

What to Do About an Extra Tenant

by Robert L. Cain

Q. What would you do if a tenant moved in another person into an apartment who is not listed on the lease? I have a great neighbor who informs me of things. I appreciate your input. Chuck

A. This is a recurring problem for landlords. For some reason too many times tenants either ignore the obvious clause in the rental agreement that states you are renting only to the people listed on that agreement and nobody else. They apparently believe that it's easier to ask forgiveness than permission. And with so many landlords that is the case. Landlords just throw up their hands and say exasperatedly, "What can I do?"

You will need to take charge and make it clear to the tenant that no unapproved tenant may live in the property. You have at least three reasons for that.

The first one is that you are careful whom you rent to. Every applicant goes through a careful screening process that ensures only quality people will live in your property. You do that to maintain the value of your investment and out of respect for your other tenants and the neighborhood where your property sits.

The second reason is that more people mean more wear and tear on the property. That harkens back to maintaining the value of your property.

The third reason is that you need to know who is living in your properties. If you go over to one of your properties and you see someone go in the front door whom you don't recognize as being there legitimately, what will you do?

A neighbor of mine had an embarrassing situation several years ago when she had a temporary roommate staying with her. Mind you she was and is the owner of the house and can have anyone stay with her she wants. One day the roommate came home from wherever he had been and a neighbor, who had never seen this man before (close-knit street) called the police. I was looking out the window when the police arrived and went across the street to find out what was going on.

The roommate was telling the police that he lived there and I backed up the story, because I had met him sometime before. It all got straightened out, but my neighbor was extremely embarrassed, as was her new roommate.

After you have informed your legitimate tenant that unapproved tenants are not allowed, you have two options:

1. Provide a rental application and collect a screening fee from the extra tenant, then screen. If acceptable, let him or her stay. If not, tell the "applicant" he or she has to move out immediately or the existing tenant will be evicted along with the unqualified one.
2. Send a with-cause termination notice to the legitimate tenant that the interloper has to move out immediately. If that does not happen within 10 or 14 days, or whatever is required in your state, the tenant will have to vacate in 30 days.

Good luck. There is no easy answer to this issue.

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