

Illegal Eviction and Harassment by Landlords

Illegal Eviction

The Protection from Eviction Act 1977 makes it a criminal offence for any person to evict a tenant without following the correct legal procedure.

What action can Public Protection take?

An Environmental Health Officer may try to resolve the dispute between the landlord and tenant, if this seems appropriate. If the Environmental Health Officer believes there is enough evidence, the Council may consider taking a criminal prosecution against the landlord.

The prosecution will be taken by the Council and will not cost the tenant anything, although they will have to attend Court to give evidence. If the prosecution is successful the landlord will be fined or imprisoned and they will then have a criminal record.

What is Unlawful Eviction?

Unlawful eviction occurs when a residential occupier is unlawfully deprived of either all or part of their accommodation.

- It is nearly always an offence (unlawful) to evict a tenant without going to court first
- It is an offence to attempt to unlawfully evict
- It does not matter if the residential occupier is a tenant or licensee
- It does not matter if the tenant is in breach of their contract e.g. they owe rent, or won't allow the landlord in to do repairs, or the fixed term has come to an end
- Even if the landlord has a possession order it must be enforced with a bailiff's warrant

Common Examples of Unlawful Eviction Are:

- Being locked out of a room
- Being deprived of a room that is normally shared with other people e.g. kitchen or living room
- Having part of the home taken away as a consequence of building works
- Being turned out of your home

AND there is no court order giving the landlord permission to do any of this.

A tenant's rights and remedies include insisting that the property is in a good state or repair, seeking advice about their housing rights, or going to a rent tribunal.

Harassment

The Protection from Eviction Act 1977 makes it a criminal offence for a landlord, their agent or any person to harass a tenant with the aim of making them leave their home.

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What is Harassment?

It is an offence for landlords or their agents to:

- Act so that they are likely to interfere with the peace and comfort of their tenants
- Withdraw necessary services from people living in the accommodation (necessary services include water, gas and electricity, or lifts in a block of flats)
- Act in a way that they know or have reasonable cause to believe that these actions are likely to cause the tenants to leave their home or refrain from exercising their rights unless they can show that they have good reason for doing these things.