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Home » How to Evict a Tenant (in all 50 States!) » How to Evict a Tenant in Arizona (7 Steps)

## How to Evict a Tenant in Arizona (7 Steps)

**Evicting a tenant in Arizona** requires the landlord to issue a written notice to the tenant that outlines a specified number of days to either correct a lease violation or vacate the premises. If the tenant does not comply with the notice, the landlord will need to file a Complaint and Summons with the Justice Court. The filing will include a fee, which varies by county.

**Laws** – [Arizona Landlord Tenant Act, ARS 12-8-4 \(Forcible Entry and Detainer\)](#)

### OFFICIAL EVICTION NOTICE LETTER

Eviction Notice (Notice to Quit) Form



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## How to Evict

- **Step 1 – Send Eviction Notice to Tenant**
  - [Notice of Irreparable Breach](#)
  - [Non-Payment of Rent](#)

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- **Step 2 – Wait for Tenant to Comply or Vacate**
- **Step 3 – File With the Court**
  - Average Processing Time
  - Filing Fee (\$)
  - Where to File
- **Step 4 – Set A Hearing Date**
  - Serve the Tenant
- **Step 5 – Appear In Court**
  - Tenant Defenses
- **Step 6 – File A Writ of Restitution With the Sheriff's Office**
- **Step 7 – Repossess the Property**

## Step 1 – Send Eviction Notice to Tenant

- Notice of Irreparable Breach
- Non-Payment of Rent
- Material Non-Compliance
- Material Health/Safety Violation
- Illegal Activity
- Month to Month

A landlord must submit a written notice to the tenant stating the lease violation and the number of days they have to either correct the violation or vacate the property. The notice can be hand-delivered or sent by certified mail. Placing the notice on the door is not considered sufficient in Arizona. If sent by certified mail the landlord must add at least three (3) days to the total number of days on the notice. There are four types of eviction notices:

- **Notice of Irreparable Breach (Immediate)** – This is an urgent notice to the tenant that they have violated the rental agreement beyond repair and they must vacate the property immediately. This notice terminates the rental agreement. Examples of Irreparable Breach include criminal street gang activity, prostitution, unlawful manufacturing and any acts that cause a nuisance or health and safety threat to

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(5) days more to pay any overdue rent.<sup>2</sup>

- **Non-Compliance (10-Day Notice to Quit)** – This notifies the tenant of a material non-compliance or falsification. The landlord must list the acts and omissions that constitute the breach of the lease agreement. If the tenant does not comply within ten (10) days the lease agreement is automatically terminated.<sup>1</sup>
- **Illegal Activity (Unconditional Notice)** – If the tenant engages in illegal activity, they may be served this notice. State law does not specify a timeframe.<sup>1</sup>
- **Material Health/Safety Violation (5-Day Notice to Quit)** – With this notice, landlords are indicating that the tenant has violated health or safety codes such as letting trash pile up to an unsafe degree.
- **Month-to-Month Tenancy (30-Day Notice to Quit)** – This can be completed by either the landlord or the tenant when one party wants to end the lease agreement. This establishes safeguards for both parties by requiring adequate notice of intent to vacate the property.<sup>3</sup>

## Step 2 – Wait for Tenant to Comply or Vacate

If the tenant contacts the landlord after receipt of the notice, the landlord should do their best to resolve the issue outside of court. If the tenant refuses to comply or does not respond the landlord must move on to court proceedings.

## Step 3 – File With the Court

- **Average Processing Time** – 30 days<sup>4</sup>
- **Filing Fee** – \$35 (may vary by county)<sup>5</sup>
- **Where To File** – [Online at Turbocourt.com](https://www.turbocourt.com)

The landlord must file a Complaint and Summons with the [Justice Court](#) in the county where the property is located. They will need to bring five (5) copies of all necessary documents – one for filing, one for the process server, two for the defendant and one for themselves. The necessary documents include:

- The original notice sent to the tenant

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- [Residential Eviction Information Sheet](#) – This is served to the tenant with the Complaint and Summons documents. It provides the tenant with information needed to admit to or reject the claims against them.
- [Summons \(AOC LJE1F\)](#) – This notifies the tenant of their court summons date.

## Step 4 – Set A Hearing Date

The court will set a hearing date at which both the landlord and tenant must appear. The landlord must have the Complaint and Summons documents served by a process server within two days of the hearing date.<sup>6</sup>

## Step 5 – Appear in Court

Both parties must appear in court on the hearing date with a copy of the [Judgement](#). The tenant can contest this action and the court would order a trial based on arguments presented by the defendant.<sup>7</sup>

Tenants can win in court based on a number of **common tenant defenses**. In Arizona, tenants may claim that the landlord is out of compliance with any of the following:

- Landlord to maintain the premises<sup>8</sup>
- Landlord to supply running water, reasonable amounts of heat and reasonable amounts of hot water<sup>9</sup>
- Material non-compliance by the landlord<sup>10</sup>

## Step 6 – File a Writ of Restitution with the Sheriff’s Office

If the judgment is in the landlord’s favor they can file a [Writ of Restitution](#) with the local county Sheriff’s Office.<sup>11</sup> Arizona Sheriff’s Offices can be found [here](#).

## Step 7 – Repossess the Property

The Sheriff will serve the tenant with the Writ of Restitution and forcibly remove them from the premises if necessary.

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## Arizona Eviction Process EXPLAINED



## Sources

1. § 33-1368(A2)
2. § 33-1368(B)
3. § 33-1375(B)
4. [https://arizonalegalcenter.org/what-happens-if-you-get-evicted-in-arizona/#:~:text=The%20Arizona%20Residential%20Landlord%20and,\(Title%2033%2D1367\).](https://arizonalegalcenter.org/what-happens-if-you-get-evicted-in-arizona/#:~:text=The%20Arizona%20Residential%20Landlord%20and,(Title%2033%2D1367).)
5. <https://www.azcourts.gov/courtfilingsfees/JusticeCourtFilingFees.aspx>
6. § 12-1175
7. § 12-1176
8. § 33-1324
9. § 33-1324(A6)
10. § 33-1361
11. § 12-1178(A)

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## OFFICIAL EVICTION NOTICE

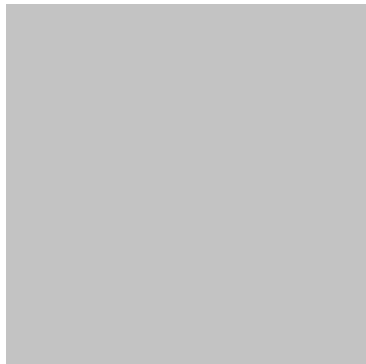
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