

Your rights if your landlord is harassing you

This information is for you if you are being intimidated by your landlord, and he or she is trying to get you to move out immediately.

It is against the law for someone to try and get you to move without following the proper procedure. If they do want you to move, the steps they are required to take depend upon whether you are a tenant or a lodger.

I'm a tenant

You do not need to have a written tenancy agreement to be a tenant. If you have come to any agreement that you will occupy a property in exchange for rent, and your landlord does not share any part of the property with you, you are likely to be a tenant. An exception would be if the accommodation was provided to you on a temporary basis by the council. Most tenants have an 'Assured Shorthold Tenancy'. If your landlord wants to bring the arrangement to an end, they need to serve you with proper notice, and then go to court to evict you (if you haven't been able to move out sooner).

To end an AST, the landlord must serve you with a valid **Section 21** (S21) notice and/or a **Section 8** (S8) notice. Your landlord does not need to give a reason for evicting you if they serve a S21 notice, but they must give AT LEAST two months' notice. When the notice period ends, they can start the court procedure to have you evicted – you do not have to move on the day the notice expires. Unless the landlord serves a valid notice, applies to court for possession, and then gets a bailiff's warrant, he/she cannot insist that you move. If you have already been served with a S21 notice, please ask for our information sheet 'Section 21 Notice'. It will explain how to recognise if the notice is valid, and whether you can do something to prevent or delay the eviction.

If you have broken the terms of your agreement (for example, if you have missed rent payments), the landlord can serve a S8 notice, but must give a reason for evicting you on the notice. Depending on what that reason is, the notice period can be 2 weeks, 4 weeks or 2 months. As with a S21 notice, the landlord will have to apply to the court after the notice expires and cannot evict you until the court agrees it is right. You have the opportunity to defend yourself in court. You could defend the eviction if the landlord has not provided adequate evidence of arrears (for example). You may need the council's help with this (see overleaf).

The eviction process can take quite a long time, and the application to court will cost money. Nevertheless, there is no acceptable short cut – unless there is a valid court order, and the landlord has applied for bailiffs to evict you, you need not leave. The landlord has no right to put undue pressure on you. It is illegal to change the locks without a formal eviction having taken place. It is also illegal to interfere with your belongings, cut off essential supplies such as electricity or water, or harass you in any similar way.

I'm a lodger

If you share any part of your living accommodation with your landlord (such as the kitchen or living room), your rights are slightly different, but you are still entitled to reasonable notice. If you have a written licence agreement, it may specify what the notice period will be, and your landlord must stick to that agreement. However, once the notice period expires, the landlord doesn't need to apply for a court order and can even change the locks. The landlord is not allowed to threaten violence against you though – this is a criminal offence and you can call the police on **999**. You should get housing advice from your local council as soon as you are under notice – and this will give you the best chance of finding somewhere else to go (see overleaf).

What you can do

You should go to your local council. The council could help you in two ways:

- By supporting legal action against your landlord, for financial damages (if appropriate);
- If you are eligible, by accepting an application from you as person who is homeless or threatened with homelessness.

Applying as a homeless person (or threatened with homelessness)

If you are eligible, a local housing authority will consider you to be homeless, if you have no accommodation that you have a right to return to (or can safely return to). It could be that the council can negotiate for you to return to your home safely, while you find somewhere else to live. The council will assess your needs, and draw up a Personalised Housing Plan, to help you resolve your housing problem. The Plan will list the steps that both you and the council must take, in order that you can return home or find somewhere else.

If you cannot safely return (or you have no right to return), if there is a reason to believe you are in priority need, you will be provided with temporary accommodation. In deciding if you are in priority need, the council will consider whether you are more vulnerable than an ordinary person, or whether you have dependent children (for example). If, despite following all the steps that are in your Plan, you cannot return home or find somewhere to live within 56 days, the council will go on to consider whether they owe a duty to offer accommodation. This duty will be owed if you are found to be in priority need, and the council decides you are not homeless 'intentionally'. This means they decide you have not become homeless as a direct result of something you have done (or failed to do).

If the council do accept a duty to make you an offer of accommodation, this will be something suitable, and may be further private rented accommodation.

Contacting your local Council

Ashford: <https://www.ashford.gov.uk>
Canterbury: <https://www.canterbury.gov.uk>
Dartford: <https://www.dartford.gov.uk>
Dover: <https://www.dover.gov.uk>
Gravesham: <http://www.gravesham.gov.uk>
Maidstone: <https://self.maidstone.gov.uk>
Medway: <https://www.medway.gov.uk>
Sevenoaks: <https://www.sevenoaks.gov.uk>
Folkestone & Hythe: <https://www.shepway.gov.uk>
Swale: <https://www.swale.gov.uk>
Thanet: <https://www.thanet.gov.uk>
Tunbridge Wells: <http://www.tunbridgewells.gov.uk>
Tonbridge & Malling: <https://www.tmbc.gov.uk>