

Frequently Asked Questions

Q Can I still evict a tenant if I do not have a written lease?

A Yes, generally speaking, you can still evict a tenant if there is not a written lease. Oral agreements can be considered a lease. For more information, consult Ohio Revised Code 1923.01.

Q Can I evict a tenant for escrowing rent?

A No, you cannot evict a Tenant only because s/he escrowed the rent. If you have more questions about this or how it applies to your situation, you should contact an attorney.

Q Once I get an eviction judgment from the magistrate, can I change the locks on my property?

A Not immediately. Once the judgment is entered against the Tenant, the Tenant will receive a red tag on the door of the property. Tenant has five (5) days to move out and return the keys to the Landlord. If the Tenant stays past the five days, a Landlord may request a set out.

A set-out must be requested after the 5th day, but before the 10th day that the red tag was received. (Ohio Revised Code 1923.14). A supervised set out costs an additional \$45. The fee and paperwork can be completed at the Franklin County Municipal Court Clerk's office on the 3rd floor of 375 S. High St.

? DO YOU HAVE QUESTIONS?

The FCMC Self Help Resource Center is a free walk-in service to help you represent yourself in court without a lawyer. We cannot offer legal advice, but can point you to helpful resources. The Center is open on a walk-in basis – no appointment necessary.

About the Franklin County Municipal Court Self Help Resource Center

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WALK IN

375 S. High St., 6th Floor
Columbus, OH 43215
Monday – Friday, 9:00 AM – 3:00 PM
(last visitors accepted at 2:30 PM)

VISIT OUR WEBSITE

www.fcmcselfhelpcenter.org

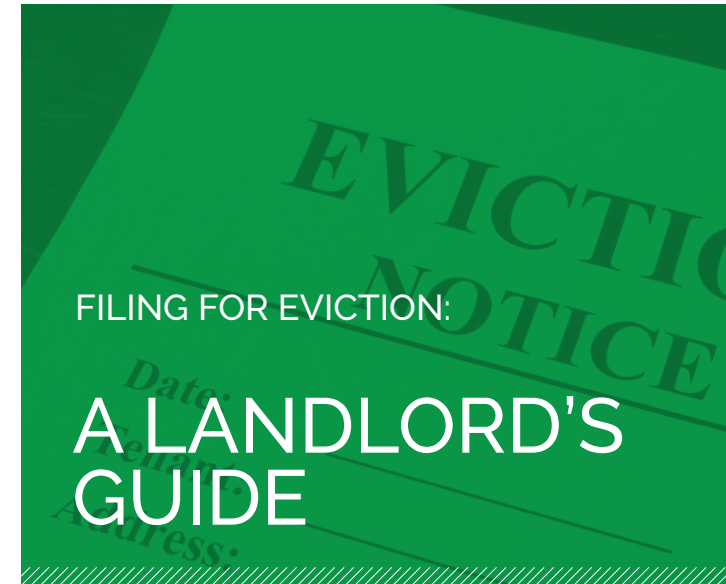
Includes helpful legal and research resources and materials on various legal issues.

This guide is for informational purposes only and should not be relied on for legal advice. If you need legal advice, contact an attorney.

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Franklin County Municipal Court (FCMC)
Self Help Resource Center



What Is an Eviction?

An Eviction is a legal action taken by a landlord to remove a tenant from the property. An Eviction is proper when the tenant has not paid rent or has not fulfilled certain terms of the lease.

Lease terms include pet agreements, Tenant responsibilities, and many other areas. Not all violations of lease terms create a cause for eviction. If you would like to evict a tenant for a lease violation, you should consult with an attorney.

Only the person listed on the property deed may file an Eviction. Corporations and other business entities must be represented by an attorney in an Eviction action. A person other than the property owner (like a property manager) may NOT represent the owner in court, even if the owner signs a power of attorney. If you have questions about whether it is proper for you to pursue an Eviction Action, you should consult with an attorney.

How to File an Eviction

- First, a Landlord must give the Tenant notice of the intent to file an Eviction
 - The Tenant must receive notice from the Landlord at least 3 days before the Landlord files the Eviction Complaint. (ORC 1923.04). It is ideal to give 3 business days' notice.
 - The notice may be delivered by: certified mail, return receipt requested, handing a written copy to the defendant in person, leaving it at the defendant's usual residence, or at the place of the Eviction.
 - Notice to Leave the Premises **MUST**, by statute, contain the following language "boldly and conspicuously:"

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. (ORC 1923.04).

- After the three-day period has passed, if the Tenant has not moved out, the Landlord can file the Eviction Action. The Eviction Action does not have to be filed on the day after the three-day period ends, but must be filed in a reasonable amount of time. If too much time passes, the process starts over again.
- Next, the Landlord fills out the Eviction Complaint. The Complaint must meet the requirements ORC 1923.05, including:
 - Names of the Tenants/ Defendants spelled correctly
 - Complete and accurate addresses of the Eviction property
- Complete and accurate addresses where the Tenants/Defendants were served
- Last, the Landlord must file the Eviction Action. To file, the Landlord needs:
 - A copy of the Notice to Leave Premises that was already served on the Tenant(s).
 - The original Eviction Complaint filled out clearly and neatly.
 - Two additional copies of the Eviction Complaint **and** all attachments for **each** tenant/ defendant to be evicted.
 - \$133 filing fee. The Clerk's office will accept cash, checks, money order, or credit card.
 - All originals and copies should be taken to the Franklin County Municipal Court Clerk's office on the 3rd Floor at:
375 S. High St, Columbus, OH 43215

If you would like more information about the process for filing an Eviction, please contact:

The FCMC Self Help Resource Center
369 S. High St., 10th Floor
Columbus, OH 43215

What Is in an Eviction Complaint?

An Eviction Complaint states the reason that you are evicting the tenant. All Eviction Complaints must comply with Ohio Revised Code 1923.05.

There is not a form available through the Court that you can simply fill out. Such forms are available online or through an attorney.

An Eviction Complaint must contain a First Cause of Action and may contain a Second Cause of Action.

First Cause:

The First Cause in an eviction case helps the landlord regain possession of the property.

Second Cause:

The Second Cause in an eviction case occurs after the First Cause. This is a way for Landlords to recover any money damages from the tenant, such as back utilities or property damage.

Hearings for the First Cause and Second Cause take place at different times.

If the First Cause and Second Cause are not included in the Eviction Complaint, money damages must be filed in a separate Complaint in Small Claims Court.