

Your landlord/ lady will not have to get a court order to evict you when the notice has expired. This rule may also apply to other types of occupier, such as hostel dwellers.

Please note that although your landlord/lady does not have to obtain a court order to evict you in these circumstances it is still unlawful for a landlord/lady to harass or attempt to evict you before the notice expires.

If you think you are going to lose your home you should make an appointment to see one of the Council's Housing Officers. They will be able to give you the appropriate advice and may be able to prevent you from losing your home.

### **If your landlord illegally evicts you from your home...**

If you are unable to gain access to your home because your landlord /lady has changed the locks, or is otherwise preventing you from returning to your home, and they do not have a court

order to do so then they are illegally evicting you from the property. If this happens you should immediately contact the police and the Council's Housing Operations Team, who may be able to help you get back into your home.

**In an emergency if you are threatened outside office hours, contact the police or the Council's out of hours service on 01344 786543.**

### **Contact us**

To speak to a Housing Officer contact Housing Operations: **01635 519530** Or email us: **housing@westberks.gov.uk**

There is also plenty of information on the Housing pages of the West Berkshire Council website: **www.westberks.gov.uk/housing**

#### **Housing**

West Berkshire Council Offices  
Market Street  
Newbury  
Berkshire  
RG145LD

# Harassment and Illegal Eviction



*If you would like any part of this leaflet explained, translated or provided in another format such as large print, audio or Braille, please contact us on the number above.*

*WBC/HO/CDI0716*

## What is harassment?

Harassment can take many forms. The following actions, if taken by your landlord/landlady, may constitute harassment:

- Interfering with your possessions
- Denying access to part of the property
- Cutting off services
- Entering your home without your consent
- Threatening violence
- Changing the locks
- Refusing to accept rent payments

Harassment in any form may constitute an offence under the **Protection From Eviction Act 1977**.

If you think you are being harassed by your landlord/lady you should contact Housing Operations at the Council offices in West Street House and ask to see a Housing Officer.

## If you are experiencing harassment from your landlord...

If you are being harassed by your landlord/lady, and you can provide

sufficient evidence of the harassment, then the Council may be able to prosecute your landlord/lady on your behalf if such action becomes necessary.

The Council may also be able to help you get an injunction to stop the harassment. If the Council prosecutes your landlord/ lady under the Protection From Eviction Act 1977 then you may also be able to sue your landlord/lady for damages. If a prosecution against your landlord/lady is successful then they may be fined or imprisoned.

Even if the Council is unable to prosecute your landlord/lady you may still get help to resolve the dispute and prevent you from becoming homeless.

If your landlord is refusing to do essential repairs to your home the Council may also be able to use its legal powers to get the repairs carried out for you. The Council also has powers to get your power supply reconnected if it is cut off and can help improve the management of the property.

## How you can help yourself...

If you are being harassed by your landlord/lady there are several things that you can do that will make the chances of a prosecution more successful if the difficulties cannot be resolved amicably. You should:

- Log all incidents - recording the date time, place, nature of the incident, who was present and what was said.
- Ensure all communication with your landlord is in writing and that you keep copies of everything.
- Make sure someone else is with you whenever you see your landlord/ lady.
- Contact the Council's Housing Operations Team and ask to see a Housing Officer as soon as possible.

## If your landlord asks you to leave...

If you are a residential occupier you do not simply have to leave your home if your landlord/lady asks you to. In most cases you will be entitled to appropriate notice and your landlord/ lady will need a

court order from the county court before they can evict you legally from your home.

The type of notice you will be entitled to will depend on the type of tenancy you have and when the tenancy began. If you are served with a notice you should immediately seek legal advice from a Citizens Advice Bureau, a solicitor, or the Council's Housing Operations Team as to whether the notice is valid.

If you are an Assured or an Assured Shorthold tenant then you are normally entitled to two months' notice unless the landlord requires possession on certain specified grounds.

## If you share the accommodation with your landlord...

If your landlord is resident on the premises and you share facilities with them e.g. a kitchen or bathroom or living space, then they may need to serve you with reasonable notice. When the notice expires you will have to leave the property.