



Harassment and Illegal Eviction

Advice for landlords and tenants

Harassment

The Protection from Eviction Act 1977, makes it a criminal offence for landlords, or someone linked to them, to harass their tenants with the intention of making them leave their home or stop using part of it.

Harassment can include anything that stops the tenant, or anyone living with him or her, living safely and quietly within their home.

Harassment can cover a wide range of activities, they are not always obvious acts. Examples of harassment include;

- removing or restricting services like gas, electricity and water
- entering the property without the tenants permission
- using threatening language or behaviour
- preventing the tenant from having guests
- refusing to let the tenant use parts of the property (e.g. the bathroom or garden)
- offering the tenant money to leave

It is a criminal offence for a landlord to harass their tenant; conviction can lead to a fine and/or imprisonment. The tenant can also claim damages.

Illegal Eviction

A landlord does not have an immediate right to get their property back. In the majority of cases, tenants can only be forced to leave their property by a court of law.

Eviction of a tenant must follow the correct procedure. Normally, this is by giving the tenant a written notice to quit and then applying for a court order.

The following paragraphs give a brief guide to the main procedures for eviction. To be sure that the correct procedure is being used, it is always recommended that Landlords seek legal advice.

A landlord seeking possession from an assured tenant under the Housing Act 1988, must tell the tenant of their intention by serving a notice on them. Depending on the reasons for wanting the tenant to leave, the period of notice will be 2 weeks to

2 months. The tenant does not have to leave the property until the notice expires and even then may not be evicted without an order from the court.

If a shorthold tenancy has been created under the Housing Act 1996, (i.e. the tenancy began on or after 28 February 1997), and the fixed term of tenancy has expired, under ordinary circumstances the landlord must give 2 months' notice to quit in writing. A court order must be obtained before an eviction can be effected.

Eviction of the tenant during the fixed term of the tenancy can only be carried out if there are grounds for possession. For example, if the rent is in arrears or terms of the agreement have been broken. Again, the court process must be followed.

Any attempt to avoid the correct legal procedure is called illegal eviction and could be a criminal offence. Locking a tenant out of their property or physically forcing a tenant to leave are also examples of illegal eviction.

NB. The eviction procedures vary depending upon the type and period of tenancy and the reasons for wanting to evict. This advice note is not a complete guide to the law and the procedures available. If you are seeking to evict a tenant or being threatened with eviction, seek advice.

Remember, it is a criminal offence for a landlord to harass or illegally evict a tenant, conviction can lead to a fine and/or imprisonment. The tenant can also claim damages.

The Police should be aware that harassment and illegal eviction are both criminal offences. They do not enforce this area of the law, the local Council does. However, they should be able to assist a tenant who is being subjected to harassment or being illegally evicted.

For further advice, please contact:

Private Sector Housing Team, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN.

Telephone: **01442 228000** and ask for 'Private Housing'

Email: [**pshousing@dacorum.gov.uk**](mailto:pshousing@dacorum.gov.uk)

The team will be able to respond to requests for advice and advise on any allegations of harassment and illegal eviction.

Advice and assistance may also be obtained from:

Council's Housing Advice Service - 01442 228000
Citizens Advice Bureau - 03444 111444

Locations in Dacorum:

Voluntary Sector
The Forum, Marlowes
Hemel Hempstead
Herts, HP1 1DN

Wheelchair accessible.

Civic Centre
161 The High Street
Berkhamsted
Hertfordshire
HP4 3HD

Wheelchair accessible.

Alternatively, advice may be sought from your Solicitor.