



# Tenancy Relations Fact Sheet 6

## Illegal Eviction and Harassment

The Protection from Eviction Act 1977 deals with certain criminal offences against residential occupiers.

It is an offence to illegally evict a residential occupier by depriving an individual of their legal right to occupy a property or part of a property.

It is also an offence to harass a residential occupier by disrupting their peace or comfort, having reasonable cause to believe that such conduct is likely to make the occupier leave.

### Illegal Eviction

In most cases, evicting a tenant of privately rented property requires notice being served and a possession order being obtained from the County Court. The length of notice will depend on the type of tenancy. In some cases, the notice will need to be served on a specific form. An act of illegal eviction occurs when a tenant is deprived of occupation of the premises concerned without the proper legal process being taken.

Please see Fact Sheets 3, 4 and 5.

### Harassment

The offence of harassment occurs where the tenant's peace and comfort is interfered with or where services reasonably required, (ie, electric, gas, water) are persistently withdrawn. It must also be shown that in either case, the perpetrator had reasonable cause to believe that their conduct was likely to cause the occupier to leave. If the perpetrator is someone other than the landlord or his/her agent, then it must be shown that their conduct was intended to make the occupier leave.

### Responsibility for Prosecution

Local Authorities, (ie, Local Councils) have the power to investigate complaints and take Court proceedings where an offence is believed to have been committed.

If you think you may have been a victim of illegal eviction or harassment to make you leave your home, you can find out more on how to report such cases at [bristol.gov.uk/roguelandlords](http://bristol.gov.uk/roguelandlords)

Alternatively you can call into our Citizen Service Point - 100 Temple Street, Bristol, BS1 6AG

If a formal complaint is taken, this will initially involve making a statement of the alleged incident and then sometimes it will involve appearing in Court as a witness at a later date.

### **Getting Back Into a Property**

If you have been excluded from a property and it is clear that you have a right to occupy, the Tenancy Relations Officer can try to negotiate with the landlord to let you back in. If this fails, you can consider seeing a private solicitor, who can arrange for injunction proceedings to be brought before the County Court. The Court has the power to order the landlord to allow you back into the property.

**Disclaimer: This information is not intended as an authoritative interpretation of the law, only the Courts can do that. Neither does this information cover every case. For further guidance, it may be advisable to seek legal guidance from a solicitor.**