

How to Give a Landlord-Tenant Notice

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The purpose of a pre-eviction notice to comply or vacate is to give the offending tenant a final opportunity to correct what he or she is doing wrong before a landlord may begin the eviction process. Because the intent of the notice is to solve a landlord's problem without the risk and expense of going to court, the landlord is allowed to complete this part of the process himself or herself. If the notice is not effective, i.e. if the tenant neither moves nor complies with the rental agreement, then the landlord will generally hire an attorney for the remainder of the process.

What Notice do I use?

The three most common pre-eviction notices are a Three Day Notice to Pay Rent or Vacate, a Ten Day Notice to Comply or Vacate, and a Twenty Day Notice of Termination of Tenancy.

There are also specialized notices for particular situations. The number of days in each notice are always minimums. Local law, your rental agreement itself, or the terms of a subsidy program may require you to give more time. Whenever you are required to provide additional time, you should state the correct number of days in the notice itself.

There are other, specialized notices for particular situations such as a notice to quit for trespass or a just cause eviction notice. You should consult with a professional before using those notices.

How do I properly serve the notice on my tenant?

First, you should go to the property and attempt to hand-deliver one copy to each occupant. Second, if you cannot do so, you may hand them to whomever answers the door or appears to be in charge at the property (e.g. a babysitter or office manager). Third, if there is no such person there, or everyone there makes himself or herself unavailable (e.g. does not answer the door), you should tape the copies to the front door of the property, face out. In addition, you should always mail copies by regular U.S. mail to each known occupant at the property. If you have other addresses for the occupants, mail copies to those addresses also.



Local law, your rental agreement itself, or the terms of a subsidy program may require you to send the notice to additional people, additional addresses, or in additional ways. If you are not sure, you should consult with a professional because improper service

will require you to start all over if your tenant does not comply.

Do I send certified mail?

You are required to use regular U.S. mail. You may use additional types of mail, such as certified, return receipt, or proof of mailing.

Serve one copy of the notice for each known or suspected occupant of the property plus one extra.

Note, some aspects of service described here are simplified to make the instructions easy to follow and to resolve the most common errors that lead to improper service.

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