

**This factsheet looks at what you can do if you think you have been unlawfully evicted by your landlord.**

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A landlord can only lawfully evict a tenant by following the correct procedure:

**What steps does my landlord usually have to take to evict me?**



- 1 Give you a valid written Notice to leave your home
- 2 Apply for a possession order from the County Court
- 3 Apply for a warrant to set a date for a Bailiff to evict you.

Call Shelter Cymru for expert housing advice on 0345 075 5005

Depending on the type of agreement you have and the reason for the eviction, your landlord should normally give you either 2 weeks, 2 months or 4 weeks notice.

After the notice period has finished, your landlord usually has to apply for a possession order from the County Court. If you don't leave on the day the court says you should, your landlord must get a bailiff's warrant.

There are a small number of situations where a court order is not always needed, for example, if you live in the same building as your landlord and share living accommodation with them. If you are not sure about the procedure your landlord should be taking then get advice.

### Unlawful eviction

If your landlord forces you to leave your home without following the correct procedure then you have been unlawfully evicted. There are certain actions that nearly always count as an unlawful eviction:

- changing the locks while you are out
- threatening you if you do not leave
- physically throwing you out
- stopping you from getting into certain parts of your home.

### Getting back in yourself

If you have been unlawfully evicted, you may have the right to re-enter your home, even if your landlord has changed the locks. This is a complicated area of law, and it is vital that you are certain that you have this right before taking any action. In some circumstances you could be committing a criminal offence yourself. Get advice before you try to do this.

[sheltercymru.org.uk](http://sheltercymru.org.uk)

## Going to the council

Your council should have someone who can advise you if you have been unlawfully evicted. This might be a 'tenancy relations officer' (TRO) or it might be dealt with by the housing or homelessness department. Try and involve the council as soon as you can. They can contact your landlord to ensure they are aware of your rights, and may be able to persuade the landlord to let you back into your home. In some cases the council can prosecute the landlord.

## Reporting the matter to the police

Unlawful eviction is a criminal offence and the police have powers to prosecute landlords. If convicted, the landlord can be fined and/or imprisoned. It can sometimes be difficult to get the police to help you. However, at the very least, they should agree to come to the property to prevent a breach of the peace from taking place.

## Reporting the matter to Rent Smart Wales

Private landlords and letting agents of properties in Wales must be registered & licensed with Rent Smart Wales. If you are concerned about the actions of a landlord or agent who is licensed, you can report them to [Rent Smart Wales](https://rentsmartwales.gov.wales/) for investigation.

**Last updated March 2018**

Information contained in this factsheet is correct at the time of publication. Please check details before use.

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## Going to court

You can take action yourself against your landlord in your local county court. You can apply for:

- an injunction ordering the landlord to let you back into your home, and/or
- compensation for your landlord's actions.

You normally need a solicitor to help you take this action. Contact Shelter Cymru and they can refer you to their legal team for free advice. If you are on a low income or claim benefits, you may be able to get legal aid.

### Further advice

send us an email at

<https://sheltercymru.org.uk/email-advice/>

call us on **0345 075 5005**