



330.438.4133 – 218 CLEVELAND AVE SW. FLOOR 6, CANTON, OH 44702

FREQUENTLY ASKED EVICTION QUESTIONS

1. My tenant has not paid the rent. Do I have to file an eviction with the Court?

Yes. In Ohio, a landlord of residential premises cannot physically remove the tenant from the premises, terminate utilities, or change the locks to encourage a tenant to move from the premises. This is called “**self-help**,” and is **illegal** in Ohio. A landlord must file a complaint against the tenant, go to court, be granted a judgment, and follow the court-instituted eviction procedure to remove the tenant from the premises.

2. I understand it may take 60 to 90 days to evict a tenant. Is that true?

For a simple non-payment case, a tenant may be evicted within less than five weeks: The landlord must serve the three-day notice, then wait three business days. The landlord then files the complaint with the Clerk of Courts. The court date is set for ~3 weeks from the date of filing. Then, if the eviction is granted, the move-out may take place within seven days from the date of hearing. The process in that case would be completed in approximately five weeks.

3. In Court, the magistrates ask if a tenant is a “Section 8 tenant.” Is the eviction procedure different for “Section 8” or subsidized tenants?

Yes. Tenants who participate in federal subsidy programs, including the Section 8 programs, are afforded special protection under Federal law. As a general rule, subsidized housing tenants are entitled to written notice of their opportunity to meet with the management, and an opportunity to meet with the management. They also may be entitled to an opportunity to correct their conduct before the landlord may file an eviction action. The specific requirements vary with each of the subsidized or “Section 8” programs. A landlord interested in evicting a Section 8 tenant should first know the type of Section 8 or subsidy involved. Second, the landlord should read carefully the lease and contract, which has been signed. Finally, because both federal and state laws apply to Section 8 evictions, the court recommends that Section 8 landlords obtain legal advice from an

attorney before filing an eviction against a tenant in a federal subsidy program.

4. My landlord has refused to make repairs to my apartment. Can I withhold my rent?

No. In Ohio, a tenant whose landlord refuses or fails to make repairs cannot withhold their rent. However, the tenant may deliver to the landlord written notice of the defective conditions or repairs requested. Then, if the landlord does not make the repairs in a reasonable amount of time, the tenant may deposit his/her rent with the Clerk of Court. This is called **rent escrow**.

5. Are move-outs delayed if tenants have children?

As a general rule, move-outs may be scheduled as early as seven days from the date of the court hearing. The magistrate may, under extreme circumstances, extend the move-out by a few days. However, there is not automatic extension because the tenant has children, an elderly parent, etc.

6. In Court, the magistrate recommended that the parties in my case try mediation. What is mediation and would I agree to try it?

Mediation offers parties an opportunity to resolve their dispute without the intervention by the Court. In mediation, the parties sit down with a mediator, who is a neutral third party, and try to reach an agreement regarding their dispute. The mediator will help the parties put the agreement in writing. Many parties find that they can abide by an agreement they help write.

Mediation is available to landlords and tenants upon request. **The Community Mediation Center of Stark County can be reached at (330) 430-9502.** It is not necessary to file a court case to request mediation.