

[No. 103332-0. En Banc.]
Argued February 11, 2025. Decided May 22, 2025.

RAJIV SANGHA, *Respondent*, v. JEREMY KEEN ET AL.,
Appellants.

- [1] **Landlord and Tenant — Unlawful Detainer — Governing Law.** Unlawful detainer actions are governed by chs. 59.12 and 59.18 RCW. Procedures set out in the generalized unlawful detainer statutes (ch. 59.12 RCW) apply to the extent that they are not supplanted by those in the Residential Landlord-Tenant Act of 1973 (ch. 59.18 RCW).
- [2] **Landlord and Tenant — Unlawful Detainer — Statutory Provisions — Strict Construction — In Favor of Tenant.** Chapters 59.12 and 59.18 RCW, which govern unlawful detainer actions, are in derogation of the common law and are strictly construed in the tenant's favor.
- [3] **Landlord and Tenant — Unlawful Detainer — Commencement of Action.** To evict a holdover tenant, a landlord must serve an eviction notice. If the tenant has not complied with the notice, the landlord may commence an unlawful detainer action by serving to the tenant the statutory summons and complaint. The summons must contain certain information set out in RCW 59.18.365.
- [4] **Landlord and Tenant — Unlawful Detainer — Writ of Restitution — Preliminary Show Cause Hearing.** To evict a tenant, under RCW 59.18.370 a landlord may apply for a writ of restitution at the same time as commencing the action or at any time thereafter. To obtain a writ of restitution, under RCW 59.18.380 the landlord must apply for an order for a show cause hearing. A show cause hearing is a summary proceeding to determine the issue of possession pending a lawsuit and is not the final determination of rights in an unlawful detainer action.
- [5] **Landlord and Tenant — Unlawful Detainer — Summons — Procedure — Governing Law.** RCW 59.18.365 governs the procedure for an unlawful detainer summons.
- [6] **Landlord and Tenant — Unlawful Detainer — Nature of Action — "Special Proceeding."** An unlawful detainer action under chs. 59.12 and 59.18 RCW is a "special proceeding" for purposes of CR 81(a), under which the Superior Court Civil Rules apply to all civil proceedings except where inconsistent with statutes applicable to special proceedings.
- [7] **Statutes — Construction — General and Specific Provisions.** A specific statute will supersede a general one when both apply.

- [8] **Landlord and Tenant — Unlawful Detainer — Right to Counsel — Notice and Screening — Necessity.** RCW 59.18.640(1) and SPR 98.24W(1) require a trial court to inform an unrepresented tenant in an unlawful detainer action of their right to counsel at the first hearing, inquire whether the tenant wants to assert the right, and refer the tenant for eligibility screening. No discretion is provided. The court does not need to ascertain a factual basis for indigency; the predicate is a tenant who appears without representation and the court's duty to inquire whether the tenant wishes to be screened.
- [9] **Landlord and Tenant — Unlawful Detainer — Default Judgment — Validity — Tenant's Appearance in Action.** RCW 59.18.365 precludes a default judgment against a tenant who provides a written notice of appearance but does not submit a written answer in an unlawful detainer action. Read together, RCW 59.18.365, RCW 59.18.640(1) (which requires the appointment of counsel for indigent tenants) and SPR 98.24W(1) (which requires appointment of counsel for a tenant who appears without an attorney) explain that a response is required when a landlord commences an unlawful detainer action and that the tenant may comply by submitting a written notice of appearance. Default judgments are available in unlawful detainer actions but only if an unrepresented tenant fails to respond by the date noted in the summons or fails to appear at a show cause or other unlawful detainer proceeding. In other words, if a tenant timely responds to a summons, a default order may not be entered unless the tenant fails to appear at a subsequent hearing. Further, RCW 59.18.365 and RCW 59.18.380 anticipate that a tenant who responds to a summons with a notice of appearance will receive a show cause hearing where the tenant may then answer orally or in writing.
- [10] **Judgment — Final Judgment — Appeal — Timeliness.** Generally, when a judgment is not appealed within 30 days, that appeal is precluded.
- [11] **Judgment — Vacation — Review — Scope — Underlying Judgment.** An appeal from a denial of a CR 60(b) motion to vacate a judgment is limited to the propriety of the denial, not the impropriety of the underlying judgment. An unappealed final judgment cannot be restored to an appellate track by means of moving to vacate and appealing the denial of the motion. The exclusive procedure to attack an allegedly defective judgment is by appeal from the judgment, not by appeal from a denial of a CR 60(b) motion.
- [12] **Costs — Attorney Fees — On Appeal — In General.** RAP 18.1(a) allows a party to recover reasonable attorney fees and expenses on appeal, provided that the party requests the fees and expenses and applicable law grants to the party the right to recover. Under RAP 18.1(b), the party must make their request in a separate section of their opening brief.