

## Evictions

The statutory action of a landlord seeking to evict a tenant is referred to an eviction, or a forcible entry and detainer. This procedure is governed by Chapter 1923 of the Ohio Revised Code. The following is a brief summary of eviction proceedings and is by no means exhaustive.

### Three-Day Notice

A landlord seeking an eviction must serve the tenant with a three-day notice to vacate the premises. An eviction will not be ordered if the three-day notice is not properly prepared and served.

Pursuant to ORC section 1923.04(A), the notice may be served upon the tenant in one of the following manners:

- Certified mail, return receipt requested
- By handing a written copy of the notice to the defendant in person
- By leaving it at the defendant's usual place of abode
- By leaving it at the premises from which the defendant is sought to be evicted

### Contents of Notice

By Ohio law, every notice to vacate must contain the following language, printed or written in a conspicuous manner:

**You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance.**

### Filing and Service of the Complaint

The landlord must wait three days after service of the notice before filing a court action, exclusive of the date of delivery of the notice, as well as weekends and legal holidays.

If the tenant does not leave by the day provided, the landlord may file a complaint for forcible entry and detainer. The complaint must be accompanied by a copy of the three-day notice and the required filing fee. [Click here](#) for list of civil court costs. A notice of the complaint and hearing date and time will be served upon the tenant by the Clerk of Court.

### Where Filed

An eviction case may be filed in the Huron Municipal Court if the subject property is located in the city of Huron or Huron township.

## **Hearings**

There are two separate hearings. The first hearing is to determine whether the tenant will be required to leave the property.

A second hearing is scheduled if money damages are requested by the landlord in the complaint. This hearing is to determine whether the landlord is entitled to receive money damages from the tenant for back rent, damage to the property, unpaid utilities, etc. The landlord must be present at each hearing in order to provide proof and to receive the relief requested. The tenant has the right to appear at both hearings to contest the eviction and/or the grant of money damages.

The first hearing will be scheduled within ten days after the complaint is mailed to the defendant. If money damages are requested in the complaint, a second hearing will be scheduled within sixty days of the first hearing.

In the event the tenant fails to appear at the eviction hearing, a writ of restitution will be ordered requiring officials to remove the tenant and the tenant's possessions from the property if the tenant does not leave voluntarily. The landlord must arrange for and pay for a mover to remove the tenant's property. The landlord may also arrange to have a locksmith present to change the locks.

## **Legal Representation**

Eviction matters can be complex as both landlords and tenants have substantial rights and obligations under Ohio law, federal law, and the parties' written lease. Both parties may be represented by counsel to answer and resolve any legal and/or procedural questions.