

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008, regarding requests for orders of possession and making stylistic changes, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor be officially 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 comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by January 29, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,

Anthony W. Saveikis
Chair

REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008

REQUEST FOR ORDER OF POSSESSION

I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008. These amendments address a request for an order of possession following the entry of an award by an arbitration panel, and make stylistic changes.

II. Discussion

Rules 515 and 516 address a request for an order for possession, as well as issuance and reissuance of the order. In a residential landlord tenant case, when a judgment for possession has been rendered by a magisterial district judge, the plaintiff may request an order for possession after the 10th day and within 120 days following the date of entry of the judgment. See Rule 515B. Rule 1007 sets forth the procedures for the appeal in the court of common pleas, while Rule 1008B-D provides the procedure for obtaining a *supersedeas* when an appeal is from a judgment for the possession of real property.

The Committee received correspondence suggesting that it review the rules governing the filing of a request for an order for possession when an appeal has been filed. Specifically, the Committee was asked to review the following hypothetical situation: a magisterial district judge enters judgment in a residential landlord tenant case, the tenant appeals and obtains a *supersedeas*, the appeal goes before a board of arbitrators pursuant to Pa.R.C.P. Nos. 1301-1314, an arbitration award is entered, and the *supersedeas* is terminated for nonpayment of rent into escrow prior to expiration of the 30-day period for entry of the award in the court of common pleas. In this scenario, it was suggested that there is ambiguity about if and where the plaintiff should file a request for an order for possession if the *supersedeas* is terminated prior to the entry of the award in the court of common pleas.

The Committee discussed the scenario described above, and the Committee twice published proposals for public comment that attempted to clarify the suggested ambiguity, as well as update a statutory reference to constable fees. See 46 Pa.B. 984 (February 27, 2016); 45 Pa.B. 1111 (March 7, 2015).

The Committee received comments in response to both publications that led it to modify the proposal. With this republication, the Committee again considers the impact of an arbitration award (prior to entry of judgment) on the requirement of the tenant to maintain the *supersedeas* and the ability of a landlord to request an order for possession.

The Committee now proposes a two-pronged approach. If the board of arbitrators enters the arbitration award for possession in favor of the plaintiff and the defendant fails to maintain the *supersedeas* during the 30-day period for entry of the award in the court of common pleas, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order for possession pursuant to Rule 515. Requiring the defendant in this scenario to maintain the *supersedeas* during the 30-day period for the entry of judgment preserves the status quo. In contrast, if the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff shall not obtain an order of possession. The decision of the arbitration panel is not a legal nullity, and the plaintiff is required to file a timely appeal of the arbitration panel decision in order to move the matter forward.

III. Proposed Changes

The Committee plans to propose the amendment of the Official Notes to Rules 515-516 and 1007-1008 by adding the following language:

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301-1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may request termination of the *supersedeas* from the prothonotary pursuant to Rule 1008 and request an order of possession from the magisterial district court pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff shall not obtain an order of possession.

The Committee also plans to propose an amendment of the Official Note to Rule 515 to reflect that constable fees are governed by 44 Pa.C.S. § 7161(d). Stylistic changes are also proposed throughout Rules 515-516 and 1007-1008 to achieve formatting consistency in areas of use of numbers, Latin terms, and internal references.

Rule 515. Request for Order for Possession

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B. (1) Except as otherwise provided in subparagraph **B(2)**, if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal or writ of **[certiorari]** ***certiorari*** operates as a **[supersedeas]** ***supersedeas***; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding; and

(c) the **[supersedeas]** ***supersedeas*** or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession,

the plaintiff may request an order for possession only within 120 days of the date the **[supersedeas]** ***supersedeas*** or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

Official Note: The **[fifteen]** **15** days in **[subdivision]** **paragraph** A of this rule, when added to the 16-day period provided for in Rule 519A, will give the defendant time to obtain a **[supersedeas]** ***supersedeas*** within the appeal period. **[See]** **See** Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a **[ten]****10**-day appeal period from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for **an** order for possession in subparagraph B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for **an** order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a **[supersedeas] *supersedeas*** (resulting from an appeal or writ of **[certiorari] *certiorari***) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the **[supersedeas] *supersedeas*** or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301-1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.

The time limits in which the plaintiff must request an order for possession imposed in **[subdivision] paragraph** B apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. **[See] See** Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. **[See] See** Rules 516 through 520 and **[Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)] 44 Pa.C.S. § 7161(d)**.

Rule 516. Issuance and Reissuance of Order for Possession

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is

situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff. The magisterial district judge shall attach a copy of the request form to the order for possession.

B. (1) Except as otherwise provided in **[subdivision] paragraph C**, upon written request of the plaintiff the magisterial district judge shall reissue an order for possession for one additional 60-day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of **[certiorari, supersedeas] certiorari, supersedeas**, or a stay pursuant to a bankruptcy proceeding, and

(a) the appeal, writ of **[certiorari] certiorari**, or **[supersedeas] supersedeas** is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy stay is lifted; and

(c) the plaintiff wishes to proceed with the order for possession,

the plaintiff must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subparagraph **B(1)**.

C. In a case arising out of a residential lease a request for reissuance of an order for **[P]possession** may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of **[certiorari, supersedeas] certiorari, supersedeas** or a stay pursuant to a bankruptcy **[P]proceeding**, only within 120 days of the date the appeal, writ of **[certiorari] certiorari**, or **[supersedeas] supersedeas** is stricken, dismissed, or otherwise terminated or the bankruptcy stay is lifted.

D. A written request for reissuance of the order for possession filed after an appeal, writ of **[certiorari] certiorari**, or **[supersedeas] supersedeas** is stricken, dismissed, or otherwise terminated, or a bankruptcy stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of **[certiorari] certiorari**, or **[supersedeas] supersedeas**, or lifting the bankruptcy stay.

Official Note: The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A plaintiff who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

[Subdivision] Paragraph B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to **[subdivision] paragraph C**, in

cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of **[certiorari, supersedeas]** *certiorari, supersedeas* or a stay pursuant to a bankruptcy **[P]**proceeding, only within 120 days of the date the appeal, writ of **[certiorari]** *certiorari*, or **[supersedeas]** *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy stay is lifted. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301-1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.

The time limits in which the plaintiff must request reissuance of an order for possession imposed in **[subdivision]** **paragraph** C apply only in cases arising out of residential leases and in no way affect the **[P]**plaintiff's ability to execute on the money judgment. **[See]** **See** Rule 521A.

Rule 1007. Procedure on Appeal

A. The proceeding on appeal shall be conducted **[de novo]** *de novo* in accordance with the Rules of Civil Procedure that would be applicable if the action was initially commenced in the court of common pleas.

B. Except as otherwise provided in **[subdivision]** **paragraph** C, the action upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the magisterial district judge.

C. When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.

Official Note: As under earlier law, the proceeding on appeal is conducted [**de novo**] **de novo**, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge ([**see Crowell Office Equipment v. Krug**] **see Crowell Office Equipment v. Krug**, [213 Pa. Super. 261,] 247 A.2d 657 (**Pa. Super.**, 1968)) has not been retained. Under [**subdivision**] **paragraph** B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in [**subdivision**] **paragraph** C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301-1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.

Rule 1008. Appeal as [**Supersedeas**] **Supersedeas**

A. Receipt by the magisterial district judge of the copy of the notice of appeal from the judgment shall operate as [**supersedeas**] **a supersedeas**, except as provided in [**subdivisions**] **paragraphs** B and C of this rule.

B. When an appeal is from a judgment for the possession of real property, receipt by the magisterial district judge of the copy of the notice of appeal shall operate as a [**supersedeas**] **supersedeas** only if the appellant at the time of filing the notice of appeal, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three [(3)] months' rent or the rent actually in arrears on the date of the filing of the notice of appeal, based upon the magisterial district judge's order of judgment, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the

proceedings upon appeal are pending in the court of common pleas, such additional deposits to be made within **[thirty (30)]** days following the date of the appeal, and each successive **[thirty (30)]**-day period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

In the event the appellant fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon **[praecipe] praecipe** filed by the appellee, shall terminate the **[supersedeas] supersedeas**. Notice of the termination of the **[supersedeas] supersedeas** shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

When the deposit of money or bond is made pursuant to the rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a **[supersedeas] supersedeas** when received by the magisterial district judge.

C. Indigent Tenants

(1) Residential tenants who seek to appeal from a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in **[subdivision] subparagraph C(2)**.

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S **[SUPERSEDEAS] SUPERSEDEAS** AFFIDAVIT (NON-SECTION 8)

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three **[(3)]** times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have filed an **[in forma pauperis] in forma pauperis** (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date

SIGNATURE OF TENANT

OR

[Caption]

SECTION 8 TENANT'S ~~[SUPERSEDEAS]~~ **SUPERSEDEAS** AFFIDAVIT

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three **[(3)]** times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an **[in forma pauperis]** **in forma pauperis** (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ _____. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (**[i.e.] i.e.**, non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date

SIGNATURE OF TENANT

(3) (a) If the rent has already been paid to the landlord in the month in which the notice of appeal is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent in **[thirty (30)]**-day intervals from the date the notice of appeal was filed; or

(b) If the rent has not been paid at the time of filing the notice of appeal, the tenant shall pay:

(i) at the time of filing the notice of appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within **[twenty (20)]** days of filing the notice of appeal; and

(iii) additional deposits of one month's rent in full each **[thirty (30)]** days after filing the notice of appeal. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's **[Supersedeas]** ***Supersedeas*** Affidavit" filed by the tenant.

(4) The prothonotary's office of the **[C]court of [C]common [P]pleas** in which the appeal is taken shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the **[website] Forms page** of the **[Minor Court Rules Committee] website of the Unified Judicial System Of Pennsylvania at www.pacourts.us**.

Note: The **[website of the Minor Court Rules Committee is part of the] Forms page is found on the** home page of the **[Administrative Office of Pennsylvania Courts] Unified Judicial System of Pennsylvania** at www.pacourts.us. The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of **sub**paragraphs **C(2)[and]-(3)** have been met, the shall issue a **[supersedeas] *supersedeas***.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in subparagraph **C**(3), the **[supersedeas]** supersedeas may be terminated by the prothonotary upon **[praecipe]** praecipe by the landlord or other party to the action. Notice of the termination of the **[supersedeas]** supersedeas shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the **[C]**ourt of **[C]**ommon **[P]**leas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of subparagraph **C**(1), **[supra]** supra, the **[C]**ourt may terminate the **[supersedeas]** supersedeas. Notice of the termination of the **[supersedeas]** supersedeas shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If an appeal is stricken or voluntarily terminated, any **[supersedeas]** supersedeas based on it shall terminate. The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

Official Note: **[Subdivision]** Paragraph A provides for an automatic **[supersedeas]** supersedeas in appeals from civil actions upon receipt by the magisterial district judge of a copy of the notice of appeal.

[Subdivision] Paragraph B, however, does require the deposit of money or approved bond as a condition for **[supersedeas]** supersedeas when the appeal is from a judgment for the possession of real property. A new **[subdivision]** paragraph (C) was created in 2008 to provide for appeals by indigent residential tenants who are unable to meet the bond requirements of **[subdivision]** paragraph (B).

The request for termination of the **[supersedeas]** supersedeas, upon the **[praecipe]** praecipe filed with the prothonotary, may simply state: "Please terminate the **[supersedeas]** supersedeas in the within action for failure of the appellant to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1008 when it became due" and will be signed by appellee. The prothonotary will then note upon the **[praecipe]** praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the **[supersedeas]** supersedeas is terminated," and the prothonotary will sign and clock the **[praecipe]** praecipe. A copy of the **[praecipe]** praecipe may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.**[A]**C.P.M.D.J. No. 515 may be made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons **[which]** that caused the filing of the complaint before the magisterial district judge in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its **[de novo]** de novo hearing of the matter on appeal.

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301-1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.

The money judgment portion of a landlord and tenant judgment ([see] see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by [subdivision] paragraph A.