

Harassment and Illegal Eviction are both criminal offences. This leaflet explains what harassment and illegal eviction are, what the law says about it and what to do if you are being harassed or have been illegally evicted or are being threatened with it.

What is harassment?

Harassment can include anything which prevents you living safely and peacefully in your home. It is:

- An action by a landlord or someone acting on their behalf
- It is likely to interfere with the peace or comfort of someone who has a legal right to live in a property.
- It 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.

Tenants have had their lives made a misery without realising that they are protected under law and can get something done about it. 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, or offering you money to 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.

What is illegal eviction?

Most people who live in private rented accommodation can only be required to leave their home if the County Court has made a Possession Order against them. Even then they can only be lawfully evicted by County Court bailiffs.

Any attempt to evict a tenant without following the correct legal procedure is called an illegal eviction. It is a criminal offence if a landlord or their agent evicts a tenant without a Court Order. In many cases this is done by changing the locks, stopping a tenant using part of their home or by forcibly throwing them out.

What the law says

Most people who live in privately rented accommodation can only be made to leave their home if:

- They have been served the correct Notice and:
- A Possession Order has been granted against them by the County Court.

Even then, they can only be lawfully evicted by County Court bailiffs. There are laws which make it a criminal offence to evict a tenant or lawful occupier without a Court Order, or to harass tenants in the ways we described above. If a landlord is convicted of harassment or illegal eviction, they can be given an unlimited fine and/or sent to prison for up to 2 years. You may also be able to sue the landlord yourself and get damages to compensate you for what you have suffered.

If your landlord lives with you:

The rules are different for tenants who live and share facilities (e.g. a bathroom or kitchen) with their landlord. The landlord still has to give “reasonable notice”, but there is no requirement for a Court Order, and if the landlord evicts them after the notice has expired, there is probably no action they can take.

What to do if you think you are being harassed or threatened with unlawful eviction.

1. Get in touch with the Council's Housing Advice and Prevention Service immediately. The Council can help you by advising you on your rights and by investigating your complaint of harassment or illegal eviction. The Council has the power to prosecute your landlord for the criminal offences of harassment and/or illegal eviction.
2. Keep a record or diary detailing incidents/threats that have occurred, including dates and times.
3. Try to ensure that all communication is in writing.
4. Keep a record of the names and addresses of anyone who has been involved, for instance any witnesses or police involved.
5. If you have to deal with the landlord in person, try to have someone present with you as a witness when seeing the landlord.
6. Write to the landlord to say that if the harassment continues you may be forced to leave and/or take legal action.
7. Report all events to the Councils Housing Advice Service. Police or a solicitor.
8. If you are being harassed, or suffered illegal eviction, you can apply to the County Court to get a Court order. This will require your landlord to refrain from harassing you and /or reinstate you to or home if you have been unlawfully evicted. This can be an effective form of action, because if your landlord breaches the order, he/she could be sent to prison.

You can also seek advice regarding compensation for harassment or unlawful eviction. Bear in mind, though, that in order for a prosecution to be successful, strong evidence is required and you will have to attend court as a witness.