

FIRST CHOICE HOMES OLDHAM

TENANCY RELATIONS SERVICE

Advice and Information for Tenants

HARASSMENT AND ILLEGAL EVICTION

The Law

Under the Protection from Eviction Act 1977 (PEA77), illegal eviction and harassment are both criminal offences. This Act was strengthened by the Housing Act 1988.

The Local Authority has the power to prosecute. This power is exercised on behalf of Oldham Metropolitan Borough Council through **First Choice Homes Oldham's Tenancy Relations Service**.

All tenancies include an 'implied term' that the tenant must be able to use the premises without interference, whether the agreement states this or not. This is usually called 'quiet enjoyment'.

If your landlord breaches this by harassing or illegally evicting you, compensation can be claimed in the County Court.

Illegal Eviction

This means your Landlord evicting you without following the correct procedure. For example:

- being physically 'thrown out' of your home
- the locks being changed while you are out
- being prevented from entering, all or part, of your home.

Most tenants do not have to leave their homes, unless they want to, before they have received:

- Notice in the correct format
- A Court Order
- An Eviction Warrant

The main exception to this is if you share your home with your Landlord or their family. If you do, you are only entitled to reasonable notice, usually up to 28 days, in writing.

You may have more rights than your Landlord or tenancy states.

Harassment

Harassment is anything which your Landlord, or people acting on their behalf, does which is likely to make you leave home. For example:

- unannounced visits
- entry to the property without prior arrangement
- phone calls at unsocial hours
- disconnection of gas, electric or water supply
- seizure or withholding of tenant's property
- threats of eviction
- in some circumstances failure to repair the property
- unlawful eviction and withholding of rent deposits
- verbal or physical threats

What To Do If You Are Harassed Or Illegally Evicted

GET ADVICE from:

- **First Choice Homes Oldham's Tenancy Relations Service**
- A solicitor
- The police

First Choice Homes Oldham's Tenancy Relations Service can contact the Landlord on your behalf and point out your rights. If the Landlord still refuses to stop harassing you, or to let you back into the property, you will need to see a solicitor.

First Choice Homes Oldham's Tenancy Relations Service can also prosecute Landlords.

A solicitor, specialising in housing law, may be chosen from the **Community Legal Services Directory**.

A solicitor may offer legal advice and assistance, free initial advice or a reduced cost interview. They may also be able to help with legal representation. This may be funded by the **Legal Services Commission**.

A solicitor can help you get an injunction from the **County Court** against your Landlord. An injunction is a Court Order which restrains the Landlord from harassing you, or makes them let you back into the property. The solicitor can also advise you how to claim for damages in the County Court.

The police should be contacted if you are being threatened with violence.

Remember, you do not have to leave your home unless required to do so by a Court Bailiff.

Helpful Tips and Advice

Harassment is notoriously difficult to prove. Tenants experiencing such difficulties should:

- Keep copies of all correspondence to and from the Landlord and/or agent.
- Keep a diary of all conversations with the Landlord and/or agent.
- Take descriptions of people acting for or on behalf of the Landlord visiting the property.
- Try to have a witness present where appropriate.
- Write to the Landlord and/or agent stating clearly your concerns.
- Contact the police if physical violence or damage to property is threatened or occurs.
- Be prepared to take legal action privately or through **First Choice Homes Oldham's Tenancy Relations Service**.
- Take immediate advice and act quickly if you are illegally evicted – if you delay you may not be able to get back into the property.
- If you feel that you are being harassed or are threatened with illegal eviction – contact **First Choice Homes Oldham's Tenancy Relations Service** immediately for advice and appropriate action.

For further assistance, support and advice please contact

First Choice Homes Oldham's Tenancy Relations Service

1 Media Square
Phoenix Street
Oldham
OL1 1AN

Telephone: 0161 770 4463 Answer Phone available
Fax: 0161 770 3557
E-mail: fcho.tenancy.relations@oldham.gov.uk

Web -address http://www.oldham.gov.uk/fcho-tenancy_relations_service.htm

Opening hours:

Monday – Friday (excluding Wednesday) :	9.00am – 5.00pm
Wednesday :	11.00am – 5.00pm
Weekends and Bank Holidays :	Closed

First Choice Homes Oldham's Tenancy Relations Service is committed to the highest standards of quality information and every attempt has been made to present up to date and accurate information. However we give no warranty as to the accuracy of the information on this web site and accept no liability for any loss, damage or inconvenience caused as a result of reliance on such information

The above information is **NOT** an exhaustive guide to the law, nor does it cover every situation that may arise. For more detailed interpretation of the law, seek legal advice.