



When can a Landlord represent themselves in Court?

A common question I get from my Landlord clients is the following:

“When can I represent myself in Court and when do I need to pay an attorney?”

As with everything in the law, it depends. While I always advise having counsel represent you throughout the legal process, I understand that with certain situations, it can be cost prohibitive, i.e. you will pay your attorney more than the entire case value.

That being said, if you do decide to represent yourself, this is how it works in Pennsylvania: In PA, if you’re filing for possession of real property or money damages against an unruly tenant in the Magisterial District Courts, you may represent yourself whether you are incorporated or not. Technically, you can appoint an individual to represent you at the Magisterial District Courts as well.

For example, you own a property management company and evict an unruly tenant. You may show up and prosecute your claim accordingly. At the Magistrate level, you can even send an employee to represent your corporation on your behalf. The benefits of this rule is that it can save you time from having to show up in person yourself. The bad side is you’re stuck with however that employee represents you, whether good or bad. If the tenant shows up with counsel, good luck. Usually, a prepared attorney for a tenant can handle an employee with ease in court.

So, lets assume you’ve already filed in the Magisterial District Courts and you receive a judgement in your favor granting you possession of the property. The unruly tenant appeals and you receive a notice for a rule to issue Complaint. What now?

Now you will be at the Court of Common Pleas level for your county. Here is where it gets tricky...

If you are a sole owner, meaning you own the property in your individual capacity and you do not have any incorporation status, you will be able to represent yourself. If you are incorporated, meaning you are an LLC, PLLC, LLP, or other type of incorporated entity, you **WILL NOT** be able to represent yourself.

The reasoning is simple. If you own the property in your individual capacity, you are bringing the lawsuit yourself. You have a constitutional right to represent yourself.

If your entity owns the property, you are technically not bringing the eviction action. Your entity is bringing the eviction action. Therefore, you need counsel as you are not representing your own personal interest, but instead, representing the interests of the entity and you must have an authorized attorney representing the entity interest.

While you may think self-ownership presents an advantage, I would advise otherwise. While this can be more costly to pay counsel fees, the benefits of incorporating and protecting yourself far outweigh the costs you would pay in an eviction action that would be appealed.

Very infrequently do unruly tenants appeal past a Magisterial District Court decision and when they do, most attorneys fees are quite reasonable given the circumstances.

Additionally, the last thing you want is an unruly tenant to counter-sue you for breach of warranty of habitability or impermissible acts under the Landlord-Tenant Act of Pennsylvania. If you lose the counter-suit brought by the unruly tenant, you could end up paying them!

If you ever need legal assistance for any landlord/tenant issue, contact us at King & Huffines: Attorneys at Law PLLC at 724-242-0230 or www.kinghuffineslaw.com.