SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P.M.D.J. 322, 514, 1001, and 1005

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 322, 514, 1001, and 1005 governing dismissals, for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* and posted on the Unified Judicial System's (System) website and shared on the System's applicable social media accounts by using a hyperlink to the System website posting. Readers are directed to the *Pennsylvania Bulletin* as the official publication.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit written responses to the:

Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P.O. Box 62635
Harrisburg, PA 17106-2635
minorrules@pacourts.us

All responses in reference to the proposal should be received by **January 29, 2027.** E-mail is the preferred method for submitting responses; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all responses.

By the Minor Court Rules Committee,

Hon. Christopher J. Cerski
Chair

Rule 322. Judgment or Dismissal.

[Judgment] **A judgment or dismissal** shall be **[given]** **rendered** at the conclusion of the hearing or within five **[(5)]** days thereafter and shall be entered on the complaint form. **[The]** **A** judgment shall include a separate entry for costs in favor of the party entitled thereto.

[Note:] **Comment:** The five-day provision of this rule is in keeping with the general principle of **[insuring]** **ensuring** the expeditious handling of these actions.

A general provision for costs has also been included. **If the court finds in favor of a plaintiff in an action for a civil fine or penalty, the fine or penalty is payable to the appropriate governmental unit but the costs are awarded to the plaintiff. Therefore, costs are made part of the judgment but entered "in favor of the party entitled thereto."**

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1990

Rule 322 governing judgment is amended to encompass the instance when an individual plaintiff brings an action for a civil fine or penalty. In such case, the fine or penalty will be payable to the appropriate governmental unit but the costs would be awarded to the plaintiff. Thus the rule is revised to refer to costs to be made part of the judgment but "in favor of the party entitled thereto."

Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

[A.]__(a) Generally.__ If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter judgment against the tenant that the real property be delivered up to the landlord and shall enter judgment by separate entries:

(1) for any amount of rent that remains due;

(2) for any amount of damages for unjust detention;

(3) for any physical damages to the leasehold premises;

(4) for the costs of the proceeding; and

(5) for the amount of any security deposit applied as an offset to the judgment, if applicable;

less any amount found due the tenant on any cross-complaint filed by the tenant.

[B.]__(b) Amount of Monthly Rent.__ The magisterial district judge shall make an entry on the judgment identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

[C.]__(c) Cross-complaint.__ A money judgment may be rendered for the tenant on a cross-complaint filed by the tenant if the amount found due thereon exceeds any amount found due the landlord on the landlord's complaint.

[D.]__(d)__ **Entry of [judgment]** __Judgment or Dismissal__**.**

(1) **[Judgment]** __A judgment or dismissal__ shall be **[given]** __rendered__ at the conclusion of the hearing or within three days thereafter __and shall be entered on the complaint form__.

(2) Upon the entry of the judgment __or dismissal__, the magisterial district court shall promptly give or mail to the parties written notice of __the__ judgment or dismissal.

[E.]__(e) Appeals; Entry of Judgment at Court of Common Pleas; Entry of Satisfaction.__ The written notice of judgment or dismissal shall contain:

(1) **Right of Appeal. A** notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas;

(2) **Right of Appeal for Victim of Domestic Violence. A** notice that a tenant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal;

(3) **Entry of Judgment at Court of Common Pleas. A** notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge; and

(4) **Entry of Satisfaction. A** notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

[Official Note: Subdivision A of this rule] Comment: Subdivision (a) requires that the landlord appear **at the hearing** and give testimony to prove the complaint before the magisterial district judge can enter judgment against the tenant, even **[when] if** the tenant fails to appear for the hearing. The magisterial district judge **[shall] may** not enter a default judgment in a possessory action, including a judgment for money only. *See* **[Rule 512A and Note] Pa.R.Civ.P.M.D.J. 512A, cmt.** The various issues that the magisterial district judge must determine at the hearing include: **(1)** whether notice to quit was given to the tenant in accordance with law or that no notice was required under the terms of the lease; **(2)** the amount **[or] of** rent due, if any; **(3)** damages to the leasehold premises, if any; **(4)** the amount found to constitute the monthly rental; and**[,] (5)** the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, **[*see* Section 501 of the Landlord and Tenant Act of 1951,] see** 68 P.S. § 250.501. *See also* **[*Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966)] *Fulton Terrace Ltd. P'ship v. Riley*, 4 Pa. D. & C.4th 149, 154 (Fulton 1989) (holding that the notice to quit required by 68 P.S. § 250.501 is jurisdictional and, in the absence of strict compliance with its provisions, a magisterial district judge does not have authority to enter judgment for a landlord).**

The separate entries provided in **[subdivision A]** **subdivision (a)** are made necessary as a result of the rental deposit provisions for appeal or *certiorari* contained in **[Rules 1008B and 1013B]** **Pa.R.Civ.P.M.D.J. 1008(b)-(c) and 1013(b)-(c)**, as well as the wage attachment provisions contained in **[Section 8127 of the Judicial Code,]** 42 Pa.C.S. § 8127.

If the magisterial district judge permits a security deposit held by the landlord to be used as an offset against a monetary judgment, the amount of the security deposit so applied must be identified as such on the judgment form. There are limited circumstances when application of the security deposit to offset a monetary judgment is appropriate, such as when the tenant has already left the property, the landlord has had the opportunity to inspect the property, both parties have appeared before the magisterial district judge, and the parties agree that the security deposit should be used to offset the judgment. For additional requirements regarding the return of a security deposit, including the provision of a list of damages and remission of the deposit less the cost of damages within 30 days of termination of the lease or upon surrender and acceptance of the leasehold premises, **[*see* Section 512 of the Landlord and Tenant Act of 1951,]** **see** 68 P.S. § 250.512.

[Subdivision C of this rule] **Subdivision (c)** provides for a money judgment for the tenant if the tenant prevails in a greater amount on the tenant's cross-complaint.

[Subdivision E of this rule] **Subdivision (e)** provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.

[Subdivision E(2)] **Subdivision (e)(2)** reflects that the appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. *See* **[Rule 1002B(2)]** **Pa.R.Civ.P.M.D.J. 1002(b)(2)**; *see also* 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to stay the execution of an order for possession until 30 days after the date of entry of the judgment, the filing of an appeal with the court of common pleas pursuant to **[Rule 1002]** **Pa.R.Civ.P.M.D.J. 1002**, or by order of the court of common pleas, whichever is earlier. *See* **[Rule 514.1]** **Pa.R.Civ.P.M.D.J. 514.1**.

As to **[subdivision E(3), *see* Rule 402D and Note]** **subdivision (e)(3), see Pa.R.Civ.P.M.D.J. 402D, note**. As to **[subdivision E(4), *see* Rule 341]** **subdivision (e)(4), see Pa.R.Civ.P.M.D.J. 341**.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1992

Rule 514 provides for the written notice of a decision in a Landlord-Tenant case. Said Rule requires that District Justices provide written notification of the judgment to the parties regardless if the parties appeared at the hearing.

Rule 1001. Definitions.

(a) [As used in this chapter] The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

(1) "Appeal." **[means an] An** appeal from a judgment to the court of common pleas.

(2) "*Certiorari*." **[means an] An** examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under **[Rule 1009A] Pa.R.Civ.P.M.D.J. 1009A**.

(3) "Claimant." **[includes] Includes** a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to **[Rule 342] Pa,R.Civ.P.M.D.J. 342** in the action before the magisterial district judge.

(4) **["Court of common pleas" means the] "Court of Common Pleas." The** court of common pleas of the judicial district in which is located where the magisterial district wherein the questioned action of the magisterial district judge took place.

(5) "Defendant." **[includes a] A** plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to **[Rule 342] Pa.R.Civ.P.M.D.J. 342** in the action before the magisterial district judge.

(6) "Judgment." **[means a] A** judgment or **dismissal** rendered by a magisterial district judge under **[Rules 319, 322, or 514] Pa.R.Civ.P.M.D.J. 319, 322, or 514**.

(7) **["Proof of service" means a] "Proof of Service." A** verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail.

(8) **[Service "by certified or registered mail" means the] "Service by Certified or Registered Mail." The** mailing of properly addressed certified or registered mail.

(9) "*Supersedeas.*" **[means a]** **A** prohibition against any further execution processes on the judgment affected thereby.

(10) **["Victim of domestic violence" means a]** **"Victim of Domestic Violence." A** person who has obtained protection from abuse order against another individual or can provide other evidence of abuse.

(b) For any words and phrase not defined by these rules, see Pa.R.J.A. 106.

[Official Note:] **Comment:** Although one of the purposes of the definitions in this rule is to avoid needless repetition throughout these appellate rules, some of the definitions are intended to state or clarify the law as well.

In connection with the definition of "appeal" in **[subdivision (1)]** **subdivision (a)(1)**, **[*see also* Rule 1007 and the Note thereto]** **see also Pa.R.Civ.P.M.D.J. 1007, note**.

Under **[subdivision (2)]** **subdivision (a)(2)**, *certiorari* is restricted to an examination of the record of the proceedings before the magisterial district judge, which will appear on the complaint forms prescribed by the State Court Administrator. *See Flaherty v. Atkins*, 152 A.2d 280 (Pa. Super. 1959). This is a narrow form of *certiorari*, both with respect to procedure and the matters **[which]** **that** can be considered under **[Rule 1009A]** **Pa.R.Civ.P.M.D.J. 1009A**. Since an aggrieved party will be entitled to a broad form of appeal *de novo* under these rules, there seems to be no justification for providing also for a broad form of *certiorari*. These restrictions on the writ of *certiorari* are authorized by § 26 of the Schedule to Article V of the 1968 Constitution. The writ of error, which at common law was probably available only to review the proceedings of a court of record**, [(*see*]** **see** *Beale v. Dougherty*, 3 Binn. 432 (1811)**[)]**, is not a form of appellate process permitted by these rules. *See also County of Carbon v. Leibensperger*, 266 A.2d 632 (Pa. 1970) (court of common pleas cannot issue writ of prohibition).

Under **[subdivision (7)]** **subdivision (a)(7)**, there is no requirement that the sender's receipt for certified mail be postmarked. There is no return receipt requirement for certified or registered mail. It is no longer necessary that the proof of service be under oath or affirmation; however, the statement is now made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

The definition of "*supersedeas*" in **[subdivision (9) points out the]** **subdivision (a)(9) indicates its** limited nature**[of a *supersedeas*]**. *See also* **[Rules 1008 and 1013 and the Notes thereto]** **Pa.R.Civ.P.M.D.J. 1008, cmt. and Pa.R.Civ.P.M.D.J. 1013, cmt**.

Under **[subdivision (10)]** **subdivision (a)(10)**, the definition of a victim of domestic violence is derived from 68 P.S. § 250.513.

Rule 1005. Service of Notice of Appeal and Other Papers.

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[Note:] **Comment:** Subdivision A requires service of a copy of the notice of appeal upon the magisterial district judge as well as upon the appellee**[,]** or the appellee's attorney of record. The notice of appeal includes all documents filed with the prothonotary, including a domestic violence affidavit, if applicable. This copy, when received by the magisterial district judge, may operate as a *supersedeas* **[under Rule 1008]** **pursuant to Pa.R.Civ.P.M.D.J. 1008**.

[As to subdivision B, there is no return receipt] **In subdivision B, there is no** requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary**[, although].** **However,** if service is **made** by certified or registered mail**, then** the sender's receipt must be attached to the proof of service. *See* [**Rule 1001(7) and the fourth paragraph of the Note to Rule 1001]** **Pa.R.Civ.P.M.D.J. 1001(a)(7), cmt**. The notice of appeal and the proof of service may be filed simultaneously. **[*See also* Rule 1006 and its Note.]** ***See* Pa.R.Civ.P.M.D.J. 1006, note.**

[Subdivision C prescribes a pleading type service] **Subdivision C permits service** of the complaint**[, which may be made by ordinary mail,]** **by first class mail** upon the opposite party in the appeal or the party's attorney of record.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1992

Rule 1005B extends the time for filing a proof of service of the notice of appeal from five (5) days to ten (10) days. The extension was qualified on the premise that the five (5) day provision presents insurmountable problems to out-of-town counsel who file and serve by mail.

In addition, Rule 1005C cures possible problems with the reliability of tenant-supplied information pertaining to rent owing for supersedeas calculation purposes and the reliability of information pertaining to service of the notice of appeal. Rule 1005C therefore allows for the mailing of the notice of appeal (and Rule if applicable) by the Prothonotary using a stamped pre-addressed envelope furnished by the appellant. This procedure should improve the reliability of information and simplify service, especially when the appellant is unrepresented.

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 322, 514, 1001, and 1005

The Minor Court Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 322, 514, 1001, and 1005, pertaining to "dismissals."

Background

The Committee identified inconsistencies in the use of the terms "dismissal" and "judgment" and reviewed whether rule amendments were needed. As the rules are currently drafted, it is unclear whether a dismissal can be appealed. "Appeal means an appeal from a judgment to the court of common pleas." *See* Pa.R.Civ.P.M.DJ. 1001(1). The term "judgment" means "a judgment rendered by a magisterial district judge under Rules 319, 322, or 514." *See* Pa.R.Civ.P.M.DJ. 1001(6). Rule 319 pertains to judgment entered when a party fails to appear. Rule 322 addresses a judgment following a civil hearing.

However, Rules 1001(1) and 1001(6) are somewhat incongruous with Rules 324 and 514, which use judgment and dismissal in tandem. "Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal." *See* Pa.R.Civ.P.M.D.J. 324A. Subdivision B of that rule further provides for the elements of "the written notice of judgment or dismissal," which includes notice of the right to appeal. Similarly, Rule 514 addresses the written notice of judgment or dismissal and provides for appeal rights in the notice of judgment or dismissal.

There is an additional reference to dismissal in Rule 314, pertaining to failure to make timely service. "If the complaint is not served on the defendant in time to permit holding a hearing within 60 days of the filing of the complaint, the magisterial district judge shall dismiss the complaint without prejudice." *See* Pa.R.Civ.P.M.D.J. 314D. The commentary to Rule 514 also provides that if the landlord fails to appear at the hearing, then the magisterial district judge may continue the case or dismiss the complaint without prejudice.

The Committee identified scenarios that could warrant a disposition of "dismissed" instead of a judgment: (1) if the defendant is not properly named, *e.g.*, the action has been brought against an individual rather than a corporation; (2) the action has been brought against a minor defendant who is not a party to a lease; and (3) if neither party appears at the hearing. While the court could issue a judgment for zero dollars in favor

of a party in these instances, the Committee agreed that a dismissed disposition more accurately reflects the outcome of the proceeding. In the cited examples, the Committee believed that the plaintiff should have the option to either refile the case with the magisterial district court or appeal the dismissal.

Proposed Rule Changes

The Committee is considering recommending rule amendments to the Court that are intended to promote clarity regarding dismissals. First, the Committee is considering recommending an amendment to Rule 322 to reflect that a civil case can result in a judgment or a dismissal, rather than solely a judgment. Second, Rule 514 would be amended to explicitly provide for the entry of a dismissal. Although Rule 514 includes the term "dismissal" in its title, the current rule text does not reference dismissals.

Third, the Committee is considering recommending the amendment of the definition of "judgment" in Rule 1001 to specifically include a dismissal rendered by a magisterial district judge. This will make clear that a dismissal may be appealed in the same manner as a judgment. Fourth, stylistic changes were made throughout the rules, including, but not limited to, the reformatting of Pa.R.Civ.P.M.D.J. 1001 ("Definitions").

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The Committee welcomes all comments, concerns, and suggestions regarding this proposal.