

**CHAPTER 500. ACTIONS FOR THE RECOVERY OF  
POSSESSION OF REAL PROPERTY**

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**Rule 501. Definitions.**

As used in this chapter:

- (1) "Action" means an action by a landlord against a tenant for the recovery of possession of real property brought before a magisterial district judge.
- (2) "Complaint" shall include, where applicable, the attached and completed Recovery of Real Property Hearing Notice form.
- (3) "Victim of domestic violence" means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

**Official Note:** Distress for rent will not be covered in rules of civil procedure for magisterial district judges, for it is not an action or proceeding before a magisterial district judge and any constable carrying out the "landlord's warrant" is acting as an agent of the landlord and not as an officer serving process of a magisterial district judge. *See* Section 302 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.302. Actions for rent (§ 301 of the Act, 68 P.S. § 250.301) and to defalcate (§ 307 of the Act, 68 P.S. § 250.307) are not included in this chapter, for these are actions of assumpsit. *See also* § 572 of the Act, added by Act of May 3, 1968, P.L. 107, No. 56, § 1, 68 P.S. § 250.512. A number of trespass actions are also detailed in the Landlord and Tenant Act of 1951 (*see* §§ 311—313, 68 P.S. §§ 250.311—250.313), and these would be brought under the rules pertaining to trespass actions. Consequently, this chapter will be concerned only with the action for the recovery of possession of real property. *But see* Rules 503C(8) and 508 as to joinder of actions and cross-complaints.

The definition of a victim of domestic violence is derived from 68 P.S. § 250.513.

**Source**

The provisions of this Rule 501 amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4502. Immediately preceding text appears at serial page (401705).

**Rule 502. Venue; Commencement of the Action.**

A. The action may be brought in and only in the magisterial district where the whole or part of the real property possession of which is sought to be recovered is located.

B. The action shall be commenced by the filing of a complaint.

**Official Note:** Since only recovery of possession of real property and incidental matters are involved, the reason for the restriction on venue in subdivision A is obvious. Compare Pa. R.C.P. No. 1052.

**Source**

The provisions of this Rule 502 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266. Immediately preceding text appears at serial page (43168).

**Rule 503. Form of Complaint.**

A. The complaint shall be made in writing on a form prescribed by the State Court Administrator.

B. The complaint shall set forth:

- (1) The names and addresses of the parties.
- (2) The location and the address, if any, of the real property possession of which is sought to be recovered.
- (3) That the landlord of that property is the plaintiff in the action.
- (4) That the landlord leased or rented the property to the tenant or to some other person under whom the tenant claims.
- (5) That notice to remove was given to the tenant in accordance with law, or that no notice was required under the terms of the lease.
- (6) That—
  - (a) the term for which the property was leased or rented is fully ended, or
  - (b) a forfeiture has resulted by reason of a breach of the conditions of the lease, or
  - (c) rent reserved and due has, upon demand, remained unsatisfied.
- (7) That the tenant retains the real property and refuses to give up possession of the property.
- (8) The amount of rent, if any, that remains due and unpaid on the date the complaint is filed and whatever additional rent shall remain due and unpaid at the date of the hearing, and the amount of damages, if any, claimed for injury to or unjust detention of the real property.

C. The complaint shall be signed by the landlord or landlord's agent and verified as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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Signature

D. For every individual tenant, the landlord or landlord's agent shall 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.

**Official Note:** As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form. The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See Rule 217. As to notice to remove, the form will simply state that such a notice, when required, was given to the tenant in accordance with law. See § 501 of the Landlord and Tenant Act, 68 P.S. § 250.501, as amended by § 2(a) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53, 42 P.S. § 20002(a).

In subdivision B(8) the landlord is permitted to claim, in addition to the specific amount of rent due and unpaid at the date of filing, whatever unspecified amount of rent will remain due and unpaid at the date of the hearing. As to claiming damages for injury to property, *compare* Pa.R.C.P. No. 1055.

Subdivision D requires the landlord to affirm if the tenant is or is not in the military service, or if the tenant's military service status is unknown. This information is required to ensure that an eligible tenant receives the protections afforded by the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.* The affidavit shall be made in writing on a form prescribed by the State Court Administrator.

See Act of January 24, 1966, P.L. (1965) 1534, § 1, as amended by Act of August 11, 1967, P.L. 204, No. 68, § 1, Act of June 11, 1968, P.L. 159, No. 89, § 2, 35 P.S. § 1700-1, which states that "[n]o tenant shall be evicted for any reason whatsoever while rent is deposited in escrow" because the dwelling in question has been certified as unfit for human habitation by the appropriate city or county agency. It seems appropriate to leave the matter of evidencing or pleading such a certification or lack thereof to local court of common pleas rules.

#### Explanatory Note

The amendment to subdivision c(6)(c) of Rule 503 and the note to the rule deletes the former requirement of pleading, when the action is based on failure to pay rent, that there is not on the premises property subject to distress adequate to satisfy rent in arrears. See also the amendment to Rule 582(1).

#### Source

The provisions of this Rule 503 amended through December 16, 1983, effective December 1, 1983, 13 Pa.B. 3875; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3581; amended April 17, 2020, effective September 1, 2020, 50 Pa.B. 2252; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (401706) to (401707).

### **Rule 504. Setting the Date for Hearing; Delivery for Service.**

The magisterial district judge, at the time the complaint is filed, shall:

- (1) Set a hearing date that shall be not less than seven or more than fifteen days from the date the complaint is filed.
- (2) Insert the hearing time and date and the address of the magisterial district judge's magisterial district in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the landlord or the landlord's agent.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service as hereinafter set forth, which copy shall contain the following notice:

(a) If you have a defense to this complaint, you may present it at the hearing.

(b) If you have a claim against the landlord arising out of the occupancy of the premises, which is within magisterial district court jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.

(c) IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in YOUR EVICTION from the premises.

**Official Note:** The hearing date in subdivision (1) of this rule is required to be set not less than seven days from the filing of the complaint because of the requirement in Rule 506(B) that service be made at least five days before the hearing. It was thought that the requirement that the hearing be held not more than 15 days from the filing of the complaint should provide ample time to make the type of service required in these cases.

The notice for the tenant set forth in subdivision (4) of this rule varies somewhat from the notice required in civil actions under Rule 305. There are a number of reasons for this. First, there can be no default judgment in these possessory actions and, secondly, it was thought that cross-complaints of tenants in these cases should be limited to those arising out of the occupancy of the premises.

#### Source

The provisions of this Rule 504 amended October 17, 1975, effective in 90 days; amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended February 12, 2002, effective immediately, 32 Pa.B. 1176; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (401707) to (401708).

### Rule 505. Numbering and Filing of Complaints.

The numbering and filing of complaints shall be in accordance with Rule 306.

**Official Note:** This rule simply refers to Rule 306 of the trespass and assumpsit rules so that it will not be necessary to set up a separate numbering system for possessory actions.

### Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the tenant's last known address by first class mail and noting on the docket the date of such mailing, and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the tenant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five days before the hearing.

**Official Note:** Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the landlord may authorize the sheriff or constable to make personal service upon the tenant. If the tenant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The landlord may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant so the landlord can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

**Source**

The provisions of this Rule 506 adopted October 15, 1969, effective January 1, 1970; amended July 8, 1975, effective immediately; amended October 17, 1975, effective in 90 days; amended January 29, 1976, effective in 30 days; amended April 25, 1979, effective in 30 days; amended June 30, 1982, effective 30 days after July 17, 1982; amended July 16, 2001, effective August 1, 2001; amended January 6, 2005, effective January 29, 2005; amended June 2, 2008, effective June 9, 2008; amended December 20, 2013, effective February 20, 2014, 44 Pa.B. 13, 14; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (401708) and (370073).

**Rule 507. Notation and Return of Service; Waiver of Service.**

A. The magisterial district judge shall note on the docket the date that a service copy of the complaint was mailed to the tenant, and the sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour, and place thereof.

B. The appearance of a tenant in person or by representative or the filing of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

**Official Note:** This rule parallels the provisions of Rule 314A and C.

**Source**

The provisions of this Rule 507 amended January 29, 1976, 6 Pa.B. 361; amended December 20, 2013, effective February 20, 2014, 44 Pa.B. 13; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial page (370073).

**Rule 508. Claim by Tenant.**

A. At any time before the hearing, the tenant may file a cross-complaint on the form prescribed for civil complaints, asserting any claim against the landlord that arises out of the occupancy of the premises and that is within the jurisdiction of the magisterial district judge.

B. If the tenant files such a cross-complaint, the magisterial district judge shall set a time and date for the hearing of both complaints together, which shall not be less than seven or more than fifteen days from the filing of the tenant's complaint.

C. The tenant's cross-complaint shall be served on the landlord at least five days before the hearing. At the option of the tenant, the magisterial district judge shall serve the cross-complaint by mailing a copy of it to the landlord. If the tenant does not request service by mail, the magisterial district judge shall deliver a

copy of the cross-complaint for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is located. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the landlord or to an adult person in charge for the time being of the landlord's residence or usual place of business.

**Official Note:** As to subdivision A of this rule, *see* Rule 504, Note. *See also* 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, the tenant filing a cross-complaint being considered a “plaintiff” as to the cross-complaint within the meaning of this statute.

Subdivision B sets forth the time limits for setting hearings when a cross-complaint is filed. These limits recognize the need for reasonable expedition in these cases.

Subdivision C contains provisions for service of the cross-complaint. Mail service need not be by certified or registered mail.

Since a cross-complaint is in the nature of a responsive pleading there is no fee for filing it.

#### Source

The provisions of this Rule 508 amended through April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended July 16, 2001, effective August 1, 2001, 31 Pa.B. 4055; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (370073) to (370074).

### Rule 509. Amendments to Complaint.

Amendments to the complaint may be made only at the hearing in the presence of the adverse party or his representative. Amendments other than those as to form shall constitute grounds for a continuance.

**Official Note:** This rule is the same as Rule 316 of the civil rules.

#### Source

The provisions of this Rule 509 is adopted October 15, 1969, effective January 1, 1970; amended June 30, 1982, effective 30 days after July 17, 1982; adopted June 9, 2008, immediately effective

### Rule 510. [Rescinded].

**Official Note:** See Rule 213 governing subpoenas.

#### Source

The provisions of this Rule 510 amended June 30, 1982, effective 30 days after July 17, 1982; amended December 15, 2000, effective January 1, 2001; amended December 15, 2000, effective January 1, 2001, 30 Pa.B. 6882; rescinded September 3, 2003, effective January 1, 2004, 33 Pa.B. 4663. Immediately preceding text appears at serial page (281660).

### Rule 511. [Rescinded].

**Official Note:** See Rule 209 governing continuances.

#### Source

The provisions of this Rule 511 amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended March 15, 1994, effective upon publication, 24 Pa.B. 1675; amended December 16, 2004, effective July 1, 2005, 35 Pa.B. 10. Immediately preceding text appears at serial pages (300298) and (281661).

**Rule 512. Hearings and Evidence.**

A. The landlord shall appear at the hearing and present testimony in an action for the recovery of possession of real property.

B. The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

**Official Note:** Subdivision A of this rule is intended to make clear that the magisterial district judge shall not enter a default judgment in a possessory action, including a judgment for money only. The landlord shall appear and give testimony to prove the complaint even when the tenant fails to appear for the hearing. *See* Rule 514A and Note. *See also* Section 503(a) of the Landlord and Tenant Act of 1951, 68 P.S. § 250.503(a). 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.

Subdivision B of this rule is the same as Rule 321 of the civil action rules.

**Source**

The provisions of this Rule 512 amended June 30, 1982, effective 30 days after July 17, 1982; amended November 25, 2002, effective July 1, 2003, 32 Pa.B. 6080; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (370074) and (386615).

**Rule 513. Disputes Concerning Title.**

A. If the tenant declares in writing, on oath or affirmation, that the title to the real property is disputed and claimed by some named person other than the landlord by virtue of a right or title accruing by descent from or deed or will of the landlord since the commencement of the lease, and if that person, whether or not appearing before the magisterial district judge, also declares in writing, on oath or affirmation, a true belief of entitlement to the real property, the magisterial district judge shall stay the proceedings, provided the person claiming title files in the court of common pleas of the county in which the real property is located a bond, satisfactory to that court, conditioned upon prosecuting the claim in the court of common pleas. If the claim is not prosecuted in accordance with the conditions of the bond, the bond shall be forfeited to the landlord and the magisterial district judge shall proceed to judgment.

B. If the tenant declares in writing, on oath or affirmation, that the real property is held and claimed by the tenant as a joint tenant or tenant in common with the landlord and that the tenant truly believes that the real property so held does not exceed in quantity or value the just proportion of the tenant's share as a joint tenant or tenant in common, the magisterial district judge shall stay the proceedings, provided the tenant files in the court of common pleas of the county in which the real property is located a bond, satisfactory to that court, conditioned upon prosecuting the claim in the court of common pleas. If the claim is not prosecuted in accordance with the conditions of the bond, the bond shall be forfeited to the landlord and the magisterial district judge shall proceed to judgment.

**Official Note:** This rule sets forth the procedures when there is a dispute concerning title.

**Source**

The provisions of this Rule 513 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial page (386615).

**Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.**

A. If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter judgment against the tenant that the real property be delivered up to the landlord and shall enter judgment by separate entries:

- (1) for any amount of rent that remains due;
- (2) for any amount of damages for unjust detention;
- (3) for any physical damages 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 filed by the tenant.

B. The magisterial district judge shall make an entry on the judgment identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

C. A money judgment may be rendered for the tenant on a cross-complaint filed by the tenant if the amount found due thereon exceeds any amount found due the landlord on the landlord's complaint.

D. *Entry of judgment.*

(1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.

E. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas;

(2) notice that a tenant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal;

(3) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge; and

(4) notice that unless the judgment is entered in the court of common pleas 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.

**Official Note:** Subdivision A of this rule requires that the landlord appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the tenant, even when the tenant fails to appear for the hearing. The magisterial district judge shall not enter a default judgment in a possessory action, including a judgment for money only. *See* Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether 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 amount or rent due, if any; damages to the leasehold premises, if any; the amount found to constitute the monthly rental; and, the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, *see* Section 501 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.501. *See also Patricia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in subdivision A are made necessary as a result of the rental deposit provisions for appeal or *certiorari* contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

If the magisterial district judge permits a security deposit held by the landlord to be used as an offset against a monetary judgment, the amount of the security deposit so applied must be identified as such on the judgment form. There are limited circumstances when application of the security deposit to offset a monetary judgment is appropriate, such as when the tenant has already left the property, the landlord has had the opportunity to inspect the property, both parties have appeared before the magisterial district judge, and the parties agree that the security deposit should be used to offset the judgment. For additional requirements regarding the return of a security deposit, including the provision of a list of damages and remission of the deposit less the cost of damages within 30 days of termination of the lease or upon surrender and acceptance of the leasehold premises, *see* Section 512 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.512.

Subdivision C of this rule provides for a money judgment for the tenant if the tenant prevails in a greater amount on the tenant's cross-complaint.

Subdivision E of this rule provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.

Subdivision E(2) reflects that the appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. *See* Rule 1002B(2); *see also* 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to stay the execution of an order for possession until 30 days after the date of entry of the judgment, the filing of an appeal with the court of common pleas pursuant to Rule 1002, or by order of the court of common pleas, whichever is earlier. *See* Rule 514.1.

As to subdivision E(3), *see* Rule 402D and Note. As to subdivision E(4), *see* Rule 341.

#### Source

The provisions of this Rule 514 amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended through December 16, 1983, effective December 1, 1983, 13 Pa.B. 3875; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended April 5, 2002, effective January 1, 2003, 32 Pa.B. 2199; amended November 25, 2002, effective July 1, 2003, 32 Pa.B. 6080; amended June 1, 2006, effective October 1, 2006, 36 Pa.B. 2955; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4502; amended October 20, 2021, effective January 1, 2022, 51 Pa.B. 6771. Immediately preceding text appears at serial pages (402944) and (403575).

### Rule 514.1. Domestic Violence Affidavit.

A. A tenant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court in order to stay the execution of an order for possession.

B. The domestic violence affidavit shall be on a form prescribed by the State Court Administrator and shall require the tenant to affirm that he or she is a victim of domestic violence.

C. The filing of the domestic violence affidavit with the magisterial district court shall stay the execution of an order for possession. The stay will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier.

D. The magisterial district court shall enter the domestic violence affidavit on the docket of the residential lease action.

E. The magisterial district court shall serve a copy of the domestic violence affidavit on the landlord by mailing it to the landlord at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the landlord.

F. The tenant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to Rule 1002.

G. The domestic violence affidavit is not a public record and it shall not be publically accessible.

**Official Note:** The appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. *See* Rule 1002B(2); *see also* 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to prevent the execution of an order for possession prior to filing an appeal. The filing of the affidavit will prohibit the execution of an order for possession until after the 30th day following the date of entry of judgment, giving the tenant time to make the necessary appeal filing with the prothonotary pursuant to Rule 1002. If the tenant does not file a domestic violence affidavit with the magisterial district court within 21 days following the date of entry of judgment, the tenant is at risk of eviction.

The domestic violence affidavit set forth in subdivision B shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator's relationship to the tenant who is a victim of domestic violence, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator. The affidavit shall contain the tenant's verification that the statements made in the affidavit are true and correct to the best of the tenant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit. However, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

If the landlord wishes to challenge the affidavit of domestic violence, the landlord shall only do so by filing an appropriate motion in the court of common pleas. No action challenging the domestic violence affidavit on any grounds shall be filed in the magisterial district court.

This rule establishes that the domestic violence affidavit is not a public record and shall not be publically accessible. *See Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, Section 9.0F.

#### Source

The provisions for Rule 514.1 adopted on August 19, 2020, effective January 1, 2021, 50 Pa.B. 4502.

### Rule 515. Request for Order for Possession.

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the landlord, the landlord may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B.(1) Except as otherwise provided in subdivision B(2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the landlord, the landlord may after the 10th day but within 120 days following the date of the entry of the judgment, file with the

magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the landlord requests an order for possession,

- (a) an appeal or writ of *certiorari* operates as a *supersedeas*; or
- (b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding or other federal or state law; and
- (c) the *supersedeas* or the bankruptcy or other stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the landlord to proceed to request an order for possession,

the landlord may request an order for possession only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The 15 days in subdivision A of this rule, when added to the 16-day period provided for in Rule 519A, will give the tenant time to obtain a *supersedeas* within the appeal period. See Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease. See also Rule 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within 120 days of the date of the entry of the judgment.

If the tenant is a victim of domestic violence, he or she may file a domestic violence affidavit to stay the execution of the order for possession until the tenant files an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier. See Rule 514.1C. No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit; however, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the landlord to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

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. 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 44 Pa.C.S. § 7161(d).

#### Source

The provisions of this Rule 515 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended April 5, 2002, effective July 1, 2002, 32 Pa.B. 2207; amended April 17, 2020, effective September 1, 2020, 50 Pa.B. 2252; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491 and 4502; amended December 4, 2020, effective January 1, 2021, 50 Pa.B. 7129; amended June 4, 2021, effective January 1, 2022, 51 Pa.B. 3337. Immediately preceding text appears at serial pages (403576) to (403578).

### Rule 516. Issuance and Reissuance of Order for Possession.

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the landlord. The magisterial district judge shall attach a copy of the request form to the order for possession.

B.(1) Except as otherwise provided in subdivision C, upon written request of the landlord the magisterial district judge shall reissue an order for possession for one additional 60-day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, and

- (a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or
- (b) the bankruptcy or other stay is lifted; and
- (c) the landlord wishes to proceed with the order for possession, the landlord must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subdivision B(1).

C. In a case arising out of a residential lease, a request for reissuance of an order for possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or other stay is lifted.

D. A written request for reissuance of the order for possession, filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy or other stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy or other stay.

**Official Note:** The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A landlord who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, “Reissuance of order for possession requested,” subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, “Reissued. Request for reissuance filed \_\_\_\_\_ (time and date).” A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark “/s/.” There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request reissuance of an order for possession imposed in subdivision C apply only in cases arising out of residential leases and in no way affect the landlord’s ability to execute on the money judgment. *See* Rule 521A.

#### Source

The provisions of this Rule 516 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended July 16, 2001, effective August 1, 2001, 31 Pa.B. 4055; amended April 5, 2002, effective July 1, 2002, 32 Pa.B. 2207; amended April 17, 2020, effective September 1, 2020, 50 Pa.B. 2252; amended August 19, 2020, effective January 2021, 50 Pa.B. 4491 and 4502; amended December 4, 2020, effective January 1, 2021, 50 Pa.B. 7129; amended June 4, 2021, effective January 1, 2022, 51 Pa.B. 3337. Immediately preceding text appears at serial pages (403578) to (403579).

#### **Rule 517. Notation of Time of Receipt; Service of Order for Possession.**

The magisterial district judge shall mail a copy of the order for possession to the tenant by first class mail and shall deliver a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Common-

wealth. The officer receiving the order for possession shall note upon the form the time and date that it was received, and shall serve the order within 48 hours by handing a copy of it to the tenant or to an adult person in charge for the time being of the premises possession of which is to be delivered or, if none of the above is found, by posting it conspicuously on those premises. The service copy of the order shall contain the following notice:

(1) For nonresidential leases:

If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within 15 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.

(2) For residential leases:

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.

The date of the notice shall be the same as the date of the service.

**Official Note:** Under this rule, service must be made both by first class mail and delivery for service in the manner prescribed. The differing lengths of notices set forth for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to Section 513 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.513. *See* Rule 515, Note.

Amended October 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996; amended December 15, 2000, effective January 1, 2001.

#### Source

The provisions of this Rule 517 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended December 15, 2000, effective January 1, 2001, 30 Pa.B. 6882; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (401711) to (401712).

### Rule 518. Satisfaction of Order by Payment of Rent and Costs.

At any time before actual delivery of the real property is made in execution of the order for possession, the tenant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the order for possession by paying to the executing officer the rent actually in arrears and the costs of the proceedings. The executing officer shall give the tenant a signed receipt for any such payment.

**Official Note:** “Rent actually in arrears” means the sum set forth on the order for possession.

For procedure for entry of satisfaction of money judgments, *see* Rule 341.

#### Source

The provisions of this Rule 518 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended April 5, 2002, effective January 1, 2003, 32 Pa.B. 2199; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial page (401712).

**Rule 519. Forcible Entry and Delivery of Possession.**

A. If, on or after the 16th day following the service of the order for possession arising out of a nonresidential lease, the tenant or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the tenant and any unauthorized occupant and shall deliver possession of the real property to the landlord or the landlord's agent.

B. If, on or after the 11th day following the service of the order for possession in cases arising out of a residential lease, the tenant or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the tenant and any unauthorized occupant and shall deliver possession of the real property to the landlord or the landlord's agent.

C. No order for possession may be executed after 60 days following its issuance or reissuance.

**Official Note:** The differing lengths of notices set for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to Section 513 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.513. *See* Rule 515, Note.

**Source**

The provisions of this Rule 519 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended April 5, 2002, effective July 1, 2002, 32 Pa.B. 2207; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (401712) and (370075).

**Rule 519.1. Request for Determination of Abandoned Manufactured Home.**

A. A landlord may request a determination that a manufactured home is abandoned by filing the request on a form prescribed by the State Court Administrator with the magisterial district court in the magisterial district where the manufactured home is located.

B. If the determination is not or cannot be made during a hearing for recovery of possession pursuant to this chapter, the magisterial district court shall set a hearing date that shall be not less than seven or more than fifteen days from the date the request is filed.

C. The magisterial district court shall serve a copy of the request and the hearing notice on the tenant in the manner set forth in Rule 506.

D. The magisterial district judge shall promptly give or mail written notice of the determination to the parties in interest. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

E. Any party aggrieved by a determination made by a magisterial district judge under this rule may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the determination pursuant to Rule 1016 with the prothonotary and with the magisterial district judge in whose office the determination was made.

**Official Note:** This rule was adopted in 2013 to accommodate the provisions of Section 10.1 of the Act of November 24, 1976, P.L. 1176, No. 261, added by Section 2 of the Act of October 24, 2012, P.L. 156, § 2, 68 P.S. § 398.10.1, which provides for a magisterial district judge to hold a hearing and make a determination that a manufactured home is abandoned.

The landlord must pay any fees or costs at the time of filing the request.

Rules 1016—1020, providing for the filing and consideration of a statement of objection to an order or determination made by a magisterial district judge under Rule 420, also apply to determinations made under this rule. A party seeking reconsideration of a determination of abandonment made concurrent with a judgment for possession must file the statement of objection in addition to the notice of appeal. Rule 1016B requires that the statement of objection must be filed with the prothonotary and the magisterial district judge within 10 days after the date of the determination to which objection is made. Both appeals from judgments for possession under residential leases and statements of objections to determinations of abandonment must be made within 10 days after the date of entry.

#### Source

The provisions of this Rule 519.1 adopted December 20, 2013, effective February 20, 2014, 44 Pa.B. 14; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (370075) to (370076).

### Rule 520. Officer's Return.

Within five business days following delivery of possession to the landlord or satisfaction by payment of rent in arrears and costs, the officer executing the order for possession shall make a return on the order for possession form. The return shall show:

- (1) The date, time, place, and manner of service of the order.
- (2) 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.
- (3) The time and date of any forcible entry and ejection, or that no entry for the purpose of ejection had to be made.
- (4) The officer's expenses and fees.

Amended July 30, 1982, effective 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.

#### Source

The provisions of this Rule 520 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial page (370076).

### Rule 521. Execution by Levy.

A. If the landlord in an action for recovery of possession of real property obtains a judgment for damages for injury to or unjust detention of the premises, for rent remaining due and for the costs of the proceeding, or for any of these,

the landlord may obtain execution of that judgment by levy upon personal property of the tenant in accordance with the rules for the Execution of Judgments for the Payment of Money Rendered by Magisterial District Judges, and the form for a request for an order of execution there prescribed shall be used for this purpose.

B. If the tenant in an action for recovery of possession of real property obtains a money judgment on a cross-complaint against the landlord, the tenant may obtain execution of the judgment by levy upon personal property of the landlord in accordance with the rules for the Execution of Judgments for the Payment of Money Rendered by Magisterial District Judges.

**Official Note:** See Rule 516, Note.

**Source**

The provisions of this Rule 521 amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended August 19, 2020, effective January 1, 2021, 50 Pa.B. 4491. Immediately preceding text appears at serial pages (370076) to (370077).

**Rule 581. Acts of Assembly Suspended.**

All Acts of Assembly or parts thereof inconsistent with the rules governing practice and procedure in actions before magisterial district judges for the recovery of possession of real property are suspended to the extent of such inconsistency.

The following Acts of Assembly are suspended insofar as they are inconsistent with the foregoing rules:

- (1) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 33 of 1995;
- (2) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 36 of 1995.

Amended June 30, 1982, effective 30 days after July 17, 1982; amended March 28, 1996, effective March 29, 1996.

**Source**

The provisions of this Rule 581 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691. Immediately preceding text appears at serial pages (168548) to (168549).

**Rule 582. Acts of Assembly Not Suspended.**

The following Acts of Assembly shall not be deemed suspended or affected: Section 1 of the Act of January 24, 1966, P. L. (1965) 1534, as last amended by § 2, Act of June 11, 1968, P. L. 159, No. 89, 35 P. S. § 1700—1.

**Official Note:** This Section provides, inter alia, that no tenant shall be evicted for any reason while rent is deposited in escrow because the dwelling in question has been certified as unfit for human habitation. See the note to Rule 503.

**Source**

The provisions of this Rule 582 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266. Immediately preceding text appears at serial page (43181).

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