

## What If: My Tenant Won't Vacate the Leased Premises?

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A tenant fails to pay rent or breaches another term of the lease agreement. The landlord terminates the lease. The tenant does not vacate the premises, and does not pay any additional rent. What can you, as a landlord, do to fix this problem? ***You can get the tenant out, and obtain a judgment for rent owed.***

The fastest way to evict a delinquent or breaching commercial tenant or residential tenant in Pennsylvania is to file a landlord tenant complaint in Magisterial District Court. Each county in Pennsylvania has its own Magisterial District Courts that handle small claims and landlord tenant matters. Once an eviction complaint is filed with the court, a hearing is held within 7 to 14 days. If a judgment for possession of the premises is entered, then the tenant must vacate the property within the time provided by law. A landlord can also seek to recover unpaid rent, attorneys' fees (if permitted), and other charges and costs, up to the court's jurisdictional limit.

Alternatively, an ejectment action can be filed in the Court of Common Pleas in the county where the leased property is located. A landlord can recover money damages in this action as well. The Common Pleas Courts do not impose a limit on the amount of money that a landlord can demand in its complaint. Actions in Common Pleas Courts take longer than Magisterial District Court actions because the parties have longer to respond to pleadings, may engage in discovery, and usually, are required to attend more than one hearing or court appearance.

The path to remove a tenant and recover money owed to a landlord will depend on the circumstances of your individual case. Landlords must consider, among other things, how quickly they need to re-enter the leased premises, and the amount of rental arrears owed by the tenant.

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