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Resolving Landlord-Tenant Disputes

How can landlords and tenants avoid disputes?

Whether your disagreement is over a rent increase, responsibility for repairs, or the return of a security deposit, rarely should lawyers and litigation be the first choice for resolving a landlord-tenant dispute.

Both landlords and tenants should follow these tips to avoid legal problems:

- Know your rights and responsibilities under federal, state, and local law.
- Make sure the terms of your lease or rental agreement are clear.
- Keep communication open. If there's a problem -- for example, a disagreement about the landlord's right to enter a tenant's apartment -- see if you can resolve the issue by talking it over or using a local dispute resolution service.
- Keep copies of any correspondence and make notes of conversations about any problems. For example, tenants should ask for repairs in writing and keep a copy of the letter. The landlord should keep a copy of the repair request and note when and how the problem was repaired.

Can I get help settling a landlord-tenant dispute out of court?

If you can't work out an agreement on your own, but want to continue the rental relationship, consider mediation by a neutral, third party, called a mediator. Unlike a judge, the mediator has no power to impose a decision, but will simply work to help find a mutually acceptable solution to the dispute. Mediation is often available at little or no cost from a publicly funded program.

For information on local mediation programs, call your mayor's or city manager's office, and ask for the staff member who handles "landlord-tenant mediation matters" or "housing disputes." That person should refer you to the public office, business, or community group that handles landlord-tenant mediations.

What's the best court to use for landlord-tenant disputes?

You can take the case to small claims court, assuming the disagreement involves money, such as return of the security deposit.

Small claims court fees are relatively low, and you aren't required to bring a lawyer to small claims court, which saves attorneys fees. (In fact, in some states, such as California, you are not allowed to bring a lawyer to small claims court.) A few states use different names for this type of court (such as "Landlord-Tenant Court"). Whatever the name, the purpose is the same: to provide a speedy, inexpensive resolution of disputes that involve relatively small amounts of money. (The maximum amount you can sue for in small claims court varies, but most states range from \$3,000 to \$7,500.)

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