

Thirty-Sixth District Court FAQ

Landlord-Tenant Disputes: Frequently Asked Questions

For what reasons can tenants be evicted from their rental property?

Under the law, tenants can be evicted for not paying their rent, for destruction of property, for not following the rules and regulations spelled out in the lease/rental agreement, engaging in illegal activities, or for creating health hazard in the rental property.

What procedures does a landlord have to follow to evict a tenant?

Before a case is filed with the Civil/Real Estate Division of the 36th District Court, there are a number of steps a landlord must take before a tenant can be evicted. A landlord must fill out and issue to a tenant one of two forms: the *"Notice to Quit"* or *"Demand For Possession"*. These forms can be purchased at the Civil Division cashier's window on the 2nd Floor of the Madison Center Building for one dollar (\$1.00) or at any office supply store. When filling out these forms, it is important for the landlord to print the tenant's full name and correct address on the form. If delivered by mail, do not use the court as your return address.

What do I do if I receive one of these two legal forms from my landlord?

If you receive a Notice to Quit or Demand for Possession from your landlord, it means that the landlord wants to regain possession of the property that you are renting. You have within the time frame indicated on the form to correct the situation, pay the rent owed, move or seek legal advice. Failure to comply may result in a case being filed against you in court.

What happens when the seven days or month have expired?

When the time period expires after you have been served with the appropriate papers, a landlord can start legal action against a tenant. When filing these documents, a landlord must have the necessary filing fee and service fee for each defendant; a stamped envelope addressed to the tenant(s) with the 36th District Court address as the return address; and, the court copy and one extra copy of the Notice to Quit or Demand for Possession for each tenant (defendant).

Once the complaint and summons are filed with the Real Estate Division staff, a hearing date will be set, a court bailiff will be assigned to the case, and the tenant (defendant(s)) will receive a copy of the complaint and summons from the court bailiff in person or attached to the door of the rental property. A copy of these documents will be sent by the court to the tenant in the mail.

The complaint form will contain information about the case being brought against the tenant by the landlord, including how much rent is owed. The summons will state the case

number, the date and time of your hearing at the 36th District Court, and what your rights and responsibilities are.

[Back to Top](#)

What happens when I show up on my court date as either a landlord or a tenant?

On your court date, both the landlord and tenant must check in at the counter in Room 421 (4th floor), at 8:30 a.m./1:00 p.m. The landlord must provide a completed Judgment form and stamped envelope for each tenant in the case, with the court address as the return address. Remember, both the landlord and the tenant have the right to have an attorney present during this court hearing and to request a jury trial. Any evidence or witness that you believe would support your case should be with you at the hearing.

When your case is called by the court clerk, the judge will hear both sides before a ruling is made. If possible, the judge will attempt to get both sides to agree as to how to handle the matter. This is called a Consent Judgment, and it must be signed by both the landlord and the tenant, as well as the judge. If an agreement is not reached, then the judge will make a ruling either in favor of the landlord or the tenant. This document will contain the actions necessary by the landlord and/or the tenant to satisfy the court's ruling.

[Back to Top](#)

What happens if either the landlord or tenant fails to show up for the court date?

Failure of a landlord to show up for a court date will result in the case being dismissed. If a tenant does not show up for the court date a default judgment is issued by the court in favor of the landlord. If neither person shows up, the case is dismissed. By not signing in at Room 421 at 8:30 a.m./1:00 p.m. on the day of your hearing, you may give up your right to present your case to the court.

[Back to Top](#)

What if the conditions of the judgment are not followed?

If a tenant fails to follow the requirements of the judgment form signed by the judge, the landlord has the right to request a court order (Order of Eviction) to have you evicted.

[Back to Top](#)

How does a landlord request a Order of Eviction and what does the court do once the request is made?

The Judgment Order issued by the court at the hearing spells out the terms that have to be followed by both the landlord and the tenant and the date by which these action have to be completed. If a tenant fails to obey the requirements of the judgment by that date, then

the landlord can request that the court issue a Order of Eviction ordering the court bailiff to evict (remove) the tenant and his or her possessions from the rental property.

This action is started by the landlord filling out and filing the necessary forms at the Civil Division cashier counter on the 2nd floor of the Madison Center Building. The landlord must pay the necessary filing fee, submit a stamped envelope addressed to the tenant with the 36th District Court address as the return address, and complete a form giving the court bailiff instructions regarding the eviction. Because there is an additional cost to the landlord for the bailiff carrying out (executing) the eviction order, the bailiff will contact the landlord to tell him or her of the cost.

[Back to Top](#)

Will a tenant be notified if a Order of Eviction has been filed?

Yes. The Real Estate Division staff will send you a notice with a copy of the Order attached informing you that an Order has been filed and, if a Writ hearing has been set by the judge, the date of the hearing. If you feel that there is a good reason why you should not be evicted from the property, you must request a Stay (delay) of the Writ at the Civil counter on the 2nd floor in order for you to go before a judge. If a hearing is held, the judge will give both parties an opportunity to present their side of the case.

[Back to Top](#)

What happens if a Order of Eviction is approved by the judge?

Once an Order has been signed by a judge, it can be executed by a bailiff that day. Only a court bailiff has the authority to execute the Order and remove your possessions from the property. A landlord cannot carry out an Order and evict you.

[Back to Top](#)

How can I file a complaint against my landlord?

If you feel that you have legitimate complaint against your landlord, you can contact the City of Detroit Rental Inspector regarding property repair at (313) 224-2733. You may also contact Legal Aid and Defender toll free at (877) 964-4700. It is important that you keep a record on everything that has occurred that will support your complaint (i.e. names, dates, problems, receipts etc). If you file a complaint against your landlord, it is illegal for the landlord to retaliate against you through such actions as raising your rent or having you evicted. If your landlord has ignored the legal process to have you evicted and locked you out of your rental property, you can contact the United Community Housing Coalition between the hours of 1:00 p.m. and 3:00 p.m. at:

United Community Housing Coalition
220 Bagley Street
Detroit, MI 48226
(313) 963-3310

