

# ILLEGAL EVICTION AND HARASSMENT

## IS A CRIMINAL OFFENCE

Your landlord or managing agent must follow certain procedures to end your tenancy, otherwise they may be prosecuted for illegal eviction or harassment, which is a criminal offence.

If you are being illegally evicted call:

**Private Sector Housing Standards**

Email: [privatehousing@newham.gov.uk](mailto:privatehousing@newham.gov.uk)

[www.newham.gov.uk/illegaleviction](http://www.newham.gov.uk/illegaleviction)

Telephone: **020 3373 1950**



## WHAT IS ILLEGAL EVICTION AND HARASSMENT?

Your landlord or managing agent cannot ask or force you to move out of your home immediately. They must first give you a written Section 21, Notice to Quit or Section 8. Once that has expired they must go to court to obtain a Possession Order to end your tenancy and take possession of the property. This can take a few months.

Once the Possession Order has expired, only court appointed bailiffs can execute a Warrant for Possession from the County Court to remove you or your belongings from the property.

Without this warrant, the eviction is illegal and the landlord or managing agent is committing a criminal offence.

**Call the police on 999 if anyone tries to remove you or your belongings from the property without legal notice.**

## NOTICE TO QUIT (NTQ) OR SECTION 21 (HOUSING ACT 1988)

This notice must be in writing and give you a date to leave. The date can vary but normally it is at least two or three months notice (this timescale differs from when the notice was served on you) or expires on the last day of your rental period. From 29th August 2020, a landlord must give six months notice before starting any possession proceedings. Shorter notice periods can only be given in certain cases including; if the tenant has at least 6 months' rent arrears, domestic violence, anti-social behaviour or fraud.

A landlord may also serve a notice called a **Section 8**. This would outline the 'grounds for possession' or why the landlord wants the property back, e.g. rent arrears. This type of notice must also be in writing and the landlord must also go to court once the notice has expired.

Your landlord will **not** be able to issue a valid NTQ if they have not:

- **Licensed their property**

Rented properties in Newham require a property licence. If your landlord or managing agent has not licensed the property, they will not be able to issue a valid NTQ. To check if the property has a licence on the register of licensed properties visit

[www.newham.gov.uk/licensingregister](http://www.newham.gov.uk/licensingregister)

- **Protected your deposit in a tenancy deposit scheme**

If you paid a deposit to your landlord or managing agent, and have an assured short hold tenancy, then your landlord or managing agent is required to put your deposit into a government backed tenancy deposit scheme. They must notify you of the details of the tenancy deposit scheme within 30 days of taking the deposit. If they have not done this, they cannot issue a valid NTQ.

- **Issued the s21 Notice within the first 4 months of your initial tenancy agreement.**

- **Issued the s21 Notice on a 'Form 6A'**  
Notice seeking possession of a property let on an Assured Shorthold Tenancy. If your tenancy started or was renewed on or after 1st October 2015 then the Notice must be on Form 6A.

- **Charged you too much in fees or deposit.**

The landlord cannot charge you more than 5 weeks rent for a deposit.

They also cannot take fees for references, administration, credit or immigration checks and renewing your tenancy when your fixed term contract ends. If they have done any of these things then they cannot issue you with a valid NTQ unless they refund you the money.

- **Provided you with a current copy of the following documents:**

- gas safety certificate
- energy performance certificate
- 'How to rent: the checklist for renting in England' - a government produced guide.

If your landlord has not provided these to you then they cannot issue a valid NTQ.

A NTQ is also not valid if you receive it within 6 months after making a written

complaint regarding repairs in the property.

Or if you receive it within 6 months of making a complaint to the Council and the Council serve an improvement notice or an emergency works notice that require the landlord to carry out repairs to the property.

## **POSSESSION ORDER**

A landlord or managing agent can only apply to the court for a Possession Order once the NTQ has expired. You will receive a copy of the Possession Order, it will give you a date to vacate the property; although you may still continue to legally live at the property after this point.

## **WARRANT FOR POSSESSION**

If you have not left by expiry date on the Possession Order then the landlord or managing agent must ask the court to issue a Warrant for Possession and appoint bailiffs to remove you and your belongings from the property.



The court will send you a letter confirming when the bailiffs will attend to execute the Warrant for Possession.

Once all these documents have been issued, only court appointed bailiffs can legally remove you or your possessions.

**If your landlord or managing agent does not follow the above steps, then it is illegal to evict you and they can be prosecuted for committing a criminal offence.**

**If they threaten or try to evict you, contact Private Sector Housing Standards on 020 3373 1950 or the Police on 999.**

## WHAT THE POLICE CAN DO

If the tenant, landlord or managing agent calls the police, they can:

- Warn the landlord that they may be committing a criminal offence.
- Attend the property and ensure that you and your belongings are protected.
- Advise the landlord that they cannot withhold your belongings in lieu of unpaid rent. This is a civil offence

- Instruct the landlord that they cannot lock you out of the property, they must go through the legal eviction process. They can arrest the landlord or agent under Section 7 of the Criminal Law Act, if they are inside the property and refusing you entry.
- Under Section 6 of the Criminal Law Act 1977, they can arrest the landlord or agent if they try to get into the property without the permission of the person who lives there and by using or threatening violence.
- Record all details into a Section 9 Witness Statement, including accusations, admissions, incidents and who is attending and in what capacity. These details should be passed to Private Sector Housing Standards.

Any claim that the occupiers are squatters must be proven before the occupiers can be evicted. The occupiers will have rights under the Protection from Eviction Act 1977.

The police will refer both the tenant and landlord to Newham Council's Private Sector Housing Standards for further investigation and enforcement.

## USEFUL LINKS

Newham Council

[www.newham.gov.uk/illegaleviction](http://www.newham.gov.uk/illegaleviction)

Shelter England

[www.shelter.org.uk](http://www.shelter.org.uk)

The Citizens Advice Bureau

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)