**Illegal eviction and harassment**

**Illegal eviction**

Every tenant should feel secure in their home if they are abiding by the terms of their tenancy agreement, but there will be occasions when a landlord may wish to take back possession of their property, for example if they want to sell, or move into it themselves. However, landlords must follow strict procedures if they want their tenants to leave. They may be guilty of harassment and/or illegal eviction if they do not follow the correct procedures.

However, the rules around evictions are complicated. The period of written notice will vary depending on your tenancy agreement.

As a tenant, you are entitled to the correct written notice. If you do not agree to leave the property on the date given in the notice, (in most cases) your landlord would need to obtain a possession order from the courts and apply for a bailiff authorised by the court to evict you. If a possession order is granted, you cannot be forced to leave your property before the bailiffs arrive.

Illegal eviction is a criminal offence. Actions that are deemed to be an illegal eviction include:

• forcible removal from a home;

• forced to leave due to threatening behaviour or intimidation;

• preventing tenants from accessing certain parts of their home;

• changing the locks while the tenant is out.

**Whilst you may have the right to re-enter your home if you have been illegally evicted, you should be aware that the law is very complicated on this matter, and if you act without legal advice and get it wrong, you could be committing a criminal offence.**

**Harassment**

Harassment is something that your landlord, or someone acting on their behalf, does which aims to disrupt your life at home to make you leave. It includes anything which prevents you living safely and peacefully in your home.

Harassment is:

* an action by a landlord or someone acting on their behalf
* likely to interfere with the peace or comfort of someone who has a legal right to live in a property
* breaches your right to “quiet enjoyment”, which means the right to live peacefully in your home – if anyone interferes with this right, they could be committing a criminal offence

Harassment varies from the most brutal and violent acts to the more subtle, which can still be frightening and distressing.

**Examples of harassment**

* entering your home when you are not there or without your permission;
* persistently asking you to leave;
* threatening you to make you leave;
* removing or restricting utility supplies such as water, gas or electricity supplies or failing to pay bills so that they are eventually disconnected;
* forcing you to sign agreements which are designed to reduce your rights;
* allowing the property to fall into such a bad state of repair that it becomes uncomfortable or even dangerous to live in;
* refusing to let you into certain parts of your home, or letting you in, or letting you use facilities only at certain times;
* harassment because of your race, sex or sexuality.

**If your landlord is violent or threatening violence, towards you or a household member you should always call the police on 999.**

**What can you do if you are being harassed or threatened:**

1. Keep a record or diary detailing incidents/threats that have occurred, including dates and times
2. Try to ensure that all communication is in writing (save texts and e-mails)
3. Keep a record of the names and addresses of anyone who has been involved, for instance any witnesses or police involved, and crime numbers if a report has been made to the police
4. If you have to deal with the landlord in person, try to have someone present with you as a witness when seeing the landlord
5. Write to the landlord to say that if the harassment continues you may be forced to leave and/or take legal action
6. Report all events to the Council, and police or a solicitor

If you are unsure of your rights as a tenant, <https://england.shelter.org.uk/housing_advice/private_renting> is an excellent source of information regarding your rights and responsibilities in private rented accommodation.

In the first instance we would recommend you seek independent legal advice, either through Shelter, Citizens Advice or a solicitor.

**What can the Council do?**

If your landlord’s behaviour is causing you concern, an officer of the Council can speak with your landlord to inform them that they may be committing a criminal offence and try to persuade them to stop harassing you.

If your landlord has forced you to leave your home without following the correct procedure, we can try to persuade your landlord to let you back into the property and/or return your belongings.

If the Landlord refuses to change their actions, you can apply for a court injunction through the civil courts to let you back into your home or to stop the harassment. You will need a solicitor to do this. Local solicitors with a legal aid contract can be found on this website: [Find a legal aid adviser or family mediator (justice.gov.uk)](https://find-legal-advice.justice.gov.uk/?postcode=LN5+8TE&name=&categories=hou&filter=)

**How to recover your belongings if you have been evicted**

If you have been evicted, you have a legal right to get your belongings. Your landlord must keep your possessions that were in the property safe for a reasonable time – normally 21 days. It is illegal to destroy or sell your belongings, within this reasonable period even if you owe rent. Where a landlord refuses to give you your belongings – you should be able to get a court injunction to get access to your belongings or claim damages.

**Going to court and getting an injunction**

Where an illegal eviction takes place – the easiest and quickest solution is to apply for an injunction through the civil court. An injunction is a court order obtained through the county court. If you have been evicted illegally you can apply to the court for an order to:

* let you back into the property
* return your belongings
* stop the landlord from harassing you

Your landlord could be fined or sent to prison if they don’t obey an injunction.

You can also apply for compensation (damages) through the courts if you were harassed or illegally evicted for the distress, and expense, that this has caused you.

The amount of damages will depend on your tenancy type and the behaviour of your landlord. The amount of damages will be higher if the harassment from your landlord was serious. The more evidence and records you have the greater the likelihood that your case will succeed.

The process for an injunction and compensation is relatively simple. Whilst the Council cannot take an injunction on your behalf, a local high street solicitor or law centre will be able to help you. If you are on a low income you may be entitled to legal aid. Local solicitors that take legal aid can be found at [Find a legal aid adviser or family mediator (justice.gov.uk)](https://find-legal-advice.justice.gov.uk/?postcode=LN5+8TE&name=&categories=hou&filter=)

If you’re not entitled to legal aid then a solicitor may take your case with a no win no fee agreement. Any successful case will require evidence to support your case. It is important you keep:

* written records of all communication and agreements between you and your landlord
* pictures of any damage caused by your landlord
* witness statements and records of any threats made by your landlord or someone on his behalf
* records of all reports to the Police or Council

Whilst the Council does have the power to prosecute landlords, such action is usually only taken in the most serious cases where it is in the public good. As this is a criminal offence, the burden of proof (beyond reasonable doubt) is much higher than for an injunction and requires a very high evidence threshold to proceed to court.  Therefore, the Council are only able to investigate matters of harassment and illegal eviction under the [Protection from Eviction Act 1977 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1977/43/contents) where sufficient evidence is provided by tenants.