

DISPOSSESSORY – LANDLORD/TENANT

From time to time and for a variety of reasons, a landlord may need to reclaim house that he/she has rented or leased to another or others in which to live. This may be accomplished through a Dispossessory action, which has very specific rules and requirements.

More information may be found by clicking on the following links for handbooks, forms, filings, and reading the FAQs below:

[Georgia Landlord-Tenant Handbook](#)
[Georgia Legal Aid on Housing](#)
[Georgia Magistrate Council Forms](#)
[Free Forms Generator](#)

You may file your Dispossessory action or Answer on-line by clicking the following link:

www.efilegeorgia.com

FREQUENTLY ASKED QUESTIONS CONCERNING LANDLORD TENANT CASES

I have been served with a summons for a dispossessory action. What can I do?

Upon service of a summons of a Dispossessory action, the Tenant has (7) days to file an answer in the Magistrate Court. Failure to file the answer within seven days of service of the summons may result in a writ of possession being issued against the Tenant.

What are the requirements for a landlord filing a dispossessory action?

The relationship between the parties must be Landlord and Tenant of a residential property in Monroe County, Georgia. The Tenant(s) must be either Tenant(s) holding over, Tenant(s) at will, or Tenant(s) at sufferance. Most typically, tenant's failure to pay rent as it becomes due is the basis for filing a dispossessory action, but it is not the only basis for filing. **The Landlord must have made a demand for possession of the premises prior to commencement of (filing) the dispossessory action. How much time must I give the tenant – REFER TO THE GEORGIA LANDLORD TENANT HANDBOOK online. The Magistrate Court cannot tell you how much time, this would be considered giving legal advice.**

How much does it cost to file a dispossessory action?

\$113.00 (filing fee plus sheriff's service)

However, if requested and at the Judge's discretion, if the Dispossessory Action is granted, court costs may be awarded in the Judgement.

What items may be included in a dispossessory complaint?

The complaint may include a demand for possession of the premises, past due rents, utilities, late fees, attorneys' fees, and other damages related to the Landlord-Tenant relationship.

How is the summons and dispossessory action served on the tenant?

Personal service on the Tenant of the Dispossessory complaint and summons must be attempted. In the event the Sheriff cannot serve the Tenant personally, the Sheriff may serve the Dispossessory complaint and summons to any person residing at the premises of suitable age and discretion. If the Sheriff is unable to obtain personal service of the summons and Dispossessory complaint on the Tenant, the summons and Dispossessory complaint may be delivered by tack and mail, that is, posted on the door of the premises. On the same day of posting, the Sheriff's office must mail a copy of the summons and Dispossessory complaint to the Tenant at the Tenant's last known address.

Can I evict the tenant from my rental property without involving the court?

No. A Landlord may legally remove a Tenant and the Tenant's property from rented premises only under the Dispossessory procedure. If a Landlord uses self-help to evict a Tenant without a Dispossessory, it is a tort for which the Tenant may recover damages in a civil action, and a Landlord who cuts off utilities may be subject to misdemeanor prosecution under OCGA 44-7-14.1.

If the tenant failed to file an answer within 7 days from service of the summons, what can I do?

When the Tenant fails to file an answer within 7 days of service of the summons, the Landlord may file a Writ of Possession with the Magistrate Court for presentation to a Judge.

The tenant has filed his or her answer, when will the hearing be held?

After an answer is filed in a Dispossessory action, the Magistrate Clerk will schedule a hearing for the next available Dispossessory Court Date.