

# The Eviction Process in Utah



## 1 Landlord & Renter Sign Lease Agreement



## 2 Problem

For example:

- Rent is not paid
- Renter violates rental agreement
- Renter breaks the law

## 3 Landlord Serves Renter With Notice to Vacate



To evict a renter, a landlord must serve the renter with a **notice to vacate**. This notice gives the renter a specific amount of time to do what the notice says. If the renter does not follow the notice and remains at the property after the stated time period has passed, the renter is in **unlawful detainer**. Once a renter is in unlawful detainer a landlord can begin to claim **treble damages** against the renter.

## 4 Landlord Files Eviction Lawsuit

If the renter does not comply with the notice to vacate within the stated time period, they may then be served with a **Summons & Complaint**. These are court documents that alert the renter that their landlord has filed an eviction lawsuit against them.



## 5 Responding to Court Documents

To respond to the Summons & Complaint, a renter must file an **Answer**. This is how the renter explains to the court why they should not be evicted. After receiving these documents, a renter has **3 business days** to file an Answer.

**Answer** must be:

- In writing
- Dated
- Signed by the renter
- Delivered to the same court where the landlord filed the eviction suit

If a renter **does not file an Answer**, the landlord **wins** the eviction lawsuit and the court will issue a **default judgment** against the renter. If a renter files an Answer, the landlord will request an **occupancy hearing**.



## 6 The Hearing

If the renter files an Answer and either side requests a hearing, the court will hold an **occupancy hearing** within 10 business days.

### Landlord Wins if:

- (1) Renter or renter's lawyer does not appear at the hearing; or
- (2) Court determines the renter violated the lease and did not comply with the notice to vacate.

An **Order of Restitution** will be granted and signed by a judge. If the renter or renter's lawyer does not appear at the hearing, the court will issue a default judgment against the renter.

### Renter Wins if:

- (1) Renter can prove that they did not violate the lease as the landlord claimed; or
- (2) Renter can prove they complied with the notice to vacate.

If the landlord wins, **another hearing** will be scheduled to determine how much money the renter owes their landlord.



**Treble damages:** Once a renter is in unlawful detainer, a landlord can begin to claim treble damages against the renter: three times the normal daily rent for every day the renter stayed on the premises after the notice to vacate expired.

**Summons & complaint:** The Complaint will tell the renter why the landlord wants to evict them. The Summons will tell the renter how long they have to respond to the eviction. The Answer is how a renter responds to these documents. The deadline for filing an Answer is 3 business days.

**Default judgment:** A renter "defaults" and the landlord automatically wins if the renter does not file an Answer OR if the renter or renter's lawyer does not appear at the occupancy hearing. The court issues an order to evict the renter and orders the renter to pay money due to the landlord.

**Occupancy hearing:** A hearing in court where a judge will determine who has a right to possess the property.

**Order of restitution:** When a court issues this order, it gives the landlord the right to take back the rental unit from the renter.