

Unpublished Court of Appeals Case Effects How Landlords Serve Notices



In an unpublished opinion dated July 27, 2009, Division One of the Court of Appeals ([Case number 62307-9-1](#)) decided a case against landlords that has a profound effect on landlords and how notices are served.

Given this opinion we recommend you err on the side of caution by following these steps when serving any notice on your tenants.

1. List each of the tenant's names on the notice.
2. When personally serving a notice with 2 or more tenants named, you need to provide a copy for each tenant. If each tenant named is not standing before you to accept serve of the notice in their hand, then you can only serve the tenant who is present. You will need to post the remaining copies of the notice and mail a copy to each that weren't personally served.
3. When posting the notice, post a copy for each tenant named. (If there are 3 tenants post 3 copies). You are required to mail a copy to each named tenant when the notice is served by posting.
4. Mail a separate copy addressed to each tenant named on the notice. Do not listed more than one name per envelope. Mailing is required when a notice is posted.

HERE IS WHAT HAPPENED

Tenants were husband and wife. They entered into a lease with a landlord for a residence in Snohomish County, Washington. In the Spring of 2008, they became delinquent in their rent. The landlord physically hand delivered a three day notice to "Pay or Vacate" to the husband tenant, Isaac Jordon. The Notice stated it was to "Isaac and Brandy Jordon" Within minutes of receiving the Notice, and while the landlord was still present, Isaac handed the notice to his wife, Brandy. The tenants neither paid rent in full nor vacated the premises.

The landlord filed the unlawful detainer (eviction). The tenant responded and in their answers, the tenants argued that the court lacked subject matter jurisdiction. They asserted that RCW 59.12.040 required the landlord provide a copy of the notice to each of them.

Because the landlord only delivered one copy of the notice and because he only delivered that copy to the husband, the tenants claimed that wife Brandy had not been properly served with the Notice and the court lacked subject matter jurisdiction. The Court of Appeals ruled in favor of the tenants.

