

CIVIL/REAL ESTATE  
DIVISION  
**LANDLORD  
TENANT  
INFORMATION**

Many types of Civil/Real Estate landlord/tenant related problems are handled by the 36<sup>th</sup> District Court (36DC). The jurisdiction of the court is limited to property located within the City of Detroit. The Civil/Real Estate Division of the court is located on the 2<sup>nd</sup> floor of the Madison Center Building and is open from 8:00 a.m. to 4:30 p.m., Monday through Friday.

The Civil/Real Estate Division handles such actions as:

- Non payment of rent
- Termination (eviction)
- Health hazard termination (eviction)
- Mobile home park mobile homeowner just cause termination (eviction)
- Trespassers
- Lockouts
- Land contract forfeitures and disputes

If you have a question regarding landlord/tenant actions, you can call the Civil/Real Estate Division at **(313) 965-3413** during normal business hours. **Note:** Landlords/tenants are directed to the 2<sup>nd</sup> floor Civil/Real Estate cashier counter to begin a real estate action (new case filing).

If you are renting a home, apartment, mobile home, or some other building from someone, you are a **tenant**. A **landlord** is the person who is renting the home, apartment, mobile home, or some other building to you. Both landlord and tenants have legal rights.

## Common Questions

### **Q. For what reasons can tenants be evicted from their rental property?**

A. 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 a health hazard in the rental property.

### **Q. What procedures does a landlord have to follow to evict a tenant?**

A. Before a case is filed with the Civil/Real Estate Division of the 36<sup>th</sup> District Court, there are a number of steps that a landlord must take before a tenant can be evicted. A landlord must fill out and issue a tenant one of two forms – the **Notice to Quit** or the **Demand for Possession**. These forms can be purchased at the Civil/Real Estate Division cashier counter located on the 2<sup>nd</sup> floor of the Madison Center building or at office supply stores. When filling out these forms, it is important for the landlord to print the tenant's full name and correct address on the form.

### **Q. What do I do if I receive one of these two legal forms from my landlord?**

A. 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.

### **Q. What happens if I don't respond to the Notice or Quit or the Demand for Possession?**

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 36<sup>th</sup> District Court address as the return address, and the court's original 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 Civil/Real Estate Division, a hearing date will be set, a bailiff/court officer will be assigned to the case, and the tenant (defendant(s)) will receive a copy of the complaint and summons from the bailiff/court officer in person or attached to the door of the rental property. A copy of these documents will be sent to the tenant in the mail by the court.

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 36<sup>th</sup> District Court, and what your rights and responsibilities are.

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

A. On your court date, both the landlord and the tenant must check in at the counter in room 421 (4<sup>th</sup> floor) of the Madison Center Building at either 8:30 a.m. or 1:00 p.m.

The landlord must provide a completed **Judgment** form and stamped envelope for each

tenant in the case, with the 36<sup>th</sup> District Court address as the return address. Remember, both the landlord and the tenants 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 the court clerk calls your case, 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 tenant to satisfy the court's ruling.

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

A. 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 may be issued by the court in favor of the landlord. If neither person shows up, the case is dismissed. **By not signing in Room 421 at 8:30 a.m. on the day of your hearing, you may give up your right to present your case to the court.**

### **Q. What if the conditions of the judgment are not followed?**

A. If a tenant fails to follow the requirements on the **Judgment** form signed by the judge, the landlord has the right to request a court order (**Order of Eviction\***) to have the tenant evicted.

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

**A.** 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 actions must 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 an **Order of Eviction** ordering the bailiff/court officer to evict (remove) the tenant and his/her possessions from the rental property.

This action is started by the landlord completing and filing the necessary forms at the Civil/Real Estate Division cashier counter located on the 2<sup>nd</sup> floor of the Madison Center Building. The landlord must pay the necessary filing fee, submit a stamped envelope addressed to the tenant with the 36<sup>th</sup> District Court address as the return address, and complete a form giving the bailiff/court officer instructions regarding the eviction. Because there is an additional cost to the landlord for the bailiff/court officer to carry out (execute) the eviction order, the bailiff/court officer will contact the landlord ahead of time to tell him/her of the cost and to make arrangements.

**Q. Will a tenant be notified if an Order of Eviction has been filed?**

**A. Yes.** The Civil/Real Estate Division will send a copy of the order informing the tenant that an Eviction Order has been filed. If an Eviction Order has been filed, and if a hearing has been set by the judge, all parties will be notified by mail of the date of the hearing. An Eviction Order may be issued without further hearing.

**Q. How can I file a complaint against my landlord?**

**A.** If you feel that you have a legitimate complaint against your landlord, you can contact the **City of Detroit Rental Inspector** regarding all property for repair at **(313) 224-2733**. It is important that you keep a record on everything that has occurred that will support your complaint, including 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:

2200 Bagley  
Suite 224  
Detroit, Michigan 48226  
(313) 963.3310  
Fax: (313) 963-4680

**Q. What are the filing fees?**

**Fee Schedule**

- ❖ Filing Fee - \$45.00
- ❖ Service Fee for each defendant – \$24.50
- ❖ Jury Fee – \$50.00
- ❖ Order of Eviction - \$15.00, plus \$38.50 for service
- ❖ Appeal with or without bond - \$25.00

**Q. Can a decision of the court be appealed by either party?**

**A. Yes.** It is advisable to seek legal advice when considering an appeal to a higher court. It is advisable to seek legal advice before proceeding with real estate actions of any kind. \*An **Order of Eviction** is also termed/referred to as **Writ of Restitution**.

**General Information**

- There are several parking lots within a couple of blocks of the Madison Center that allow all day parking.
- Entrance into the building requires you to go through a metal detector security system. Weapons and illegal substances will be confiscated. **Cell phones with cameras are not allowed in the building.**
- All forms cost \$1.00 each

**Court staff cannot give legal advice or physically prepare court forms for litigants.**

**Hours of Operation**

Monday – Friday ☞ 8:00 a.m. – 4:30 p.m.

**State of Michigan**

36<sup>th</sup> District Court  
Phone: 313.965.2200  
TDD/TTY: 313.965.4158  
Fax: 313.965.3951

Civil/Real Estate Division  
**Debra F. Gatson, Director**  
421 Madison Avenue  
Madison Center Building  
2nd Floor  
Detroit, Michigan 48226  
(313) 965-8624

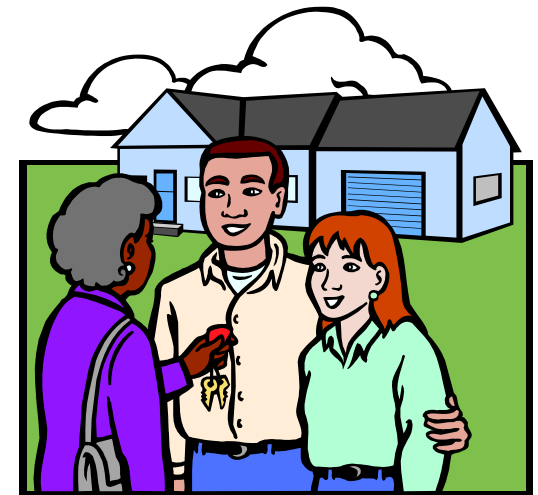
**We're on the Web!**

<http://www.36thdistrictcourt.org>

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**36TH DISTRICT COURT**

421 Madison Avenue  
Madison Center Building  
Detroit, Michigan 48226  
(313) 965-8624

**Hon. Marylin E. Atkins**  
Chief Judge