

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

Rule	
501.	Definition.
502.	Venue. Commencement of the Action.
503.	Form of Complaint.
504.	Setting the Date for Hearing; Delivery for Service.
505.	Numbering and Filing of Complaints.
506.	Service of Complaint.
507.	Notation and Return of Service; Waiver of Service.
508.	Claim by Defendant.
509.	Amendments to Complaint.
510.	[Rescinded].
511.	Continuances.
512.	Hearings and Evidence.
513.	Disputes Concerning Title.
514.	Judgment; Notice of Judgment or Dismissal and the Right to Appeal.
515.	Request for Order for Possession.
516.	Issuance and Reissuance of Order for Possession.
517.	Notation of Time of Receipt; Service of Order for Possession.
518.	Satisfaction of Order by Payment of Rent and Costs.
519.	Forcible Entry and Delivery of Possession.
520.	Officer's Return.
521.	Execution by Levy.
581.	Acts of Assembly Suspended.
582.	Acts of Assembly Not Suspended.

Rule 501. Definition.

A. As used in this chapter, “action” means an action by a landlord against a tenant for the recovery of possession of real property brought before a magisterial district judge.

B. As used in this chapter, “complaint” shall include, where applicable, the attached and completed Recovery of Real Property Hearing Notice form.

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 § 302 of the Landlord and Tenant Act of 1951, 68 P. S. § 250.302. Actions for rent (§ 301 of the Act, 68 P. S. § 250.307) 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.

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. Immediately preceding text appears at serial page (152371).

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 which shall be prescribed by the State Court Administrator.

B. The complaint shall be signed by the plaintiff or plaintiff'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.

Signature

C. 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 plaintiff is the landlord of that property.
- (4) That he leased or rented the property to the defendant or to some other person under whom the defendant claims.
- (5) That notice to remove was given to the defendant 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 defendant retains the real property and refuses to give up possession of the property.

(8) The amount of rent, if any, which 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.

Official Note: As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form. As to notice to remove, the form will simply state that such a notice, when required, was given to the defendant 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 C(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.

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 “no 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.

Subdivision C and Note amended June 1, 1971, effective immediately—Ed.

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. Immediately preceding text appears at serial pages (72985) to (72987).

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 which shall be not less than seven (7) or more than fifteen (15) 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 plaintiff or the plaintiff’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 plaintiff 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 fifteen 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 defendant 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 defendants 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. Immediately preceding text appears at serial pages (281657) to (281658).

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 defendant by first class mail 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 defendant 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 plaintiff may authorize the sheriff or constable to make

personal service upon a tenant/defendant. If a tenant/defendant 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 plaintiff may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant/defendant so the plaintiff 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, immediately; October 17, 1975, effective in 90 days; January 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; July 16, 2001, effective August 1, 2001; January 6, 2005, effective January 29, 2005. Amended June 2, 2008, effective June 9, 2008. Immediately preceding text appears at serial pages (309556) to (309557).

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

A. The magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant, 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 defendant in person or by representative or the filing by him 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 of the trespass and assumpsit rules.

Source

The provisions of this Rule 507 amended January 29, 1976, 6 Pa.B. 361. Immediately preceding text appears at serial page (21190).

Rule 508. Claim by Defendant.

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

B. If the defendant 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 7 or more than 15 days from the filing of the defendant's complaint.

C. The defendant's cross-complaint shall be served on the plaintiff at least five days before the hearing. At the option of the defendant, the magisterial district judge shall serve the cross-complaint by mailing a copy of it to the plaintiff. If the defendant 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 plaintiff or to an adult person in charge for the time being of the plaintiff's residence or usual place of business.

Official Note: As to subdivision A of this rule, see the Note to Rule 504. See also 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, the defendant 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. Immediately preceding text appears at serial pages (272491) to (272492).

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 plaintiff must 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 which 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 may not enter a default judgment in a possessory action, including a judgment for money only. The plaintiff must appear and give testimony to prove the complaint even when the defendant 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 plaintiff 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. Immediately preceding text appears at serial page (288451).

Rule 513. Disputes Concerning Title.

A. If the defendant 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 plaintiff 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, that he truly believes he is entitled 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 his 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 plaintiff and the magisterial district judge shall proceed to judgment.

B. If the defendant declares in writing, on oath or affirmation, that the real property is held and claimed by him as a joint tenant or tenant in common with the plaintiff and that he truly believes that the real property so held does not exceed in quantity or value the just proportion of his share as a joint tenant or tenant in common, the magisterial district judge shall stay the proceedings, provided the defendant 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 his 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 plaintiff 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. Immediately preceding text appears at serial page (43175).

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 defendant that the real property be delivered up to the plaintiff and shall enter judgment by separate entries:

- (1) for the amount of rent, if any, which remains due,
- (2) for the amount of damages, if any, for unjust detention,
- (3) for the physical damages, if any, to the leasehold premises, and
- (4) for the costs of the proceeding;

less any amount found due the defendant on any cross-complaint filed by the defendant.

In addition, the magisterial district judge shall make an entry identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

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

C. (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.

D. 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, 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

(3) 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: Paragraph A of this rule requires that the plaintiff appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the defendant, even when the defendant fails to appear for the hearing. The magisterial district judge may 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 defendant 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 *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in paragraph 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.

As to paragraph D(2), see Rule 402D and Note. As to paragraph D(3), 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. Immediately preceding text appears at serial pages (309560) to (309561).

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 plaintiff, the plaintiff may, after the 15th day 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.

B. (1) Except as otherwise provided in subparagraph (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 plaintiff, the plaintiff 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 plaintiff 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; and
- (c) the supersedeas or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession, the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

Official Note: The fifteen days in subdivision A of this rule, when added to the 16 day period provided for in Rule 519A, will give the defendant 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 ten-day period from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for order for possession in subparagraph B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph 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 stay is stricken, dismissed, lifted,

or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

The time limits in which the plaintiff 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 plaintiff's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

At the time the plaintiff 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 Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d).

Source

The provisions of this Rule 516 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. Immediately preceding text appears at serial pages (212914) and (281663).

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 plaintiff. 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 plaintiff 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, and

(a) the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy stay is lifted; and

(c) the plaintiff wishes to proceed with the order for possession,

the plaintiff must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subparagraph (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, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated or the bankruptcy 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 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 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 plaintiff 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, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or the bankruptcy 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 plaintiff. 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 time limits in which the plaintiff 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 plaintiff'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. Immediately preceding text appears at serial pages (264236) to (264237).

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 defendant 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 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 order for possession shall note upon the form the time and date that it was received, and shall serve the order within forty-eight (48) hours by handing a copy of it to the defendant 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 fifteen (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 ten (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/Tenant Act. See Note following Pa. R.C.P.D.J. No. 515.

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. Immediately preceding text appears at serial pages (212915) to (212916).

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 defendant 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 defendant 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. Immediately preceding text appears at serial pages (281664) and (212917).

Rule 519. Forcible Entry and Delivery of Possession.

A. If, on or after the sixteenth (16th) day following the service of the order for possession arising out of a nonresidential lease, the defendant or any unau-

thorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon property, by the breaking in of any door or otherwise, and to eject the defendant and any unauthorized occupant and shall deliver possession of the real property to the plaintiff or the plaintiff's agent.

B. If, on or after the eleventh (11th) day following the service of the order for possession in cases arising out of a residential lease, the defendant 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 defendant and any unauthorized occupant and shall deliver possession of the real property to the plaintiff or the plaintiff'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. Immediately preceding text appears at serial pages (212917) to (212918).

Rule 520. Officer's Return.

Within five (5) business days following delivery of possession to the plaintiff 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 defendant, the amount of that payment and its distribution.
- (3) The time and date of any forcible entry and ejectment, or that no entry for the purpose of ejectment 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. Immediately preceding text appears at serial page (168548).

Rule 521. Execution by Levy.

A. If the plaintiff in an action for recovery of possession of real property obtains a judgment for damages for injury to or unjust detention of the premises,

Rule 581

for rent remaining due and for the costs of the proceeding, or for any of these, he may obtain execution of that judgment by levy upon personal property of the defendant 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 defendant in an action for recovery of possession of real property obtains a money judgment on a cross-complaint against the plaintiff, he may obtain execution of the judgment by levy upon personal property of the plaintiff in accordance with the rules for the Execution of Judgments for the Payment of Money Rendered by Magisterial District Judges.

Official Note: See the note to Rule 516.

Source

The provisions of this Rule 521 amended April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499. Immediately preceding text appears at serial page (21197).

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).

[Next page is 800-1.]