



## Harassment & Illegal Eviction

The information contained in this booklet is mainly aimed at those students who are occupying accommodation in the private rented sector. However, it can also apply to those students who are occupying university accommodation, whether it be in Halls of Residence or through the Head Tenancy Scheme. The word 'landlord', then, can apply to either a private sector landlord or the University.

Furthermore, this leaflet is intended for general advice and, therefore, only gives a basic outline of the law in some cases. You should always seek advice to ensure that you know what your rights and responsibilities are as a tenant.

Finally, never involve yourself in a dispute with your landlord or leave your accommodation without first seeking advice.

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### The law (Protection from Eviction Act 1977) makes it an offence to:

- Do acts likely to interfere with the peace or comfort (of a tenant or anyone living with them) or;
- Persistently withdraws or withholds services for which the tenant has a reasonable need to live in the premises as a home.

### What is Harassment?

Harassment can take a number of forms – below are some common examples:

- Withdrawal of services (or failing to pay the bills so that these services are cut off)
- Frequent visits to your home, without warning, especially late at night
- Entering your home when you are not there, without your permission
- Failure to carry out repairs making it dangerous for you to stay
- Disruptive repair works not completed
- Sending builders round without notice
- Threats and/or physical violence
- Harassing you because of your gender, race or sexuality
- Refusing to let you into certain parts of your home (eg the kitchen or bathroom)
- Intentionally moving in other tenants who cause a nuisance to you
- Anti-social behaviour by landlord's agent
- other acts intended to make you leave your home or take away your rights.

### What is illegal eviction?

If your landlord forces you to leave your home without following the proper Legal process. An illegal eviction is a serious criminal offence.

Actions your landlord may take to evict you:

- Changing the locks while you are out
- Threatening you and forcing you to leave
- Physically throwing you out
- Stopping you from getting in to certain parts of your home.

Your landlord can only legally evict you by following the correct procedure. The procedure varies depending on the type of tenancy (or other agreement) you have.

In most cases you will be entitled to a “Notice to Quit” or a “Notice Seeking Possession”. This must be in the correct legal form.

If you receive such a Notice you do not have to leave immediately. Once the Notice expires your landlord must apply for a “Possession Order” from the County Court *(depending on your status as a tenant you may be able to defend such an application with the help of a solicitor under the Legal Aid scheme)*.

However, in a small number of situations, tenants can be evicted without one. This could be the case if, for example, you live in the same building as your landlord and you share living accommodation (such as a bathroom, living room or kitchen) with a member of his/her family.

You are still entitled to reasonable notice before you have to leave. This notice can be given verbally, and should be equal to your rental period (e.g. a week, if you pay your rent weekly) unless you have agreed to a different notice period in advance. It can be difficult to enforce your right to a minimum notice period but it is illegal for your landlord to use violence to get you to leave.

### **What can the Advice Centre do?**

If you are being harassed or your landlord has illegally evicted you, or has attempted to do so, you should contact the Advice Centre for assistance. Some local councils, such as Sunderland and Newcastle have a designated officer who can attempt to resolve the dispute and we can help you contact this person. If this fails, the Council can consider a prosecution.

### **What can you do?**

Keep a record or diary of the following;

- Any threats made against you or other incidents, including the date, time and what was said, if possible.
- Names and addresses of any people involved, especially any witnesses, including the police.

- If you are assaulted, the names of any doctors who examine you.

As well as the Council's action, you have the right to take your own legal action against your landlord. You can go to court for two things:

### **Injunction**

1. This can prevent your landlord from harassing you or to force your landlord to allow you back into your home.

### **Damages**

2. These can be claimed for any trouble and inconvenience your landlord has caused you as well as actual damage to your property.

You may qualify for Legal Aid to help pay for any assistance you need from a solicitor. We have a list of solicitors available who specialise in housing law.

### **When to call the Police**

Call the police if;

- The landlord, or somebody working for him, threatens you, assaults you or attempts to assault you.
- The landlord tries to physically evict you without an order from the Court.
- If you need help in the evening or at weekends.

### **What the Police can do**

- In an emergency, the Police should come quickly.
- They should be able to stop an immediate eviction taking place.
- If you claim that an offence has been committed (e.g. an assault or damage to the property), they should investigate, take statements from you and any witnesses, and they make a report or an arrest.
- If you claim that you have been harassed or illegally evicted by the landlord, the Police may take statements from you and any witnesses and tell the landlord that they will report them to the Council (if applicable). In any case the Police will need to know the name and address of the landlord.

## What to do next

- Make a note of the time you called the Police, the time they arrived and the names and/or numbers of the officers attending
  - Make a note of anything that has happened in case you need to give evidence in court.
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## Useful Links

SHELTER: [Harassment & Illegal Eviction](#)

(Also: see [Shelter's Website](#) - this also provides information about homelessness and practical solutions to common housing problems, and can help you to find your nearest advice agency).

Citizens Advice: <http://www.citizensadvice.org.uk/>

Booklet: [Assured & Assured Shorthold Tenancies - A Guide for Tenants](#)

Booklet: [My landlord wants me out: protection against harassment and illegal eviction](#)

Booklet: [Notice that you must leave: a brief guide for landlords and tenants](#)

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If you require any further information or advice please do not hesitate to contact us:

University of Sunderland Students' Union  
Welfare Advice Centre  
1st Floor Wearmouth Hall  
Chester Road  
Sunderland  
SR1 3SD

Opening Times:    Monday to Wednesday    9-30 to 5-30  
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