

# EVICTION PROCESS

## Step 1: Eviction Notice

If the tenant is behind in rent, a 5-day notice may be given.

*Rent is defined as an agreed sum paid by a specific date each month by a tenant to a landlord.*

If the tenant is not behind in rent, a 30-day notice must be given.

A notice must be filed for each adult **living** at the said residence.

## Step 2: Summons in Unlawful Detainer

After the 5 or 30-day period has expired and the landlord has not received satisfaction (payment of rent or tenant vacating the premises) the landlord, or his/her representative, must return to the Sheriff's Office and obtain a copy of the served eviction notice(s).

Proof of the served eviction notice(s) will then need to be taken to the General District Court where a Summons in Unlawful Detainer will be issued.

The Summons in Unlawful Detainer is an action before judgment by the court. The summons directs the tenant(s) to appear in court for a hearing.

## Step 3: Writ of Possession

The Writ of Possession is obtained in court when judgment has been awarded in favor of the landlord. The Writ of Possession gives the Sheriff's Office the authority to remove the tenant and standby during the removal of the tenant's belongings from the premises by the landlord.

A Civil Deputy from the Sheriff's Office will contact the landlord to set up a date and time for the setout.

The Sheriff's Office will give the tenant a vacate notice at least 72 hours before the setout is to take place. The 72-hour period that is given to the tenant usually includes a weekend.

**In some cases, the 72-hour period may be extended to work with the scheduling of the Sheriff's Office.**

The landlord must be prepared to remove the tenant's possessions from the premises, if necessary, on the setout date. In the event the landlord does not make such preparation, the setout may be cancelled.

## Notes:

- If on the date of the scheduled setout the deputy finds the premises locked, they have the authority to break and enter during daytime hours.
- When it is necessary to remove the tenant's property (i.e. furniture, clothes, personal items) from the premises, such property must be placed at the nearest public right of way.
- The landlord may choose to change the locks on the premises, rather than removing the tenant's property. If the locks are changed, it is then the responsibility of the tenant to make arrangements with the landlord to retrieve their belongings within 24-hours of the scheduled setout. If the tenant does not contact the landlord within the 24-hour period in regards to retrieving their property, the landlord may dispose of any remaining property as they see fit or appropriate.
- In the case of wet weather: The landlord may change the locks at the scheduled setout time, however the tenant's property may not be setout.
- Virginia law does not allow landlords to lock out tenants or remove their belongings until the scheduled setout. Also, a landlord may not cut off tenant's access to essential services (i.e. heat, water, gas, electricity) until the scheduled setout.