



Department for
**Social
Development**
www.dsdni.gov.uk

PRIVATE TENANCIES

DO YOU KNOW ABOUT
HARASSMENT AND
ILLEGAL EVICTION?

READ ON TO FIND OUT MORE

WHAT THE LAW SAYS ABOUT HARASSMENT AND ILLEGAL EVICTION

Harassment and illegal eviction are major problems for landlords and tenants.

The Law provides:

- the right to freedom from harassment and illegal eviction
- the right to **written** notice to quit (see table below)

Length of Tenancy	Notice to Quit
5 years or less	No less than 4 weeks written notice
More than 5 years and up to and including 10 years	No less than 8 weeks written notice
More than 10 years	No less than 12 weeks written notice

- the right to due process of law, if a tenancy is terminated and the tenant refuses to move, possession can only be recovered through court proceedings.

The Law makes it an offence to:

- do acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her;
- persistently withdraw or withhold services which the tenant needs to live in the premises as a home.

The Law is contained in:

- The Rent (Northern Ireland) Order 1978
- The Private Tenancies (Northern Ireland) Order 2006.

The precise offences are set out in law and if a person is convicted of an offence under the law, they may have to pay a fine or be sent to prison for six months or both.

WHAT IS HARASSMENT?

Harassment can take many forms and certain activities may be interpreted as intended to force the tenant from the property.

Harassment may be where the landlord:

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- withdraws services required for the occupation of the house eg cutting off gas supply;
 - withholds keys or changes locks;
 - enters the house when the tenant is not there or without the tenants permission;
 - allows the house to get into such a bad state of repair that it becomes dangerous to live in;
 - uses threatening behaviour or physical violence;
 - makes demands for excessive repairs.

WHAT IS ILLEGAL EVICTION?

Illegal eviction takes place if a tenant is forced to leave their home by someone who does not have the legal right to do this. A landlord only has the legal right to exclude a tenant from their home in certain circumstances.

To end a tenancy:

- the landlord must serve on the tenant a written notice to quit according to the table below:

Length of Tenancy	Notice to Quit
5 years or less	No less than 4 weeks written notice
More than 5 years and up to and including 10 years	No less than 8 weeks written notice
More than 10 years	No less than 12 weeks written notice

- the tenant is not required to leave the property until the notice expires;
- court proceedings to evict the tenant can only start once the period of notice has ended;
- if a tenant does not leave the property at the end of a notice to quit period, they cannot be made to leave until an Order for Possession has been granted by the Court.

WHAT RIGHTS DO TENANTS HAVE?

- Tenants have the basic right to be free from harassment and illegal eviction.
- The Environmental Health Department has the powers to investigate harassment and illegal eviction. They can prosecute if they believe an offence has been committed.
- If illegally evicted a tenant may get an injunction from the Court to allow them back home.
- A tenant may claim compensation for the losses suffered.
- A tenant can seek advice from an independent advice centre.

FURTHER INFORMATION

Housing Executive
(see telephone directory under “Northern Ireland Housing Executive”)

District Council Environmental Health Department (see telephone directory under the name of the council)

Housing Rights Service Middleton Buildings
10-12 High Street
Belfast BT1 2BA
Tel: (028) 9024 5640
www.housingrights.org.uk

Local Citizens Advice Bureau
(see telephone directory under “Citizens Advice Bureaux”)
www.adviceguide.org.uk/nireland

ALTERNATIVE FORMATS

If this document is not in a format that suits your needs please contact us and we can discuss alternative arrangements that may better suit your specific requirements.

email: housing.policy@dndni.gov.uk

Telephone: (028) 9082 9259