

## COMMERCIAL NOTICE TO PAY RENT OR VACATE

Service of notices is strictly construed against the landlord. Failure to strictly adhere to the service methods may result in dismissal of the eviction action.

### **Serving natural persons/sole proprietors:**

1. Delivering a copy personally to each adult tenant; OR
2. Substitute service of enough copies for all adults on some person of suitable age and discretion and mailing a copy to the tenant; OR
3. After knocking, if no one of suitable age and discretion is available then conspicuously posting enough copies for each adult occupant and mailing a copy to each adult occupant.

### **Serving business entities (corporations, LLCs):**

1. Delivering a copy at the rental property to any officer, agent, or person having charge of the business' OR
2. If no officer, agent, or person having charge of the business can be found, then conspicuously a copy and mailing a copy to the rental property

**What to include.** Do not demand rent on a comply or vacate notice. However, under current case law it is not clear whether lease provisions defining other financial obligations as 'additional rent' are enforceable. The safer course is to put triple net and any charges that are not rent in the narrow sense on a comply or vacate notice, and rent on a notice to pay rent or vacate. Both a notice to pay rent or vacate and a notice to comply or vacate can be served at the same time.

**Mailing.** Mail from the same county where the rental is located. Mailing alone is never sufficient, no matter the lease language and/or whether the tenant actually received the notice. When mailing is required regular first class is fine unless the lease requires more.

**Posting.** Notices must be posted in a conspicuous manner. Therefore, do not slide it under the door, place it the tenant's mailbox, nor through the mail slot, etc.

**Longer cure periods by contract.** While you may not contract for shorter notice periods than required by statute, you may agree to longer periods. Check. If your lease gives the tenant a longer notice period, edit the forms appropriately.

Contact us with any questions.  
Eller Law Firm PLLC  
206-801-1188  
WashingtonEvictions.com

### **DO NOT SERVE THIS PAGE OF INSTRUCTIONS ON THE TENANT**

This page of instructions is for your informational purposes. Serve only the notice itself. Please do not serve this page of instructions on the tenant.

**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 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.

DATED \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of landlord or landlord's agent

Print Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
[enter address for landlord or landlord's agent]