

*Subtitle 4—Landlords' remedies other than distraint*

*8-401. Failure to pay rent.*

*(a) Right to repossession.*

*Whenever the tenant under any lease of property, express or implied, verbal or written, shall fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises so rented.*

*(b) Complaint; summons.*

*Whenever any landlord shall desire to have again and repossess any premises to which he is entitled under the provisions of 8-401 (a), he or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, before the ~~district court~~ DISTRICT COURT of the county wherein the property is situated, describing in general terms the property sought to be had again and repossessed, and also setting forth the name of the tenant to whom the property is rented, or his assignee or subtenant with the amount of rent thereon due and unpaid; and praying by warrant to have again and repossess the premises, together with judgment for the amount of rent due and costs. The District Court forthwith shall issue its summons, directed to any official of the county entitled to serve process, and ordering him to notify by first class mail the tenant, assignee, or subtenant forthwith to appear before the District Court at the trial to be held on the second day except that in Baltimore City the trial shall be held on the fifth day after the filing of the complaint, to show cause why the prayer of the landlord should not be granted, and the official shall forthwith proceed to serve the summons upon the tenant, assignee or subtenant in the property or upon his known or authorized agent, but if for any reason, neither the tenant, assignee or subtenant, nor his agent, can be found, then the official shall affix an attested copy of the summons conspicuously upon the property, and the affixing of the summons, for purposes of this Section 8-401 shall be conclusively presumed to be a sufficient service upon all persons whatsoever, if in addition, the tenant, assignee, or subtenant has also been notified by first class mail.*

*(c) Adjournment to enable procurement of witnesses judgment in favor of lessor; effect of tender of rent.*

*If at the trial on the second day aforesaid, the District Court judge is satisfied the interests of justice will be better served by an adjournment to enable either party to procure his necessary witnesses, it may adjourn the trial for a period not exceeding one day, except by consent of all parties, and if at the trial or due adjournment thereof, it appears to the satisfaction of the court before whom the complaint has been made and tried, that the rent or any part of the rent for the property is actually due and unpaid, the court shall give judgment in favor of the landlord for the amount of rent found due, with costs of suit, and shall order that the tenant and all persons claiming or holding by or under the tenant shall yield and render up possession of said premises unto the landlord, or his duly qualified agent or attorney, within two days thereafter; if, however, the tenant, or someone for him, at the trial or due adjournment thereof, tender the rent found to be due and unpaid, together with the costs of the suit, the complaint shall be entered satisfied and no further proceeding shall be had thereunder.*