

# Learn About Evictions Without a Court Order in Costa Rica

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The term eviction can be defined as the action of expelling a person from land, a building, a house, etc., by legal process as well as the action of recovering a property by virtue of superior legal title. This word immediately brings to mind the necessity of a legal process in Court to get a decree permitting the eviction. The most common examples of evictions in Costa Rica are for tenants who get expelled for nonpayment of rent or when or when, after a long dispute of a land title, a judge determines the land must be given back to a legitimate proprietor who does not have possession.

The common denominator in the mentioned examples is the previous existence of a judicial process. The question that comes to mind is: Are there any evictions that can be performed without a court process? The answer is yes. They are called Administrative Evictions and are performed by the Evictions Department of the Ministry of Security. On August 31st, 2012 a Presidential Decree number 37262 appeared on the official Gazette, establishing the rules to apply and handle these procedures. The intention of this regulation was to have clear and simpler rules than the previous regulation.

Here are some examples of when an Administrative Eviction can be requested:

- A)** When a person finds someone is invading his or her property. This also applies when the property invasion occurred within the previous 2 weeks.
- B)** Houses and premises rented to tourists for short periods of time or seasons. Such places need to be classified as Tourism Category by ICT.
- C)** The rent of parking spaces for vehicles.
- D)** The rent of advertising spaces.
- E)** Places granted to employees during a labor relationship. Sometimes farm and constructions workers are supplied with a place to live while they work for the employer. The same applies at Condo projects with guards or administrators. Once the labor relationship ends, they are supposed to leave the premises.
- F)** When a person builds a maximum of two apartments or premises that have a common entrance with the owner's house, located on the same property. Here the minimum 3 years rental term does not apply. The proprietor can terminate the rental contract by providing 1 month notice to vacate the rented premises.
- G)** On a Trust contract where the Trustee is required to grant the property to a person different than the one having current possession. This is a common scenario on leases where the debtor agrees to place the property in a Guaranty Trust where in case of default the property goes to auction.
- H)** In the case of occupation by mere tolerance. This is the case when a person lends

another person a house to live without paying rent, or when a person lends another person some land to use it without any type of charge. However, a recent amendment that took effect during October, 2018 established this last scenario can also be discussed as a Court Eviction.

When the above-mentioned conditions are met then an Administrative Eviction can be requested at the Evictions Department of the Ministry of Security. It is necessary to file a written request describing the facts very clearly, offering the necessary ownership and related proofs to show the claim is legitimate. Once the petition has been submitted, the Evictions Department will perform a preliminary evaluation of the case, and if they find the petition is in order then an eviction order is issued to be delivered to the other party which is in current possession of the property.

Once the respondent is served with the eviction order, there are 3 days to respond and appeal by presenting valid proofs to refute the applicant's request. If the order is not challenged within 3 business days, the eviction will be executed immediately by the local police. If the order is challenged but submitted proof and arguments are not valid, then the objection will be dismissed, and the eviction will be executed. Only when valid evidence is presented the eviction order gets revoked and the plaintiff will be redirected to discuss the property rights in a Court of Law.

Even though the rules establish what is supposed to be an expedited process, the reality is that it will usually take weeks or months, depending on the complexity of the case. The Ministry of Security also receives a lot of requests for administrative evictions, so the logical effect is that they have lot of cases to handle. In some cases, this might be more convenient in terms of time and costs than a judicial process. The most important thing is to make sure the petition is eligible for this specific procedure.

**About the Author:** Allan Garro was incorporated as a lawyer and public notary in 1996. He specializes in Litigation, Corporate, and Real Estate Law. He has also acted as an external legal consultant to Congress. He has been the author of more than 100 published English Language articles and can be reached at [\[email protected\]](#)