

Instructions for 10-day Notice to Comply or Vacate

These instructions are for the landlord's information. Do not serve the tenant with this page of instructions.

The notice to comply or vacate is for violations of the terms of the tenancy other than non-payment of rent. For non-payment of rent use the notice to pay rent or vacate, not the notice to comply or vacate.

The notice to comply or vacate is not the next step in a process after a notice to pay rent or vacate. It is a different notice for a different violation.

Service of notices is strictly construed against the landlord. Even if you can prove the tenant actually received the notice, failure to strictly adhere to the service methods will result in dismissal of the eviction action.

There are three acceptable means to serve a notice on a tenant.

1. Delivering a copy personally to each adult occupant; or
2. Substitute service on some person of suitable age and discretion AND mailing a copy to each adult occupant; or
3. If neither a tenant nor a person of suitable age and discretion is present then affixing a copy of the notice in a conspicuous place on the premises AND mailing a copy each adult occupant.

Mailing. Regular first class is fine when required. Mailing alone is never sufficient, even if the occupants receive the notice. Mail from the same county in which the property is located.

More than one tenant. If there is more than one person living in the property it is important to serve enough copies for each adult. This does not mean a separate notice for each adult occupant. It means an identical copy of the notice. All names of all adults should be on all copies. If someone answers the door, hand that person enough notices for everyone and mail copies separately to each adult occupant. Likewise if posting copies, mail one separately to each adult occupant.

Posting. Notices must be posted in a conspicuous manner. Anyone should be able to walk up and read it. Therefore, do not leave it in an envelope, slide it under the door or through the mail slot, etc.

Please Note – While you may not contract for shorter notice periods than required by statute, you may agree to longer periods. Check your lease. If it states the tenant is to receive a longer notice period than is called for in the statute and in our standard forms, you must edit the forms appropriately.

Always knock first. A good tenant attorney might cross-examine the landlord witness as to whether the notice was posted without inquiring if anyone was present. If so, the case will be dismissed.

NOTICE TO COMPLY OR VACATE

TO:

AND TO ALL PERSONS IN POSSESSION

Each of you are notified that you are in violation of the rules, regulations, rental agreement, and/or obligations or restrictions applicable to your tenancy of the premises known as

_____, WA

Your non-compliance is described as:

Pursuant to RCW 59.12.030 and SMC 22.206.160(C)(1)(a) you are instructed within 10 (ten) days of service of this notice either to comply with the obligations of your tenancy as noted above, or vacate. If you fail to either comply or vacate your tenancy will be terminated and the landlord will be entitled to all remedies, relief, and damages allowed by law.

A Seattle month-to-month tenant who habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (10) day notice to comply or vacate three (3) or more times in a twelve (12) month period is subject to eviction.

DATED this day of _____, 20_____.

Signature of landlord or landlord's agent

Print Name: _____

[enter address for landlord or landlord's agent]