

# Eviction or harassment in my home

## What are my rights?



## **Renting a property from a private landlord? Being forced illegally out of your home and/or being harassed?**

**Did you know** it is a crime for a landlord to evict a tenant without serving a valid notice first? In most cases when the notice has expired, the landlord must then obtain a court order. When the court order has expired, the landlord must then go back to court and obtain a bailiff's warrant to have the tenant removed from the premises if you have not left.

Harassment, which leads to a tenant leaving their tenancy or depriving them of quiet enjoyment of their home, is also a crime, and could result in the landlord facing severe penalties if convicted.

You have the right to remain in the premises until the court order has expired and by doing so, you will not be committing a crime.

If you are not sure if the notice with which you have been served is valid or if the landlord has evicted

you legally, you should seek free advice on your rights from our Housing Solution Team, or an independent legal advisor.

If you are illegally evicted outside the Council's opening hours, go to your local police station and they will contact the emergency Solutions officer on duty. If you are in a priority need, we may be able to help.

If you are a landlord and you are having difficulties with a tenant, our free service is also available to you. We may be able to advise and support you in seeking speedy solutions to your problem.

## **What is harassment?**

Harassment can include anything done by a landlord, or someone linked to them, which stops you living safely and quietly in your home.

If you are a private tenant, you

have a legal right to quiet enjoyment of your home. If anyone interferes with this right, they could be committing a criminal offence.

Harassment takes many forms. It could be done to stop you from using your legal rights and/or to get you to move out. It is not always easy to prove and many tenants have their lives affected without realising that they can do something about it.



The harassment does not have to be obvious or intentional, it can involve acts such as:

- refusing to let you into parts of your home, or only letting you in at certain times
- preventing you from having guests
- regular visits late at night or without warning
- threatening you
- entering your home when you are not there or without your permission
- allowing the property to get into such a bad state of disrepair that it is dangerous or uncomfortable to stay there
- starting building works and leaving them unfinished
- sending in builders without notice or at unsocial hours
- removing or restricting services such as hot water or heating, or failing to pay bills so that services are cut off
- moving in tenants who cause nuisance to you

- harassment because of your sex, race or sexuality
- forcing you to sign agreements that reduce your rights.

## What is illegal eviction?

Most people who rent their home can only be forced to leave by a court of law. A landlord can usually only evict a tenant by giving them proper notice to leave and then applying for a court order. Any attempt to avoid this process is called illegal eviction and is a criminal offence.



Common ways in which people are evicted illegally include:

- locks being changed when you are out
- being physically thrown out
- stopping you from getting into part or all of your home.

## What protection do I have against harassment and illegal eviction?

### Protection from the contract made with the landlord

When you move into a private rented home, you automatically enter into a contract with the landlord. This does not have to be a written contract, but will always include the right to live in your home peacefully and to exercise all of your rights as a tenant. It will contain other provisions, whether they are stated in writing or not, such as an agreement that gas, electricity or fresh water supplies will be maintained for you to use. It will also place an obligation on the landlord not to take away any rights that were granted when the contract was made.

## Protection under the law

The Housing Act 1988 says that it is a civil and criminal offence to:

- deprive you, or attempt to deprive you, of the whole or part of your home
- or do anything that is likely to lead to you leaving or not using your rights.

The law also states that doing things that affect your peace or comfort is wrong, and taking away or withholding services is against the law.

The Protection from Eviction Act 1977 makes it a criminal offence for a landlord to evict a tenant without obtaining a court order or waiting until a period of reasonable notice has expired. Not all tenants are entitled to a court hearing before being evicted, but a landlord could still be committing a criminal offence by evicting a tenant without reasonable notice. You should always seek advice if you are being asked to leave your home.

If you have 'exclusive possession' of your accommodation, basically

meaning you control who can enter it, then the landlord who enters without your permission is trespassing. The landlord could also commit the wrongful act of trespass to:

- goods, if your belongings are interfered with
- person, if you are assaulted.

The criminal Law Act 1977 also makes it a criminal offence for a landlord to use or threaten violence to get into your home.

## How can I use this protection?

If you are experiencing harassment, are threatened, or have suffered illegal eviction, you should get expert advice as soon as possible. The Housing Solutions Team at the Town Hall will help you. See the back of the leaflet for contact details.

There are some things you could do yourself:

- keep a diary, notes and photographs detailing all events that take place

- report events to the Council, police, an advice centre or a solicitor
- ask the landlord to put all communications in writing
- write to the landlord, saying that if the harassment continues you may be forced to leave and/or take legal action. Keep a copy of your letter
- have somebody else with you whenever you have dealings with your landlord or landlord's agent, for support and as a witness
- join or set up a tenant association with other tenants.

### **In an emergency**

If you have been evicted or violence has been threatened, you should call the local police and the Housing Solutions Team at the Town Hall. The Council's emergency telephone number out of hours is 01582 72 07 03. A solicitor may also be needed. The police, the Council and a solicitor can help you use your protection.



### **Taking legal action**

You can get a court order (called an injunction) to force your landlord to stop the harassment and/or let you back into your home.

You can also ask the court to award compensation or damages for the harassment or illegal eviction. The compensation can include amounts for damage to property, general inconvenience and damage to physical and mental health.

If you lose your home permanently through illegal eviction, you can claim compensation under the Housing Act 1988, based on

the difference in the value of the property with and without you living there. However, it is only available if you have actually lost your home.

If you are illegally evicted but then reinstated you will not be entitled to compensation. You do have the right to refuse an offer of reinstatement if you have good reason (such as fear of violence), but should always get advice before doing so from the Housing Advice Service at the Town Hall or a solicitor.

## **How can the Council help?**

If you apply to us because you feel threatened with homelessness, we will do our best to help you keep your home.

We have authority to prosecute your landlord if we believe a criminal offence, harassment, and/or illegal eviction has taken place. For this to be successful, we will need strong evidence and you will have to go to court as a witness.

In urgent cases, the Council can apply for a warrant for the arrest of the perpetrator. The advantage of this is that the Council can insist that bail is only granted if the landlord allows you to move back into your home and live there peacefully. The landlord could be imprisoned for failing to do this.

Even if we think there is not enough evidence to take your landlord to court, we could intervene on your behalf, with your agreement. We could warn or officially caution the landlord of the consequences of their behaviour.

We will often try to settle the dispute without court action, but where there is clear evidence of a criminal offence and you want the landlord prosecuted, we will do so. We may be able to arrange for supplies of gas, water and/or electricity to be re-connected. We could also intervene to prevent disconnection where money for bills is clearly included in the rent and your landlord has failed to pay them.

If you live in a multi-occupied property and your health, safety or welfare is seriously at risk due to inadequate management, bad conditions, overcrowding or harassment, the Council can take control of the property from your landlord using a Control Order.

They can also seek a Compulsory Purchase Order to buy the property and/or arrange for it to be sold to a more appropriate landlord, such as a housing association.



## **How can the police help?**

If you call the police they should be able to stop the harassment and help you to stay in your home. It is important to report the matter to them.

The police should prosecute under the Criminal Law Act if you have been assaulted. But usually it is best to contact the Council first. The Council has the power to prosecute landlords for unlawful eviction.

## **Useful tips to being a credible witness**

If we are to consider prosecuting a landlord for committing an offence under the Protection From Eviction Act 1977, we need to be satisfied that you have protection and will be a good witness in court. To help us in making our decision you should provide us with the following:

- your first tenancy agreement and the last agreement you signed



- details of your landlord, for example, name, address and telephone number
- proof of rent that you have paid or attempted to pay
- detailed account of the events that took place leading to the eviction with any evidence you might have, for example, letter, notes, text messages, phone recordings served/made by your landlord
- details of any witnesses, these could include the police, neighbours, friends, relatives and other tenants
- list of property that has been taken or damaged.

The more information you can provide us with, the better. It is more important that the information you provide us with is accurate and that you did not do anything that forced the landlord to take emergency measures that would be perceived as being reasonable under the circumstances.

If we do decide to take your case to the Magistrates Court, it is likely that your landlord will use a solicitor to defend him or herself. It is normal practice for a defence solicitor to claim that your landlord acted reasonably and to use information or evidence against your character. Therefore, you must ensure that you give us all the information you have about the situation and yourself.

The investigating officer, with the help of the Council legal department, will help prepare you for your attendance in court and guide and support you throughout the whole process.

Please remember that taking court action can take several months and sometimes over a year to conclude.

This process can cost the Council thousands of pounds, so it is very important that you are sure that you

will see any action we decide to take through to the end.

**Please remember if you are not sure about your rights contact the Housing Solutions Team to get your free professional advice.**

## **Useful telephone numbers**

Town Hall Main Switchboard	54 60 00
Minicom (Deaf Users Only)	48 56 09
Temporary Accommodation Office <i>(Temporary accommodation tenants only)</i>	54 66 01
Rubbish Removal/Wheelie Bins	54 68 18
Housing Benefit	51 03 45
Minicom (Deaf Users Only)	41 43 67
Council Tax	51 03 50
Eastern Electricity	0800 479 1210
N Power	0179 387 7777
British Gas	0845 600 5001

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Emergency	0800 111 999
Gas connection	0845 955 5510
Meter Reading	0845 600 0096
Three Valleys Water	0170 726 8111
Mail redirection	0845 774 0740
Citizens Advice Bureau	73 16 16
Luton Law Centre	48 10 00
Luton Police Station	40 12 12
Luton & Dunstable Hospital	0845 127 0127
NHS Direct	0845 4647
Bus Information Line	46 93 69
Train Information Line	0845 748 4950
Luton Airport	40 51 00
Tourist Information Centre	40 15 79

**Note:** Calls to numbers beginning '08' may include additional call charges. These could be significant charges if you call from a mobile.

**If you need this in large print, on  
tape or in**

**বাংলা ગુજરાતી ਪੰਜਾਬੀ اَرُو Polski**



**01582 54 72 42**

**For advice on housing please contact Luton Borough Council's  
Housing Solutions Team on 01582 51 03 70**

### **Opening times**

**Monday, Tuesday, Thursday and Friday 9.00am - 5.00pm  
Wednesday 1.00pm - 5.00pm**

**Telephone: Monday to Friday 9.00am - 5.30pm**

**Telephone 01582 51 03 70**

**or write to them at this address:**

**Housing Solutions Team, Town Hall, Luton LU1 2BQ**

**A wide range of information leaflets is available from the  
customer service centre at Luton Town Hall  
or visit [www.luton.gov.uk/leafletsonline](http://www.luton.gov.uk/leafletsonline)**

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