



## Retaliatory Eviction

In extreme cases a landlord could decide to evict a tenant rather than have to pay for repairs. However, from 1 October 2015 under the Deregulation Act 2015 landlords cannot evict a tenant who has made a legitimate complaint about the condition of their property. If the local authority has confirmed that repair work is required at a rented property the landlord will not be able to evict the tenant for six months.

Therefore you will have six months protection from eviction where a relevant improvement notice has been served. A Section 21 notice is invalid if:



- you have made a **written** complaint about the condition of the property to the landlord in writing before the Section 21 notice was served
- the landlord did not provide an adequate or timely response to the complaint
- the landlord served a Section 21 notice on you following the complaint
- you contacted the local housing authority about the matters raised with the landlord
- the council served a relevant notice in relation to the dwelling (a Hazard Awareness notice is NOT a relevant notice).

Furthermore, if the Local Authority serves a relevant improvement notice after the Section 21 notice has been served, then the Section 21 notice will be invalid. However, if the improvement notice is served after a possession order has been made the possession order will remain.

The protection from eviction also applies to disrepair in common areas in shared areas of a building if the condition of the common parts affects the tenant's enjoyment of the dwelling as a whole.

Furthermore, landlords will not be allowed to evict tenants from their properties if they have failed to provide gas safety certificates or energy performance certificates.

The protection from eviction does not apply where:

- the notice is due to a breach by the tenant to use the property in a tenant like manner,
- a relevant notice has been revoked as a result of being served in error or quashed
- the decision of the local authority to take the action to which the notice relates has been reversed
- the property is genuinely on the market for sale
- the landlord is a registered provider of social housing
- the mortgagee is entitled to exercise the power of sale

## Harassment

Harassment is action taken by a landlord (or someone acting on their behalf) that deliberately disrupts your life or makes you want to leave the property. Harassment can take many different forms, for instance:

- violence or threatening behaviour / someone enters your property without your permission (unless it's an emergency)
- cutting off your supply of water, gas and/or electricity

Harassment is a criminal offence. If you believe that you are being harassed in your property you can legal action. Contact the Private Sector Housing Team for advice on 01392 265147 or email [privatesectorhousing@exeter.gov.uk](mailto:privatesectorhousing@exeter.gov.uk)

## Illegal eviction

Your landlord will be breaking the law if they try to evict you without following the correct procedure.

Contact the Housing Solutions Team on 01392 265726 if you believe that you are being illegally evicted from your property. If the eviction happens at the weekend or in the evening you can call Exeter City Council's main number on 01392 277 888. The Private Sector Housing Team may be able assist in prosecuting the landlord. Contact them on 01392 265147 or [privatesectorhousing@exeter.gov.uk](mailto:privatesectorhousing@exeter.gov.uk).

You must call the Police if your landlord and/or agent uses or threatens you with violence.

Illegal eviction is a criminal offence and you may be able to prosecute your landlord. Illegal eviction can include:

- changing the locks when you are out
- physically removing you from the property
- forcing you to leave by using threatening behaviour



Your landlord has to follow the correct procedure through the courts before a bailiff can legally remove you from the property. Even if the landlord has been granted possession of the property if they force you to leave before bailiffs arrive this is illegal eviction. Only a bailiff can legally evict you from a property and they must have a valid warrant from the court.

The council can discuss with your rights to stay in the property and may be able to contact your landlord to explain your respective rights and responsibilities and negotiate your return. If you are homeless as a result of the illegal eviction the council may be able to find you emergency accommodation while they look into the case.

The council may be able to prosecute your landlord for harassment or illegal eviction. If the court finds your landlord guilty they could be fined.

If you need to take legal advice there are a number of Exeter based solicitors offering free initial consultation appointments:

### Legal solicitors offering free initial consultation

Cartridges Law - 46-47 Cowick Street, Exeter - Tel: 01392 256854

Crosse & Crosse - 14 Southernhay West, Exeter - Tel: 01392 258451

Dunn & Baker - 21/22 Southernhay East, Exeter - Tel: 01392 285000

Gilbert Stephen - 15 Southernhay East, Exeter - Tel: 01392 424242

Rundle Walker - The Gallery, Kings Wharf, The Quay, Exeter - Tel: 01392 209209

WBW Solicitors - 9 Southernhay West, Exeter - Tel: 01392 202404