



Landlord Letter

November 2019

The Five C's for Beginning a Lease

Statistically, most tenants are great. They pay their rent on time, they don't cause problems, and they communicate issues in a reasonable manner. But no one ever calls our office to talk about these types of tenants. Occasionally you'll run across a tenant that will give you problems. The phrase "Begin with the end in mind" also applies to leases. As you began a new lease, you should start the process thinking about how it will end. Let's talk about a few things that will help you as you begin a new lease.

First- Communication. A landlord who communicates with their tenant (especially at the first sign of a problem) is much more likely to stay on top of potential issues. Don't be afraid to have awkward conversations with your tenant. If you

put off awkward conversations, they can become legal conversations with an attorney and a judge.

Second – Contracts. Detailed contracts protect yourself and your investment. It also clearly outlines what both sides have agreed to. We have successfully handled evictions based on an oral agreement, but it is always a stronger case if you have a well-written lease. Visit our website for our free lease (www.utahevictionlaw.com).

Third – Consistency. If you are consistent with your tenants, they will learn what to expect from you and usually act accordingly. For example, be consistent about when you assess late fees and when you issue an eviction notice. If these policies are explained up front when the lease is signed, they shouldn't be surprised when you as-

(Continued on page 2)



**What people are
saying about US!!!**

Utah Eviction Law - They are amazingly helpful and friendly. They are super responsive with questions and their documents on the websites are so easy to navigate. Thank you!

~Y. C. —Google Review

(Continued from page 1)

sess a late fee and issue an eviction notice. One of our clients always serves a Three Day Pay or Quit Notice on the 2nd of each month. That may not be to your liking, but he made a point I can't argue with – He explains this policy when they sign the lease and it's rare that he has problems with tenants.

Fourth – Courtesy. Tenants are more likely to be great tenants for a landlord that is courteous and respectful. Take care of issues promptly and completely. It is your property, but respect your tenants and their space. This doesn't mean you should be a pushover or ignore what the lease requires, but even in difficult situations you can still be courteous.

Finally – Cash or Cashier's Check. When beginning a lease you usually collect at least a month of rent and a deposit. We recommend requiring this initial payment to be in cash (with a receipt) or a cashier's check. You don't want to find yourself in a situation where the personal check bounces a week into a lease.

Any one of these tips will help, but if you will in-

tegrate all of these into your daily practice it will hopefully avoid possible issues with a tenant.

Attorney Jeremy Shorts



DOs & DON'Ts Inspections

- ✓ Communicate with your tenants and give them 24 hours notice.
- ✓ Take pictures to verify anything that you see or need to work on.

- ✗ Show up unannounced.
- ✗ Over-inspect – Your tenant is entitled to quiet enjoyment of the property.

Know Your Notice

• Five Day Tenant At Will Notice •

Purpose: Give a squatter notice that they don't have a lease and must leave.

A Tenant at Will Notice gives the tenant five calendar days to vacate the property.



Even without a written lease, a tenant might not be a tenant at will if the landlord has given verbal permission for the tenant to live there.

The only option for a tenant to comply with a Tenant at Will Notice is to vacate the property. There is no other cure.

Like other eviction notices, it must be served in person, posted or sent via certified mail. It cannot be given verbally, texted or emailed.



Dear Attorney,



Which is better – A full year lease or month to month?

Like most legal issues, “it depends” on what you are trying to accomplish and who you are renting to.

Month-to-month leases provide flexibility and make it easier to terminate the lease if issues arise with your tenants. If you are considering renting to someone who would be considered a riskier tenant, such as poor credit, prior evictions, etc. then a month-to-month may be the best option. However, you are more likely to deal with vacancies more often because the tenant also has the same flexibility to move.

A longer term lease can provide the landlord with more stability and assurance that you will have a tenant in the property long term and should not have to continually be in search of new tenants. Long term leases are often better suited for tenants with good credit, steady income, and a good rental history.

But you can still have issues and instability after signing a year-long lease, just like you could have a great month to month tenant stay for years. Each situation is different, but hopefully this gives you something to think about.

Landlord Laughs –Bar Complaints

Full disclosure time – I’ve had two bar complaints filed against me. The first one was filed by a tenant that we were evicting and ended with a ruling that we acted ethically throughout the case. This didn’t please the tenant, so he filed my second complaint with the bar with even stronger language (yes, this is a direct quote with minor editing):

“If, after a genuine examination of the enclosed material, you can honestly state there’s no violation, I’ll give you twenty minutes to

draw a crowd before I kiss Mr. Shorts’ [butt] in the middle of This Must Be the Place State Park. Use that to gauge my credibility.”

I couldn’t find “This Must Be the Place State Park” but I waited at “This is the Place State Park” without any success. Needless to say, the second bar complaint ended the same as the first (no violations), but, luckily for all involved, there never was any event at the park. Good thing too, I’m sure the pioneers would have blushed.

Parting Thoughts

- We’re working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email at info@utahevictionlaw.com.
- Have an eviction question? Email it to us for a future newsletter!
- Help us build our online presence! You can “Like” our Facebook page (www.facebook.com/utahevictionlaw).
- You can also give us a Five Star Google Review (search “Utah Eviction Law Google Reviews” and click on our link).

Like Us On
facebook 

