



Harassment, Unlawful Eviction & Acceptable Behaviour Policy (2026 – 2031)

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Aims of the Policy

The purpose of this policy is to provide guidance for officers of the council to ensure enforcement action is taken in line with the Regulators' Code and the principles of good regulation where required by The Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

Harassment and Unlawful Eviction

Unlawful eviction and harassment are criminal offences under the Protection from Eviction Act 1977, as amended by the Renters' Rights Act 2025. The offence can be tried in a Magistrates Court or a Crown Court or disposed of through the service of a financial penalty under section 58 of the Renters' Rights Act 2025.

The Council has powers to investigate and prosecute offenders of harassment and illegal evictions. Initially the Council will make attempts to informally prevent any unlawful eviction or correct harassing behaviour, through advice and assistance to the landlord and tenant, with the intention of trying to secure the tenancy and ensure the tenants peace and comfort in the home whenever possible.

What is Harassment

It is an offence for a landlord to interfere with the peace or comfort of a tenant or anyone living with them or to persistently withhold services for which the tenant has a reasonable need to live in the premises as a home.

Examples of harassment include:

- Threats, abuse or physical violence
- Cutting off services such as water, gas or electricity
- Entering the home without permission
- Unreasonable levels of communication (i.e. Calls, emails, messages or visits to the property)
- Withholding keys
- Throwing away belongings or opening mail.

What is Unlawful Eviction

To end a tenancy, a landlord must follow a formal legal procedure. A tenant cannot be forcibly evicted without a warrant from court, executed by an appointed enforcement agent of the court, typically known as bailiff. Even if a tenant has been served with the correct notice and the landlord has a possession order from court, a warrant is required before a possession order can be enforced.

Examples of unlawful eviction include:

- Changing the locks while the tenant is out
- Removing the tenant using force, violence or intimidation,
- Blocking access to part of a property which the tenant has the right to occupy.

The Council has powers to investigate and prosecute offenders of illegal evictions. Initially the Council will make attempts to prevent any unlawful eviction or harassment, through advice and assistance to the landlord and tenant.

Enforcement

The enforcement of harassment and unlawful eviction cases will be enforced in line with provision outlined within the Housing and Licensing Team Enforcement Policy (2026-2031) and breaches will be determined by the case officer and the level of action taken will be at their discretion based on the available facts at the time of their decision.

Where appropriate the Council adopt a graduated enforcement approach, as outlined below.

- **Step 1** - initially providing the landlord with a warning letter outlining the inappropriate or unlawful behaviour and providing guidance on how to correct this and outlining consequences of continued non-compliance.
- **Step 2** – Should the landlord fail to adhere to the details of the warning letter, serve a notice of intention to serve a financial penalty for a breach of Section 1 of the Protection from Eviction Act 1977, as amended by the Renters' Rights Act 2025.
- **Step 3** – Serve a financial penalty for continued non-compliance
- Alternatively, should there be cases of multiple breaches, repeat offending, evidence of aggressive, violent or generally egregious behaviour towards the tenant the Council may choose to proceed with a criminal prosecution.

Details of how penalties or other enforcement action would be applied are outlined within the Council's Housing and Licensing Team Enforcement Policy (2026-2031).

In cases where the Council is satisfied that a tenant has been unlawfully evicted or deprived of access to a property they have a lawful right to reside in, and the landlord has refused to allow them re-occupation to the property the case officer in consultation with their immediate line manager or officer of an equivalent level or above and with the express written permission of the tenant can at their discretion authorise and undertake the use of the exception within Section 6 (1A) of the Criminal Law Act 1977 to use or threaten violence on the ground the tenant would be a displaced residential occupier.

The term "violence" includes both violence against persons and property, meaning that any form of aggressive action to gain entry.

This violence defined above shall only be directed against the property and under no circumstances a person and the definition of violence in this matter is outlined above and solely used to allow a tenant to re-occupy a property they have a lawful right to reside in.

Acceptable Behaviour for Tenants

Acting in a Tenant-like Manner

Whilst there are several regulations that define and impose duties on landlords in relation to the management of their properties and conduct, there is also a requirement for a tenant to act in a tenant-like manner as outlined in ruling of *Warren v Keen* (1954).

Examples of tenant like behaviour include;

- **Payment of rent** – Tenants are required to pay rent on time as specified within their tenancy agreement or licence.
- **Basic Maintenance of the property** – Tenants would be expected to undertake routine cleaning, changing light bulbs and maintaining any garden area, unless specifically excluded within the tenancy agreement or licence. With every effort being made to prevent avoidable damage or neglect of the property.
- **Report issues at the property promptly** – Where the property requires repairs or the tenant notes issues at the property these should be reported to the landlord or their representative as soon as possible to avoid further damage occurring.
- **Adhere to the terms of their tenancy agreement** – Tenants should comply with the terms of their tenancy agreement or licence.
- **Not to impact neighbouring properties or the amenity of an area** – Tenants should not act in such a way which harasses, intimidates or caused nuisance to neighbours or impacts the amenity of the surrounding area.
- **Not to use the property for illegal or immoral use** – Tenants should not perform illegal, unlawful or immoral acts from their properties.

Grounds for Possession

The Renters' Rights Act has amended the mandatory and discretionary grounds for taking re-possession of a property, as a Council there are limited cases when we would assist a landlord with a possession claim as it is the intention of the Council to try and maintain tenancies wherever possible and adjust undesirable behaviour.

However, the Council is conscious there are extreme occasions where a tenant's behaviour is so severe and there is no intention of adjusting behaviour, therefore the landlord has limited recourse available to them than to pursue possession of the property. In cases like this the Council may be able to provide supporting evidence of the following grounds.

Ground 7A: Antisocial behaviour.

Ground 14: Nuisance, annoyance, illegal or immoral use of the property.

It should be noted that the Council will not undertake possession proceedings on behalf of a landlord, but that would not preclude the Council from undertaking its own formal enforcement action or prosecution against the tenant. Supporting evidence would also only be potentially provided in cases where formal enforcement action has been undertaken by the Council.

The Council may also be unable to supply supporting evidence for any possession claim, when there are ongoing legal proceedings and providing supporting evidence may prejudice any ongoing enforcement or investigation.

Any information released will be at the discretion of the case officer and the Council's legal department and will be compliant with General Data Protection Regulations (GDPR).

When concerns or complaints are received, the assigned case officer will undertake an independent and impartial investigation and determine if the case warrants enforcement action, should the case officer decide that no enforcement action is required, the Council would be unable to support any possession proceedings.

Should the complainant be dissatisfied with outcome of the investigation, they can request an Anti-Social Behaviour Case Review by visiting the link provided. https://www.oadby-wigston.gov.uk/pages/community_trigger_process.

Enforcement

Enforcement against tenants would typically be undertaken using powers granted under the Anti-social Behaviour, Crime and Policing Act 2014 and use of these powers are defined within the Council's [Anti-Social Behaviour Policy \(2025\)](#).

Alternatively, enforcement action could be taken under Section 80 of the Environmental Protection Act 1990, should the issue be classified as a statutory nuisance by the investigating officer.

Should the Council undertake enforcement against a tenant and this results in eviction from their property, is it likely that they will be found intentionally homeless as defined within the Housing Act 1996 and could be precluded from joining the Council's housing register on the grounds of unacceptable acceptable behaviour as defined within the Council's [Housing Allocations Policy](#) under section 9.2.6. However, this will be at the discretion of the Housing Options team upon their assessment of the case.