

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

Instructions for 10-day Notice to Comply or Vacate

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.

Local laws. Note that this is the general form for Washington state. Some local laws require additional documents and/or additional language on the notice. Consult with an attorney if unsure.

Describe the violation. The nature and facts constituting a violation must be stated with sufficient specificity to give the tenant an opportunity to cure.

Deadline for compliance. Insert a date for the compliance deadline that is at least 12 days from the date of service of the notice.

Service of the notice. 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 may 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 of enough copies for each adult occupant 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 enough copies for each adult occupant in a conspicuous place on the premises AND mailing a copy each adult occupant.

Mailing. Regular first class is fine when required. Mailing without first going to the property and knocking the door is not legally sufficient service. Mail from the same county in which the property is located. If there is more than one person living in the property serve enough copies for each adult.

Posting. Notices must be posted in a conspicuous manner. Post enough copies for each adult occupant and also mail enough copies for each adult occupant.

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.

CARES Act. If the property has a Section 8 tenant or an FHA or Fannie Mae loan you must give 30 days' notice.

NOTICE TO COMPLY OR VACATE

TO: _____

AND TO ALL PERSONS IN POSSESSION of property commonly known as

_____, WA _____

You and each of you are notified that you are in substantial breach of a material program requirement of subsidized housing; substantial breach of a material term within the lease or rental agreement; or a substantial breach of a tenant obligation imposed by law.

Your non-compliance is described as:

You are instructed to comply with the obligations of your tenancy and to conform your conduct to the requirements set forth above on or before _____, 20____, or in the alternative to vacate the premises. If you remain in possession but fail to comply with this notice, your tenancy will be terminated and the landlord will be entitled to all remedies, relief, and damages allowed by law including bringing an eviction action in court.

The landlord may choose to end the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term. Correcting the fourth or subsequent violation is not a defense to the ending of the lease.

DATED _____, 20____

Signature of landlord or landlord's agent

Print Name: _____

[enter address for landlord or landlord's agent]