

# WHEN LIFE GETS LEGAL

## How to be a Great Tenant

October 9, 2024  
12pm - 1pm

**LEGAL RESOURCES**  
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### Session Notes

Below is a summary of the topics and items discussed on the October 9th session of When Life Gets Legal, How to be a Great Tenant.

**A recording of this session is available for viewing at [www.LRseminars.com](http://www.LRseminars.com)**

\*The information presented in this webinar is provided by Attorney Dave Johnson for informational purposes only. Attorney Johnson is licensed to practice law in the state of Virginia. The details shared are based on his understanding of the laws within that jurisdiction. The webinar content is intended to be general in nature and may not reflect the laws of other states or regions. Attendees are advised to consult with a qualified legal professional in their respective jurisdiction for advice tailored to their specific circumstances.

### SESSION TOPICS

- VRLTA
- Lease Agreement
- Tenant's Assertion
- Unlawful Detainer

#### Does Virginia require a written lease for tenancy?

No, verbal agreements are valid and typically create month-to-month tenancies. However, the VRLTA applies regardless of whether the lease is written or verbal.

#### Can a landlord claim they are exempt from the VRLTA?

No. Landlords are no longer exempt from the act, even if they own a single rental property.

#### What should you do if you disagree with something in the lease?

Negotiate the terms before signing. Everything is negotiable in real estate, including rent due dates, and you should ensure the terms suit your financial situation.

#### How should you document issues with your rental property?

Always document issues with written letters sent via U.S. Postal Service (snail mail). Keep a copy of the letter and any proof of mailing to ensure you have legal documentation.

#### What is a tenant's assertion and when can you file one?

A tenant's assertion is a lawsuit you can file when your landlord fails to make necessary repairs, such as fixing major appliances or addressing health and safety issues. First, you must send a written letter to the landlord, and if repairs are not made within 30 days, you can file a tenant's assertion.

#### What happens if you miss a rent payment?

Virginia law is strict about rent payments. If rent is not paid on time, the landlord can file for an unlawful detainer (eviction). You should always try to pay the rent in full as quickly as possible, even with a late fee, to avoid legal action.

#### Can a landlord keep part of the security deposit for unpaid rent or damages?

Yes, the security deposit can be used for unpaid rent or damages beyond normal wear and tear. Fair wear and tear, such as worn carpets or nail holes from hanging pictures, should not result in deductions.

#### What is the importance of attending court if you receive an unlawful detainer notice?

Always attend court, even if the landlord says you don't need to. Failing to attend can result in a default judgment against you.

## Who is responsible for structural damage caused by rodents in the walls?

The landlord is responsible for fixing structural damage and addressing infestations like rodents.

## Can a landlord increase rent without notice?

No, they can only increase rent when the lease renews. If they do so, tenants have the right to terminate the lease.

Coming Up Next Month

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November 13TH  
12pm - 1pm

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## KEY TIPS

- 1. Document Everything:** Always use written communication with your landlord. Snail mail letters are legally admissible and can protect you in disputes.
- 2. Move-In Checklist:** Create a detailed move-in checklist, documenting every minor issue with the property (e.g., pinholes in walls, light fixtures). This will help protect your security deposit when you move out.
- 3. Pay Rent on Time:** Virginia law is unsympathetic to tenants who fail to pay rent on time. If you face difficulties, communicate with your landlord immediately and pay as soon as possible, including any late fees.
- 4. Snail Mail for Proof:** When communicating critical matters with your landlord (like maintenance issues or legal notices), use snail mail with proof of mailing for added legal protection.
- 5. Tenant's Assertion:** If your landlord fails to address necessary repairs, document your requests and follow up in writing. After 30 days, you can file a tenant's assertion and pay rent to the court until the issue is resolved.
- 6. Move-Out Inspection:** Request to be present for the move-out inspection, and document the condition of the property. Return the keys on time and provide your new address for the return of your security deposit.

### About our speaker:

### DAVE JOHNSON VIRGINIA BEACH LAW GROUP



David C. Johnson honorably retired as a Lieutenant Colonel from the U.S. Marine Corps and takes special pride in caring for clients presently serving on active duty. He is a past president of the Thoroughgood Civic League and is active in various professional and civic associations throughout Hampton Roads.

#### Education

Regent University School of Law | J.D. (2004)  
U.S. Army War College | M.S. (1996)  
Montana State University | B.S. (1979)

#### Honors, Awards, & Memberships

Licensed | Virginia State Bar  
Virginia Beach Bar Association  
Norfolk-Portsmouth Bar Association

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Phone: 800.728.5768  
Email: [info@legalresources.com](mailto:info@legalresources.com)

[www.legalresources.com](http://www.legalresources.com)