

CAN SMALL CLAIMS COURT HELP TENANTS?

[This is a selection from the 2007 Landlord-Tenant Law in Oregon booklet. This booklet is for general educational use only. *It is not a substitute for the advice of an attorney.* If you have a specific legal question, you should contact an attorney. The information in this booklet is accurate as of September, 2006. Please remember that the law is always changing through the actions of the courts, the legislature, and agencies. **TIME LIMIT WARNING:** Under state and federal laws there are time limits for taking action to enforce your rights. Most lawsuits related to the rental agreement and the Oregon Residential Landlord and Tenant Act must be filed (started in court) within one year of the incident. There may be other - shorter - time limits that apply in other cases. Ask a lawyer about the time limits that could apply in your situation.]

Q14. How can small claims court help me?

You can use small claims court when your landlord does not return a deposit after you moved, unlawfully destroys your things, does not make repairs required by law, enters your home without the required notice, unlawfully shuts off your utilities, or changes the locks, or otherwise violates the rules set out in this booklet. The landlord may file counterclaims for unpaid rent or damages. It is a good idea to talk with a lawyer before filing a case against a landlord.

You cannot ask for more than \$5,000 in small claims court. The small claims court cannot order the landlord to make repairs or to return possessions; the court only has power to award money for damages. Before you can sue in small claims court you must write a letter to your landlord asking your landlord to pay you within ten days. See Sample Letters 1 and 9. When you go to court, you must prove your case. Take photographs, witnesses, and copies of any letters you have sent to or received from your landlord. There is no appeal from small claims court. Note: When a tenant sues a landlord for violations of the Oregon Residential Landlord and Tenant Act, the lawsuit must be filed (started) within one year of the incident. Claims based on other laws might have different deadlines.

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