

# Evictions

## INTRODUCTION

Evictions (Forcible Entry and Detainer actions, or FED's) are legal proceedings brought by a Landlord against a Tenant (residential, manufactured home park or commercial) to recover the rental unit.

Evictions may be brought because the Tenant has failed to comply with the lease or rental agreement, or because the lease or rental agreement has ended and the Tenant has not returned possession of the rental unit. "Return of possession" occurs when the Tenant surrenders the keys to the Landlord.

## FILING AN EVICTION

An eviction may only be filed in Toledo Municipal Court if the rental property for which you are seeking possession is located within the City of Toledo, the Village of Ottawa Hills, or Washington Township. (The Court cannot grant a judgment for properties with a Toledo post office address that are not within the above jurisdictions.)

Complete the Landlord's Complaint and attach to it copies of all required documents: Notice of Termination of Tenancy (if applicable); Notice to Leave the Premises (required); written lease (if applicable); and any other applicable documents.

Make **5** copies of the Landlord's Complaint and all exhibits (necessary documents) for each occupant of the premises (i.e., 6 copies if for two occupants). You should also make a copy for yourself.

File the original Complaint and all copies with the Civil clerk in the basement of the Toledo Municipal Court. The clerk will mail copies of the Complaint to each Tenant at the address you provide, one copy by certified mail and the other by regular mail. The bailiff will attempt service of the third copy at the rental unit. You must provide the correct street address, including apartment number, and complete zip code for proper service of the Complaint.

- Note: A Landlord's Complaint may only be filed by the owner of the property. A property manager, someone acting under a power of attorney, an officer of a corporation, etc. may not prepare a Landlord's Complaint or appear in Court for another person or on behalf of the corporation. If you are not the owner of the property, an attorney at law must prepare the Complaint and must represent the owner in all court proceedings.

Various Ohio laws spell out the steps that must be taken to bring an eviction

The procedure to be followed for all evictions, including termination of some land contracts, is found at Chapter 1923 of the Revised Code

### **WHEN WILL THE CASE BE HEARD?**

Evictions are heard by a housing court magistrate every afternoon at 1:30 p.m. The clerk will schedule the hearing date approximately 3 weeks after the Complaint is filed. Have your copy of the Complaint and all supporting documents and necessary witnesses in Court on the day of the hearing.

### **WHAT HAPPENS AFTER COURT?**

If judgment is entered for the Landlord, the Bailiff of the Court will oversee the eviction from the property, approximately 7 to 10 days after judgment, unless the parties come to an agreement for additional time.

[Click here for the Do's and Don'ts of the Eviction Process.](#)  
[Please click on the Clerk's web site for filing information](#)

### **SELF HELP**

A Landlord may not use "self-help" remedies to regain possession of the premises, and may only recover possession of the rental unit through either (a) a voluntary return by the Tenant, or (b) through an eviction proceeding filed in the municipal court where the property is located. (There may be an exception for those business premises when the terms of the written lease expressly provide for self-help, but only where there is no breach of the peace.)

A Landlord may not move a Tenant's furniture from the rental unit, lock the tenant out, or threaten any unlawful act including utility shut-off to regain possession.

Various Ohio laws spell out the steps that must be taken to bring an eviction. The procedure to be followed for all evictions, including termination of some land contracts, is found at Chapter 1923 of the Revised Code.