

## SMALL CLAIMS COURT

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One of the prime causes of dispute between tenants and landlords involves the security deposit. If these disputes cannot be resolved, and the sum involved is \$2,500 or less, the tenant can sue in Small Claims Court. This is a relatively informal and simple procedure in which most tenants are able to represent themselves without the aid of an attorney.

The suit should be filed as soon as possible, but within three years of the time the dispute arises, in the City/County where the rental property is located. The landlord must be summoned to Court by use of certified mail, a sheriff or a private process server – either a professional, or someone, such as a friend or relative, not directly involved in the case.

The first step is to obtain the correct name and address of your landlord. This information may be obtained from the City/County office of Assessments and Taxation. If the landlord is a corporation, it can be sued care of its corporate Resident Agent, whose name and address can be obtained from the State's Corporate Charter Department (410-767-1184).

The case should be prepared as carefully and concisely as possible, keeping to the essential points and not introducing past experiences or disputes which have no relevancy as to the security deposit. Make an outline of your presentation. Visit the Small Claims Court before the trial to gain a feel for the circumstances.

Bring all relevant documents to court. File a subpoena *duces tecum* requiring the landlord to bring to court any documents that you believe to be relevant, such as repair bills, equipment invoices, etc.

- Many professional landlords depreciate moveable items, including wall to wall carpeting, in seven years. Should you have damaged an item beyond worthwhile repair (such as a refrigerator, for example), it is helpful to be aware of this.

You should only be responsible for residual value.

- Be aware that the landlord can only charge reasonable fees for his labor, such as what the average cleaning person might charge for cleaning a house.
- The landlord may want you to pay for redecorating the house, but unless you have marred the walls or painted the walls a different color, the landlord should not have a valid claim.
- Have witnesses that will testify to the condition of the property both when you moved in and when you vacated.
- When he/she gave you the security deposit receipt, be aware that the landlord must have informed you, in writing, of your right to be present at the final inspection of the property. The landlord must also send you an itemization of claims against the security deposit within 45 days of the end of the tenancy. If he/she fails to do this, he/she loses the right to charge the security deposit for any damage, including lost rent.

A pamphlet describing the Small Claims Court process in detail is available from your local District Court.