

“I am facing harassment and/or illegal eviction by my landlord”

What is harassment?

Various actions can count as harassment including the following:

Withdrawal of services

If the landlord stops supplies such as electricity, water or gas.

Withholding keys

If there are two or more tenants in the property and the landlord will only supply you with 1 key; this is a form of harassment. Try negotiating with your landlord for another key. If this fails, seek legal advice.

Interfering with the peace and comfort of those living at the property

This may include:

- Forcing tenants to sign agreements that remove their legal rights
- Constantly visiting the property without a warning or during late hours in the night
- Entering the property when tenants are not there and without seeking the tenant's permission
- Persistently offering the occupier money to leave
- Stopping the tenants from having guests
- Harassment related to tenants gender, race, disability or sexuality

Anti-social behaviour by your landlord's agent

If the landlord intentionally moves in a friend/other tenants next door who cause disturbances, are a nuisance or commit anti-social behaviour which affects you.

Forcing the tenants to refrain from exercising their legal rights and remedies associated with their tenancy

If the landlord:

- forces the tenants to sign an agreement which reduces their rights
- forces the tenants to temporarily give up their accommodation during repairs but does not provide tenants with any alternative accommodation
- prevents the tenants from exercising any legal rights, for example reporting disrepair

Harassment and illegal evictions are both criminal offences that can result in a fine or prison sentence.

to an environmental health officer or going to a rent officer to get a fair rent registered.

Demand for excessive repairs

If a landlord asks a tenant for repairs costing thousands of pounds. Ensure you check your tenancy agreement to see who is responsible for carrying out the repairs. If you are responsible, you may be eligible for an Improvement Grant; contact the Council's Private Sector Housing Team on 01737 276000 for further information.

Failure to carry out repairs

If the landlord has been badly neglecting the property and/or is trying to drive the tenants out by not carrying out repairs.

Repairs which are not completed

If the landlord has begun repairs and has not completed them causing the property to be unsuitable for tenants to live in.

Threats and physical violence

If your landlord uses violent, sexually or racially abusive behaviour and/or uses language or physical behaviour that is threatening or violent against the tenants.

Evictions

A landlord must follow correct legal procedures to evict a tenant from his or her property; otherwise it may be considered an illegal eviction.

The legal method of eviction depends on the type of your tenancy.

The 3 general steps of eviction for landlords

- 1. Service of a written notice, giving tenants at least 2 months (in most cases)**
- 2. Landlord must go to court to get a possession order for you to leave**
- 3. Landlord must obtain a notice of eviction which gives a date for bailiffs to remove you**

See our advice page 'My landlord has served me with a notice to leave my property' for the complete legal eviction procedure.

- **If you have an assured or assured shorthold tenancy:** the landlord must inform the tenants of his or her intention to seek possession of the property by serving notice.

You are not required to leave until the landlord obtains a notice of eviction (explained above). The period of the notice will vary according to the grounds on which the landlord is seeking possession.

If the landlord tries to make you leave before this date, this would be an illegal eviction.

- **If you have a residential landlord:** your landlord will not have to follow the procedure above by obtaining a warrant for bailiffs to remove you. Landlords only need to give you reasonable notice to leave from:
 - A hostel
 - Emergency accommodation (placed in by the Council because you are homeless)
 - Accommodation you share with your landlord

You will have to leave when your notice period expires. Reasonable notice varies depending on the type of your agreement, for example:

- A week for a weekly agreement
- A month for a monthly agreement
- The minimum period of a notice to leave is considered to be 28 days.

What is an illegal eviction?

Your landlord does not follow the correct procedure to evict you (dependent on your tenancy)

Your landlord does not give you reasonable notice to leave (dependent on your tenancy)

Your landlord changes the locks before your notice/eviction procedure ends

Your landlord forces you to leave before your notice/eviction procedure ends

Your landlord tries to end the tenancy by not accepting the rent (ensure you keep all correspondence if this occurs to help you when seeking legal advice)

Your landlord is making you leave by threatening/using violence against you

Your landlord makes it difficult for you to remain in the property

Your landlord physically throws you out

Your landlord stops you from getting into certain parts of the property

What can I do if I am facing harassment / illegal eviction?

If you are facing threatening behaviour of violence or harassment from your landlord or in a case of an emergency, **dial 999**.

Calling the police

- If you are being illegally evicted, you can ask the police for help.
- The police cannot assist or enable an eviction to take place but they can come to the property to stop any breach of peace and/or violence.
- Ensure you inform the police that the 'Protection from Eviction Act 1977' makes it a criminal offence for a landlord to evict a tenant without following the correct legal procedure.
- If you are at risk and/or in an emergency, **dial 999**.

Contacting the Council

- If your landlord illegally evicts you, the Council has the power to prosecute him or her.
 If a landlord is found guilty, they can be faced with a fine or a prison sentence. Often the threat of prosecution itself is enough for the landlord to stop the harassment/allow the tenant back into the property.
- The Council has a tenancy sustainment officer who can assess your situation and offer you advice and assistance regarding your housing rights and how you can obtain an injunction to return to your accommodation.
- Where applicable, the Council can negotiate with the landlord on your behalf requesting the landlord to allow you back into the property/stop the harassment.

Your options

- You should seek legal advice if you are faced with this situation to see what your legal options are. You can also visit your local Citizens Advice Bureau for further help.
- Looking for alternative accommodation could be another option where you will feel safer and happier.

- If you have been illegally evicted it may be possible for you to regain access to the property by forcing re-entry, however you should **only** do this if you feel it is safe to do so.

It is possible for you to request the presence of the police during the forced re-entry to provide you with support if any confrontation occurs with the landlord.

However, be aware that you may be at risk of committing the offence of criminal damage and will have to pay for any damage caused during the forced re-entry.

- Use our '[Guide to finding accommodation in the borough of Reigate and Banstead](#)', which can be found on our website, for further advice and tips on: how to find accommodation in the borough, where you can get help with your finances, where to find affordable home furnishings, emergency accommodation in hostels as well as a range of other useful information.

Useful Contacts

Citizens Advice Bureau	03444 111 444 www.citizensadvice.org.uk
Police (Emergency)	999
Police (non – emergency)	101
Shelter	0808 800 4444 www.shelter.org.uk