

MDJ Exam Study Guide

Civil & Landlord/Tenant Rules and Procedures

Review Class — June 16, 2026

1. Jurisdiction & Venue

MDJ Jurisdiction — 42 Pa.C.S. §1515

- **Civil cases:** \$12,000 or less (excluding interest and costs)
- **Actions for Possession** (Landlord/Tenant evictions)
- Other cases where jurisdiction is conferred by statute

Venue — Civil Cases (Rule 302)

- Where the cause of action arose, OR
- Where a transaction or occurrence took place out of which the cause of action arose, OR
- **Individual defendant:** where defendant can be served (Rule 308)
- **Partnership defendant:** where it regularly conducts business
- **Corporation defendant:** where it regularly conducts business; its registered address; or principal place of business

Venue — Actions for Possession / LT (Rule 502)

Rule: Where the property sought to be possessed is located.

2. Civil Case Procedure (Rule 300 Series)

Step 1 — File the Complaint (Rule 303)

- Must use the correct form (Rule 304)
- Attach Military Civil Relief Act affidavit
- Pay filing fee and service costs (Rule 206) — unless indigent (in forma pauperis; MDJ decides)
- Check if minor or incapacitated person is a party (Rule 800 Series)
- **Statute of Limitations (probably cannot determine until hearing):**
 - Most Torts = 2 years (42 Pa.C.S. §5524)
 - Most Contracts = 4 years (42 Pa.C.S. §5525)
 - Time computed per Rule 203

Step 2 — Schedule Hearing (Rule 305)

Timeframe: 12–60 days from filing date.

- Notice of Hearing informs defendant of date and that they must notify court if intending to defend — or risk default judgment
- Provide Notice of Intent to Defend form to defendant
- Subpoenas may be issued (Rule 213) and must be served personally by a competent adult (Rule 214)

Step 3 — Serve the Complaint (Rules 307–313)

Timeframe: Must serve at least 10 days before the hearing. If not served in time, complaint is dismissed without prejudice (may be refiled within statute of limitations).

- Service must be personal OR by certified/comparable mail — return receipt signed by defendant or agent
- **Individual (Rule 308):** serve defendant, adult at residence, or clerk/manager at place of business
- **Partnership (Rule 309):** a partner, or manager/clerk at usual place of business
- **Corporation (Rule 310):** an officer, agent at usual place of business, or authorized agent

Step 4 — Defendant's Intent to Defend (Rule 318)

- Defendant must notify court on the form provided or a signed statement identical in content to the form
- MDJ then notifies plaintiff of defendant's intention to defend (Rule 318)

Key point: Intent to Defend can be filed ANY TIME — up until the moment the hearing starts. (If hearing is at 10:00 AM, you can file at 9:59 AM.)

5 — Cross-Complaint by Defendant (Rule 315)

Deadline: Must be filed at least 5 days before the hearing.

- MDJ schedules a NEW hearing within 12–30 days to hear both complaints together
- Service of the cross-complaint must be made 10 days before the new hearing (Rule 315B), same manner as Rules 307–313
- **One judgment only:** one judgment is issued covering both the original complaint and cross-complaint

Step 6 — Continuances (Rule 209)

- Granted only if for cause or by agreement; must be to a specific date

LIMIT: No more than 1 continuance per side (unless good cause). Aggregate of ALL continuances may NOT extend civil case beyond 90 days from initial filing date.

Step 7 — Withdrawal or Settlement (Rule 320)

- Withdrawal is without prejudice; does not affect any cross-complaint already filed
- Settlement: cause of action could arise for breach of the settlement agreement

Step 8 — The Hearing (Rule 319)

DEFENDANT does NOT appear	PLAINTIFF does NOT appear
Default Judgment for Plaintiff (Rule 319B). Possible damages-only hearing may follow.	If defendant gave Notice of Intent to Defend → Judgment for Defendant (unless good cause for continuance or agreement of parties). If defendant did NOT give Notice of Intent → Continuance.

- **Amendments (Rule 316):** adverse party must be present; if substantive change, grounds for continuance
- Bound by Rules of Evidence
 - Exception: bill, estimate, receipt, or statement of account prepared in the regular course of business may be introduced without affidavit or authentication (Rule 321)
- **Burden of Proof:** Preponderance of the evidence — Plaintiff proceeds first; defendant proceeds first on any cross-complaint
- If cross-complaint: one judgment based on the net of competing claims
- Installment payments of judgment allowed, not to exceed 12 months (Rule 323)

Step 9 — Judgment (Rule 322)

Timeframe: MDJ must enter judgment within 0–5 days of the hearing.

Step 10 — Appeal (Rule 1000 Series)

Deadline: Must be filed within 30 days of judgment. Proceedings in Common Pleas are De Novo.

Step 11 — Enforcement of Money Judgment (Rule 400 Series)

- Enforcement begins after 30 days from judgment; good for 5 years
- **Constable may only levy upon:** "Tangible, nonperishable, personal property of the defendant"
- Judgment creditor may record judgment in Common Pleas for enforcement by the County Sheriff
- Once recorded in Common Pleas, all further proceedings are in Common Pleas (Rule 402(D))

Step 12 — Request for Satisfaction (Rule 341)

- Failure to satisfy within 90 days (Rule 342) → supplementary action for damages may be filed by judgment debtor
- Damages under 42 Pa.C.S. §8104(b)

Appeal vs. Writ of Certiorari

CRITICAL: A judgment may NOT be subject to BOTH an appeal AND a writ of certiorari. It must be one or the other.

Appeal	Writ of Certiorari
Standard challenge — filed within 30 days of judgment.	Filed with Common Pleas Court to review the record. Used when: record was never filed OR court lacked jurisdiction. Usually filed when the appeal period has already expired.

3. Action for Possession — LT Procedure (Rule 500 Series)

Step 1 — File the Complaint (Rule 502)

- Must use the correct form (Rule 503)
- **IMPORTANT:** LT Complaint is used ONLY if seeking possession. If seeking money damages ONLY, must use the Civil Complaint form (Rule 304).
- Pay filing fee and service costs (Rule 206); attach Military Civil Relief Act affidavit
- Check if minor or incapacitated person is a party (Rule 800 Series)

Step 2 — Schedule Hearing (Rule 504)

Timeframe: 7–15 days from filing. (Shorter than Civil's 12–60 days — know this difference!)

- **NEW — Effective October 2025 — Rule 504.1 Mediation:** By local rule, a neutral third party may assist parties in reaching agreement on issues arising from a residential landlord-tenant action.

Step 3 — Serve the Complaint (Rule 506)

Timeframe: At least 5 days before the hearing. (Civil = 10 days; LT = 5 days — know this difference!)

- Service = regular mail to defendant AND personal service on defendant or adult in charge of residence if found AND posting conspicuously on the premises
- **NEW — Effective 1/1/2025:** Rule changed to require posting AND handing it to the person (if found)

Step 4 — Cross-Complaint by Defendant (Rule 508)

- **May be filed ANY TIME prior to the hearing** (more flexible than Civil's 5-day requirement)
- Claim must arise out of the occupancy of the property
- MDJ schedules a new hearing within 7–15 days
- Plaintiff must be served at least 5 days before the new hearing; service may be by regular mail

Step 5 — Intervention (Rule 513.1)

- An individual NOT named as defendant who claims to be a tenant of the subject property may file an intervention request
- Must file before the hearing; request must be verified and state: requester is a tenant, length of occupancy, to whom rent was paid, whether party to a lease
- Court serves intervention request on parties by mail or by hand
- Requester must appear at hearing and prove they are a tenant of the landlord
- If MDJ finds requester IS a tenant, they are added to the action as a tenant
 - Once added, requester may be liable for judgment including property damage, back rent, court costs, and fees
- Notice of intervention request = grounds for a landlord continuance if requested

Step 6 — Continuances (Rule 209)

- Granted only if for cause or by agreement; must be to a specific date

LIMIT: No more than 1 continuance per side. Aggregate may NOT extend LT hearing beyond 30 days from initial filing date. (Civil = 90 days; LT = 30 days)

- Landlord is entitled to a continuance if an intervention request is granted

Step 7 — The Hearing (Rule 512)

KEY RULE: NO DEFAULT JUDGMENT in LT actions. If defendant does not appear, the plaintiff STILL must prove the complaint.

- If plaintiff fails to appear: dismiss complaint OR continuance if good cause
- Third-party representation is allowed if an Authorization of Representative is submitted prior to or at the time of the hearing
- Amendments (Rule 509): adverse party must be present; if substantive, grounds for continuance
- Bound by Rules of Evidence — exception: bill, estimate, receipt, or account from regular course of business needs no affidavit (Rule 512B)
- Preponderance of the evidence standard

Step 8 — Judgment (Rule 514)

Timeframe: MDJ must enter judgment within 0–3 days of hearing. (Civil = 0–5 days; LT = 0–3 days)

- Notice of Judgment covers: possession, money damages (rent, physical damages, unjust detention, attorney fees), application of security deposit retained by landlord, and appeal rights to Common Pleas
- **Pay and Stay (Rule 518):** Tenant may pay rent actually in arrears and costs to remain in possession
- Reissuance of Order of Possession within 120 days from date of judgment
- Service of Order of Possession must occur within 48 hours by personal service on defendant or adult in charge of residence; if none found, by conspicuous posting

Step 9 — Appeal (Rule 1000 Series)

Residential Eviction	Non-Residential Eviction
10 days to appeal. 30 days if tenant is a victim of domestic violence (must file victim affidavit).	30 days to appeal.

- **Supersedeas (Rule 1008):** Only if tenant deposits with Prothonotary the lesser of 3 months rent or actual rent due; exception for indigent tenants

Step 10 — Forcible Entry and Ejectment (Rule 519)

- **Residential:** 11th day after judgment
- **Non-Residential:** 16th day after judgment

Step 11 — Enforce Money Judgment (Rule 521 / Rule 400 Series)

- Wage attachment proceedings ONLY available at Common Pleas level after recording certified copy of judgment

Disputes Concerning Title (Rule 513)

- Tenant claims landlord is not owner OR that tenant has an ownership interest in the property
- Proceedings may be stayed if tenant files action in Common Pleas and posts bond

Request for Determination of Abandonment (Rule 519.1)

- Applies to Manufactured Home Communities ONLY
 - Manufactured Home Community Park Owner files for MDJ to decide if the home has been abandoned by its owner
 - Hearing: 7–15 days from filing, or may be held at same time as related Action for Possession
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4. Landlord/Tenant Law

Leases

- **3 years or less:** may be oral or written
- **More than 3 years:** MUST be in writing to be enforceable
- **Contracts with minors:** voidable — exception: minor has been emancipated

Security Deposits

- Landlord must return security deposit within 30 days

Interest-Bearing Account: After 2 full years — beginning of Year 3 — security deposit MUST be placed in an interest-bearing account.

Duty to Mitigate Damages

Residential Leases	Non-Residential / Commercial Leases
Landlord HAS a duty to mitigate damages.	There is NO duty to mitigate damages.

Abandonment vs. Surrender

Abandonment	Surrender
Tenant leaves without notice and without a mutual agreement to end the lease.	Mutual agreement between landlord and tenant to end the lease early.

CRITICAL: Leaving keys does NOT constitute surrender. Accepting keys is NOT acceptance of surrender. The key distinction is NOTICE.

★ Pugh v. Holmes — Implied Warranty of Habitability

KNOW THIS CASE: Established the minimum requirements for a breach of the implied warranty of habitability in Pennsylvania.

- The implied warranty requires landlords to provide facilities and services vital to the LIFE, HEALTH, and SAFETY of the tenant
- Applies to use of premises for residential purposes

5. Minors & Incapacitated Persons (Rule 800 Series)

Definitions (Rule 801)

- **Minor:** under the age of 18
- **Incapacitated Person:** adult who has a court-appointed guardian (20 Pa.C.S. §5511)

Minors (Rules 802–807)

- A minor is NOT required to be represented by a guardian before an MDJ (Rule 802)
- Minor is designated by the initials of first and last name on the complaint (Rule 803)
- A guardian MAY represent the minor by written notice; only one guardian may represent (Rule 805)

KEY RULE: Judgment is the obligation of the MINOR ONLY. A guardian is NOT liable for the judgment or costs. (Rule 807)

Incapacitated Persons (Rules 809–814)

- An incapacitated person MAY be a party, but MUST be represented by a court-appointed guardian (Rule 809)
- Service of complaint on an incapacitated person must be made upon the guardian (Rule 811)

KEY RULE: Judgment is the obligation of the INCAPACITATED PERSON ONLY. Guardian is NOT liable for any judgment or costs. (Rule 814)

6. Automated Work Zone Speed Enforcement Violation Appeals (Rule 350)

- Motorist files Notice of Appeal with copy of hearing officer's determination within 45 days of issuance
- Schedule hearing per Rule 305
- Serve Appellee by certified mail
- Hearing is De Novo
- Photographs, videos, vehicle titles, police reports, and PennDOT records may be entered as evidence without affidavit or authentication
- If MDJ enters judgment for appellant (vehicle owner), appellant is entitled to recover taxable costs from appellee

7. Rule 203 — Computation of Time

The Rule: Exclude Day 1 (today = Day 0; tomorrow = Day 1). Count every calendar day. If the last day falls on a weekend or holiday, move to the next business day.

- Most commonly tested in the context of Appeals
 - Example: if judgment entered today, Day 1 is tomorrow — count 30 calendar days forward for the appeal deadline
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8. Quick Reference — All Key Numbers & Deadlines

Requirement	Deadline / Rule
MDJ Civil Jurisdiction	\$12,000 or less (excl. interest & costs)
Statute of Lim. — Torts	2 years (42 Pa.C.S. §5524)
Statute of Lim. — Contracts	4 years (42 Pa.C.S. §5525)
Civil — Hearing Scheduled	12–60 days from filing
Civil — Serve Complaint	At least 10 days before hearing
Civil — Cross-Complaint Filed	At least 5 days before hearing
Civil — Hearing After Cross	New hearing within 12–30 days
Civil — Serve Cross-Complaint	10 days before new hearing
Civil — Continuance Window	Aggregate cannot exceed 90 days from filing
Civil — Judgment	Within 0–5 days of hearing
Civil — Appeal Deadline	Within 30 days of judgment (De Novo in Common Pleas)
Civil — Enforce Judgment	After 30 days; good for 5 years
Civil — Satisfaction Deadline	Failure to satisfy within 90 days → supplementary damages action
LT — Hearing Scheduled	7–15 days from filing
LT — Serve Complaint	At least 5 days before hearing
LT — Cross-Complaint Filed	Any time prior to the hearing
LT — Hearing After Cross	New hearing within 7–15 days
LT — Serve Cross-Complaint (LT)	At least 5 days before new hearing
LT — Continuance Window	Aggregate cannot exceed 30 days from filing
LT — Judgment	Within 0–3 days of hearing
LT — Residential Appeal	10 days (30 days if domestic violence victim)
LT — Non-Residential Appeal	30 days
LT — Forcible Entry (Residential)	11th day after judgment
LT — Forcible Entry (Non-Res.)	16th day after judgment
LT — Order of Possession Service	Within 48 hours of issuance; reissue within 120 days
Security Deposit — Return	Within 30 days
Security Deposit — Interest Acct	Required beginning of Year 3 (after 2 full years)
Lease — Written Required	If more than 3 years to be enforceable
Constable Levy	Tangible, nonperishable personal property ONLY
Work Zone Appeal Deadline	45 days after hearing officer's determination
Appeal vs. Certiorari	Cannot file BOTH — must choose one
Installment Payments (Civil)	Allowed up to 12 months (Rule 323)
Abandonment. Hearing (Mfrd. Home)	7–15 days from filing or with Action for Possession

