

Notice to Leave



What is a Notice to Leave?

A landlord gives a tenant a Notice to Leave when the landlord wants the tenant to move out. The landlord must normally give the tenant the Notice to Leave before he or she can file an eviction lawsuit in court.

A Notice to Leave is not an eviction order. A landlord must wait three days after serving the Notice to Leave to file an eviction lawsuit in court.

A Notice to Leave is sometimes called a Notice to Leave the Premises or a Three-Day Notice.



What must be in a Notice to Leave?

A Notice to Leave must be in writing and signed. A verbal Notice to Leave is no good. The Notice to Leave does not need to be notarized.

The Notice to Leave must have the following words, and they must be “conspicuous” - meaning eye catching or distinguished from the other words on the notice.

You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance.



How should my landlord give me the Notice to Leave?

A Notice to Leave must be either

- Delivered in person
- Left at the rental property, usually attached to the front door, or
- Sent by certified mail.

A Notice to Leave does not have to be delivered by law enforcement, and does not become any more powerful or meaningful if it is delivered by law enforcement.

If a law enforcement officer orders you to move out without a Court Order, call SEOLS or another attorney right away.



I got a Notice to Leave in three days, do I have to be out?

No. You do NOT have to move just because you got a Notice to Leave. Only a court can force you to move out. The Notice to Leave lets your landlord start the court process.



I got a Notice to Leave. Can I still work something out with my landlord?

If you want to stay, you can try talking to your landlord to work out your problems. If you come to an agreement, be sure to put it in writing.

If you want to offer rent to your landlord, you should try to do it within the three-day period. After your landlord has paid to file an eviction lawsuit, he or she may want you to pay that expense in addition to any rent owed.

This information is provided by Southeastern Ohio Legal Services based on current Landlord-Tenant laws, which are always subject to change.

FOR FREE HELP CONTACT:

Southeastern Ohio Legal Services

Call: 844-302-1800 or “Request Help On-line” at <http://www.seols.org>