Possession, copies of the lease, and the total amount of rent now owed.
- Depending on the court, the hearing date can be anywhere from ten (10) to thirty (30) days.
- Michigan Court Rules allow the joining of both possession and money damage claims in one complaint.

Step 4 – Obtain a Judgment

- Appear for the hearing and obtain judgment (Possession or both Possession and Money).

Step 5 – Wait

- By statute, a defendant in a summary proceeding (landlord/tenant) has ten (10) business days to appeal a judgment of possession or money damages.
- A typical judgment allows the defendant the opportunity to pay the balance owing within ten (10) days without being evicted.
 - If the defendant satisfies the judgment, before the ten (10) day period has lapsed, the case is over (at least until the next time the defendant falls behind).
- Defendant can also voluntarily relinquish the property before the ten (10) day period expires.
 - Voluntary relinquishment does not negate the tenant's responsibility for damages.
 - Proceed with caution if you believe the tenant has voluntarily abandoned the premises.
 - **Contact your attorney prior to entering property you believe to be abandoned by a tenant! Michigan banned self-help evictions and there can be serious consequences for unlawfully evicting a tenant.**

Step 6 – Eviction

1. File for eviction upon the lapse of the proscribed period if:
 - The defendant has not satisfied the judgment;
 - The defendant has not voluntarily relinquished possession of the property; or
 - It is unknown whether the defendant has voluntarily relinquished the property.
2. Court officer will serve the eviction order on the defendant or the premises itself.

3. If the defendant still refuses to relinquish the property or pay the judgment, request the court officer to physically remove the defendant and his or her belongings from the property.
 - Beware of the costs of having a court officer physically remove the defendant.
 - Costs typically can range anywhere from \$300.00 to \$1,000.00 or more depending on the jurisdiction and the premises.

* This letter is intended only as a cursory review of a portion of the laws applicable to landlord and tenant dealings and is not intended to replace the counsel of an attorney. Before taking any action in any landlord-tenant matter; contact an attorney.

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