

# How to use I-CAN! to Create Eviction Forms



## Follow these steps

- Be sure to print or save the PDF file with your password so you can re-enter if there are any disruptions
1. Select your language preference, video preference and then select the Module you want to complete.
  2. The next screen will give you a description of the module. Click "Next" and then choose "Create a username and password".
  3. At the end of the tutorial and disclaimer, enter your first and last name and click "Next". I-CAN! will create a unique password for you. Be sure to print or save the PDF file with your password so you can re-enter if there are any disruptions.
  4. If you want to re-enter a module using a user you have created, select "Log in with my password" and then enter in your password. You will be taken back to the module with your responses already filled in.

## What does I-CAN! do?

I-CAN! will fill out the forms for you by asking you simple questions and putting your answers on the court forms in the correct place. I-CAN! will print all of the forms that are necessary for your individual situation. I-CAN! will also print instructions to tell you what to do with your forms, and how the court process works.

## Who can use the Eviction module?

### CA Eviction

#### Users

- A landlord who wants to evict a tenant (or an Attorney or UD Assistant on behalf of the landlord)
- A tenant who has been served with the form *Complaint – Unlawful Detainer UD-100* by their landlord (or an attorney or UD Assistant on behalf of the tenant)

# How to go through the Eviction Defense Module

## Enter the following information

User Scenario 1: A tenant who has been served with the form *Summons and Complaint – Unlawful Detainer* (UD-100) by their landlord

1. You want to defend yourself from an eviction.
2. Your name is “My Name” and it was spelled correctly. Your case number is 0123456789.
3. You did not pay an Unlawful Detainer assistant for any help or advice. You are not an attorney.
4. Your address is “111 My St, My City, CA 11111” and your phone number is “999-999-9999”
5. There are no other tenants being evicted in your case.
6. The plaintiff’s name is “My Landlord”.
7. The complaint does NOT demand more than \$1000. You want to deny every statement of the complaint.
8. You have not left the property.
9. You are being evicted because you did not pay rent. The property was unlivable during the months the landlord is asking for rent in the following ways: damp ceiling, broken windows, holes in walls, peeling paint, not enough heat, not enough hot water, inadequate locks and problems with roaches.
10. You do not want your landlord to make repairs. You repaired and deducted the serious problems with the property. You told your landlord about the serious problems, you told him ahead of time that if the problems were not fixed that you would fix them and subtract what you spent from the rent, you fixed the problems and deducted the amount you spent from the rent, and your family and/or guests did not cause the problems.
11. You think the fair rental value of the property that the landlord listed in the complaint is too high because: The landlord listed the property as worth \$1000 per month. On 10/15/2007 you signed a contract to lease the property for \$950 per month. You haven’t signed any updates to the contract.
12. You did not offer to pay rent before the notice to pay or quit expired.
13. You think the landlord is try to evict you for retaliating against you. You complained within 180 days before the eviction about the condition of your home to the US Health Department. You were served 3/15/2008 and you complained 1/15/2007. You think the landlord is retaliating against you because he threatened you with eviction on 1/20/2008 when he heard about the complaint.
14. You do not think the landlord is trying to evict you out of arbitrary discrimination. You do not live in government subsidized housing.
15. You do not think you should be evicted because the landlord has no legal grounds to evict you. You do not have any additional facts to include.
16. You would like the landlord to pay reasonable attorney’s fees. The landlord filed the claim in Orange County at the Central Justice Center

Variations to try: Try adding tenants who are being evicted. Try saying that the landlord is trying to evict you out of arbitrary discrimination. Try saying that you live in government subsidized housing.

User Scenario 2: You are a landlord and you would like to evict a tenant.

1. You would like to evict a tenant. Your name is Wilma Flintstone. You are not an attorney filing a complaint for a client.
2. Your address is 1234 Flint Road Unit 13, Stone Age, California, 44444. Your phone number is 777-888-9999.
3. You did not pay an Unlawful Detainer assistant to help you with your complaint. You are filing as a person and you are the owner of the property. There are no other plaintiffs filing with you.
4. The name of the tenant that you would like to evict is Scrappy Doo. The tenant agreed to the rental contract.
5. The tenant's address is 1234 Flint Rd, Unit 12, Stone Age, California, 44444 which is in Orange County. You have a written agreement dated 05/05/2005. You made the contract with the tenant and you can attach a copy to the legal paperwork.
6. You and the tenant have a month-to-month tenancy. Rent is paid monthly and it is due the first of the month. The tenant agreed to pay \$13,000 a month for rent. This agreement was never changed. The fair rental value of the property per day is \$450.
7. The tenant is not a subject to the local rent control or eviction control ordinance of the city of county. There is no written agreement between the parties that provides the tenant to pay for attorney fees. You are not filing because a fixed-term lease has expired. There are also other facts that you would like to include, such as: Scrappy Doo is a constant disruption to the building. He is loud and rude. He has no respect for the other people living inside the building.
8. You have served the tenant with a notice to quit. You gave the tenant a 60-day notice to quit. The notice expired on 06/20/2008. You did not use I-CAN! to create your notice. You have an "election of forfeiture" in your notice.
9. You gave the tenant the notice by leaving a copy with a person over age 18 at the tenants' home and mailing a copy to the tenant's home because the tenant could not be found at his or her home or business. You served the notice on 04/22/2008. You have a proof of service to attach. You mailed a copy of the notice to the tenant's home on 04/19/2008.
10. You would like to request fair rental value of the property for each day that the tenant stays on the property, reasonable attorney fees and a cancellation of the agreement. You would like the tenant to pay you the fair rental value from 06/21/2008.
11. The county where you filed the claim is Orange County and you filed the claim at Court North Justice Center.

Variations to try: Try evicting a tenant for not paying rent. Try using I-CAN! to create a notice for you. Try evicting a month-to-month tenant with a 30 or 60 day notice.