

Evictions Unlimited



PHILADELPHIA APPEALS FROM LANDLORD-TENANT COURT TO COURT OF COMMON PLEAS (RESIDENTIAL)

A party aggrieved by a judgment for possession of real property arising out of a **residential** lease, may appeal therefrom within ten (10) days after the date of the entry of the judgment by filing with the prothonotary of the Court of Common Pleas a notice of appeal together with a copy of the Municipal Court disposition sheet. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of judgment without leave of the Court of Common Pleas and upon good cause shown. See Phila.M.C.R.Civ.P. No. 124(b).

When an appeal is from a judgment on the merits for the possession of real property, receipt by the Municipal Court Administrator of a copy of the notice of appeal shall operate as a supersedeas only if the tenant/appellant, at the time of filing the appeal, deposits with the prothonotary of the Court of Common Pleas of Philadelphia County a sum of money equal to the lessor of three (3) months' rent or the rent actually in arrears on the date of the filing of the appeal, based upon the Municipal Court judgment, and thereafter deposits cash with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings on 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/appellant'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 required by this rule when such deposits are due, the prothonotary of the Court of Common Pleas, upon praecipe filed by the landlord/appellee, shall terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded via first class mail to all parties and to the Municipal Court Administrator, but if any party has an attorney of record named in the filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party that does not have an attorney of record is sufficient if mailed to the party's last known address of record. Where the deposit of money is made pursuant to this subsection at the time of filing the appeal, the prothonotary of the Court of Common Pleas shall make upon the notice of appeal and its copies a notation that it will operate as a supersedeas when received by the Municipal Court Administrator. If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. The prothonotary, upon order of the Court of Common Pleas, shall pay the deposits of rental to the party who sought possession of the real property. See Phila.M.C.R.Civ.P. No. 124(c)(2).