

Orlando

Landlord's Guide to Evicting Tenants



Introduction

Evicting a tenant is a legal process that requires landlords to follow specific steps to ensure compliance with Virginia state laws. This guide provides a

comprehensive overview of the eviction process and details the forms necessary at each stage.



Step 1: Issue Proper Notice to Tenant

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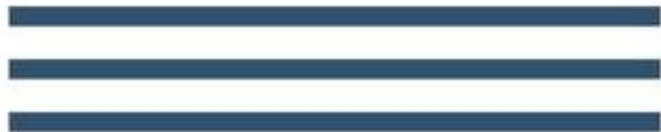
Before filing for eviction, landlords must provide the tenant with the appropriate notice:

- **5-Day Pay or Quit Notice** for nonpayment of rent.
 [Sample Notice Template](#)
- **30-Day Notice** for lease violations.
 [Sample Notice Template](#)
- **30-Day Notice to Vacate** for month-to-month tenancies.
 [Sample Notice Template](#)

 **Tip:** Always document the delivery of notices (via certified mail, personal delivery, or posting with mailing) to ensure proof of service.



EVICTIION NOTICE



Step 2: File for Eviction

If the tenant does not comply with the notice, landlords must file a **Summons for Unlawful Detainer (Form #DC-421)** to initiate eviction proceedings.

 [Form DC-421](#) | [Instructions](#)

Purpose: Formally requests a court hearing to regain possession of the property.

Process:

1. Complete the form with tenant details and grounds for eviction.
2. File it with the local General District Court.
3. Serve the tenant through the sheriff or a private process server.
4. Attend the hearing on the scheduled date. Bring all relevant documentation (lease, notices, payment records, communication logs).

Step 3: Obtain a Judgment

If the judge rules in favor of the landlord at the hearing, the court will issue a **judgment for possession**. This judgment gives the landlord the legal right to reclaim the property if the tenant does not voluntarily vacate. It may also include a **monetary judgment** for unpaid rent and damages.

Useful Forms After Judgment:

- **Request for Writ of Eviction in Unlawful Detainer Proceedings (Form # DC-469):** Required to regain possession after a favorable ruling.
 [Form DC-469 | Instructions](#)
- **Motion to Set Aside Default Judgment (Form # DC-434):** Used if a default judgment was mistakenly issued against the landlord.
 [Form DC-434 | Instructions](#)

 **Note:** Once the writ is granted, the sheriff will schedule the eviction. Ensure you are available at the scheduled time.





Step 4: Post-Judgment Actions

If the tenant fails to comply with the judgment:

- **Motion for Show Cause Summons or Capias (Form # DC-420):** Used to bring the tenant back to court for violating the court's order (e.g., refusing to vacate or failing to pay ordered damages).
 [Form DC-420](#) | [Instructions](#)
- **Notice of Hearing to Establish Final Rent and Damages (Form # DC-422):** Schedule a hearing to finalize rent owed and damages.
 [Form DC-422](#) | [Instructions](#)

 **Tip:** Document property condition with photos or videos before and after tenancy for damage claims.

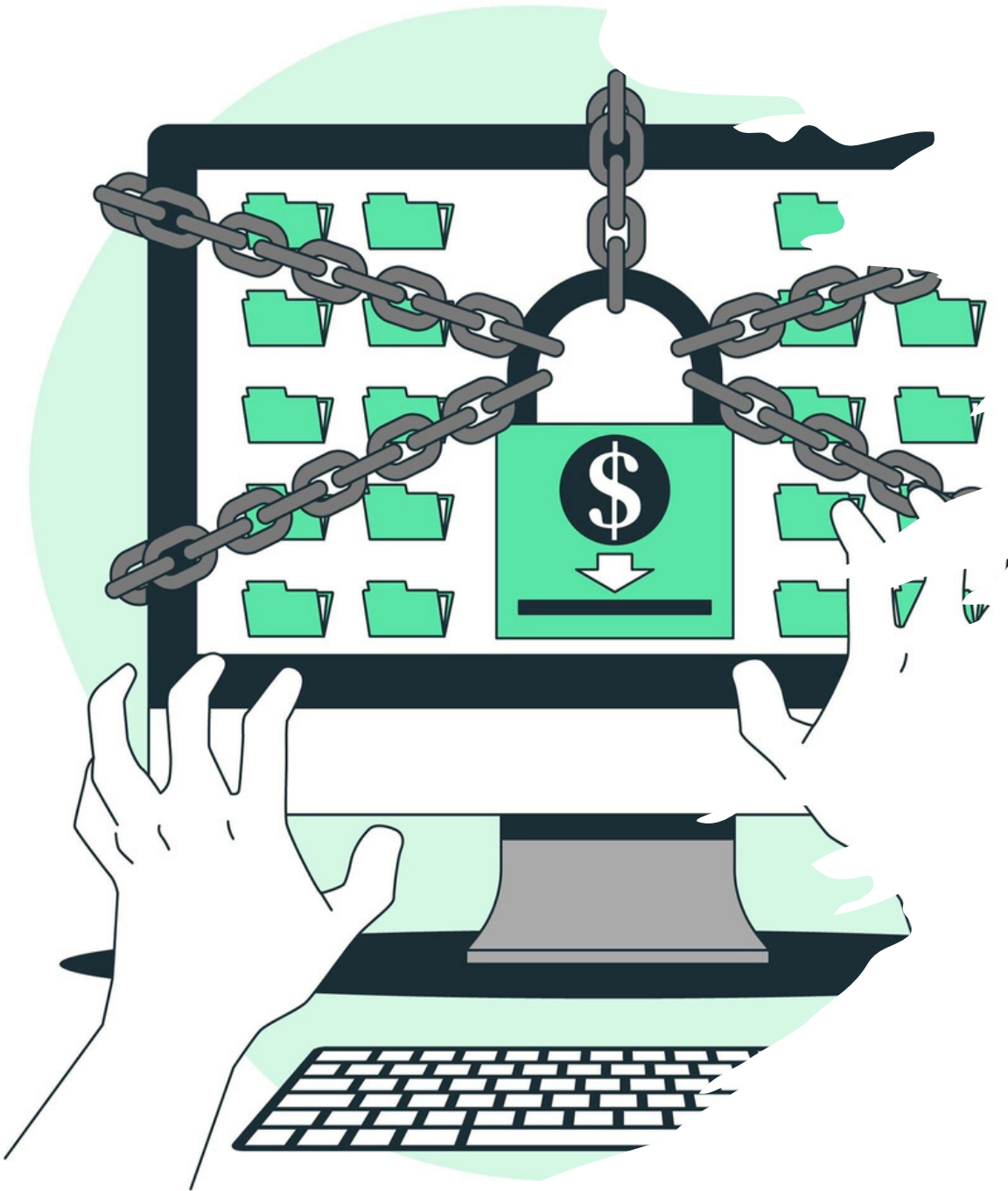


Step 5: Recovering Unpaid Rent or Security Deposits

After regaining possession of the property, landlords may pursue financial recovery for unpaid rent, damages beyond normal wear and tear, or other costs. The following forms assist in these processes:

- **Warrant in Debt (Form # DC-412):** To sue for unpaid rent or damages.
 [Form DC-412](#) | [Instructions](#)
- **Warrant in Debt—Small Claims Division (Form # DC-402):** For smaller claims under \$5,000, offering a quicker and less formal process.
 [Form DC-402](#) | [Instructions](#)
- **Itemized List of Damages (Form # DC-443):** Used to document detailed property damage beyond normal wear and tear, supporting claims for deductions from security deposits or lawsuits for damages.
 [Form DC-443](#) | [Instructions](#)

 **Reminder:** Security deposit deductions must comply with Virginia's Landlord-Tenant Act timelines and documentation requirements.



Step 6: Enforcing Judgments and Collecting Payments

Obtaining a judgment is one step; collecting the awarded amount is another. The following forms assist landlords in enforcing judgments and recovering money owed:

- **Summons to Answer Interrogatories (Form # DC-440):** Helps identify tenant

assets for potential garnishment or collection.

 [Form DC-440](#) | [Instructions](#)

- **Suggestion for Summons in Garnishment (Form # DC-450):** Initiates wage or bank account garnishment.

 [Form DC-450](#) | [Instructions](#)

- **Garnishment Summons (Form # DC-451):** Official form to execute the garnishment process.

 [Form DC-451](#) | [Instructions](#)

- **Affidavit and Petition for Order of Publication (Form # DC-435):** Used when a tenant cannot be located for serving court papers.

 [Form DC-435](#) | [Instructions](#)

- **Notice of Change of Address (Form # DC-437):** Keeps the court informed of the landlord's contact information during ongoing proceedings.

 [Form DC-437](#) | [Instructions](#)

 **Tip:** Keep copies of all documents and communications related to enforcement actions for legal and compliance purposes.

Conclusion

Evictions are complex legal processes requiring strict adherence to timelines and legal procedures. This guide offers a step-by-step approach to help Virginia landlords navigate the eviction process efficiently while remaining compliant with state laws. When in doubt, consult with a local attorney experienced in landlord-tenant law.

⚠️ Disclaimer: This guide is for informational purposes only and does not constitute legal advice. Laws and procedures are subject to change. Always verify with local courts or legal counsel before proceeding.

