

A Shelter guide

Updated July 2013

# Harassment and illegal eviction

What you can do if your  
landlord is breaking the law

Shelter

# Harassment and illegal eviction

This guide gives information for people who rent their homes privately and are being harassed by their landlord or someone acting on her/his behalf, and for people who have been illegally evicted. It explains the kinds of action that could be considered harassment or illegal eviction, and what you may be able to do to stop it.

The laws that affect how your landlord can behave can be complicated, and this guide is only an introduction to the law. If you need more detailed information, you should get advice from a Shelter advice service or a citizens advice bureau, or call Shelter's free housing advice helpline: **0808 800 4444** (open 8am to 8pm Mon to Fri and 8am to 5pm on weekends. Calls are free from UK landlines and main mobile networks).

## Shelter's free online housing information

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[shelter.org.uk/advice](https://www.shelter.org.uk/advice)

If you live in Wales, Scotland or Northern Ireland you can contact Shelter Cymru, Shelter Scotland or the Housing Rights Service (see pages 20 –21).

# Contents

<b>What counts as harassment?</b>	<b>4</b>
<b>What practical steps can I take?</b>	<b>5</b>
<b>When is an eviction illegal?</b>	<b>8</b>
<b>Why is my landlord harassing me or threatening to illegally evict me?</b>	<b>10</b>
<b>Can I break back in?</b>	<b>12</b>
<b>Can I get my belongings back?</b>	<b>13</b>
<b>What if my landlord is violent?</b>	<b>13</b>
<b>Can the council help me?</b>	<b>14</b>
<b>Can the police help?</b>	<b>16</b>
<b>Can I take my landlord to court?</b>	<b>17</b>
<b>What if my landlord isn't the problem?</b>	<b>18</b>
<b>Where to get further advice</b>	<b>18</b>
<b>Contact Shelter</b>	<b>20</b>
<b>Useful organisations</b>	<b>21</b>

## What counts as harassment?

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If your landlord does something that interferes with your ability to enjoy living in your home in peace, or is intended to make you leave your home, or takes away your rights, s/he could be guilty of harassment.

The fact that your landlord owns your home does not give her/him, or anyone acting on her/his behalf, a right to harass you.

### **Examples of harassment**

Harassment can take many forms. For example, it could involve:

- disconnecting your gas, electricity or water supply, or failing to pay the bills so that these services are cut off
- visiting your home regularly without warning, especially late at night
- interfering with your post
- threatening you
- violence
- harassing you because of your gender, race or sexuality
- entering your home without your permission
- allowing your home to get into such a bad state of repair that it's dangerous for you to stay
- beginning disruptive repair works and not finishing them
- sending builders round without notice
- refusing to let you into certain parts of your home (for example, the kitchen or bathroom)
- stopping you from having guests
- forcing you to sign agreements that take away your legal rights
- deliberately moving in other tenants who are likely to cause a nuisance.

Harassment can be very distressing and might make you feel as though you have no choice other than to move out. However, harassment is in fact a criminal offence, and help is available.

If your landlord is harassing you, you should be able to get help from the council (see page 14).

## **What if my letting agent is harassing me?**

If you rent your home privately, your landlord may have employed a letting agency or managing agent to look after the property on her/his behalf.

Harassment or illegal eviction by an agent, or by anyone working on behalf of the landlord, are also criminal offences. If your landlord knows how the agent is behaving, then your landlord could be held equally responsible by law. If your landlord could not have known what was happening, then the agent will be held solely responsible.

Some managing agents and letting agencies belong to trade associations. If you are being harassed, or have been illegally evicted by an agent, check whether they belong to a trade association. Most trade associations have a complaints procedure and some may have a mediation service, which could help to negotiate a solution to the problem. If your agent has behaved illegally, they could be asked to leave the trade association (see page 21).

## **What practical steps can I take?**

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If your landlord is harassing you, there are a number of practical steps that you can take. These could include:

- keeping a diary of what's happening, including the time, date and place where any incident took place, and a short description of what happened
- taking photographs of any damage the landlord has caused to the property or to your belongings
- having someone with you as a witness whenever you see the landlord
- asking your landlord to stop the behaviour.

It may help if you make all contact with your landlord more formal.  
You could:

- only communicate with your landlord by letter or email. If you write, keep copies of every letter that you send and receive back from her/him
- follow up any conversation with your landlord with a letter or email that confirms what was said and what was agreed
- email/write to your landlord to say that if the harassment continues you may have to take legal action.

Keep a record of all contact with your landlord – this will be invaluable if you have to take further action. It is also important that you report any incidents to your council and/or to a Shelter advice service or citizens advice bureau (see pages 20–21). These organisations may also be able to help you to resolve the problems, and will create an independent record of what’s happening.

Serious incidents should be reported to the police.

## **Does it matter what type of tenancy I have?**

No. You have a right not to be harassed or evicted illegally from your home.

If you have a tenancy with little security of tenure, that is one where it is easier for a landlord to evict you lawfully, such as an assured shorthold tenancy, and the harassment is of a minor nature, you may wish to seek advice from a Shelter advice service or citizens advice bureau about what steps to take (see pages 20–21).

## **What if I live in shared accommodation?**

If you live in shared accommodation, it is possible that your landlord is also harassing other tenants in the property. If this is the case, then you could all join together and approach the landlord as a group. You will have more bargaining power if you act together, and your landlord will be less able to single out one person. You may also be able to provide witness statements for each other if any incidents occur.

Some types of shared accommodation are known as houses in multiple occupation (HMOs) and the council has extra powers to take action against landlords of this type of property (see page 15).

## **Can I just leave my home?**

You should think carefully before leaving your home if you are being harassed.

If you leave when you have a fixed-term tenancy, which states that you have agreed to live in your accommodation for a set amount of time, or if you leave without giving the correct amount of notice, you can remain responsible for paying the rent after you have left.

Your landlord may withhold any deposit you have paid and/or try to make you pay the rent until the tenancy has properly ended. If this has happened to you, and you left your home because of harassment from the landlord you may need further advice (see page 18). You may be able to properly end the tenancy and claim damages through the court for the harassment, that will offset any rent you owe (see page 17).

If you think that you might need help from the council to get rehoused, you should also be careful about the way in which you leave your home. If the council thinks that it would have been reasonable for you to have stayed, it may find you intentionally homeless and agree to house you only for a short time, if it has to house you at all.

You may be able to avoid this happening by keeping evidence of what is going on, and by taking all possible steps to sort the problem out before you leave (see page 5).

You should also get advice from the council before leaving the property and giving up your tenancy.

If your landlord is actually violent, or you believe s/he might be, and you may be in danger, you should call the police and leave your home. The council cannot say that it was reasonable for you to stay if your landlord was violent, or threatening violence. You can find more information about homelessness in Shelter's free guide *Homeless? Read this*.

## When is an eviction illegal?

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An illegal eviction is a serious criminal offence. Your landlord might try to evict you by:

- changing the locks while you are out
- physically throwing you out
- threatening you and forcing you to leave
- stopping you from getting access to certain parts of your home.

Your landlord can evict you lawfully only if s/he follows the correct legal procedure.

### **How can my landlord evict me legally?**

The proper procedure for evicting you depends on the type of tenancy (or other agreement) you have, and the reasons your landlord wants you to leave.

In most cases, this will involve giving you proper notice and getting a court order. But if you live with your landlord, or a member of a resident landlord's family, the rules may be different (see below).

### **I live with my landlord**

If you live with your landlord in her/his home (for example, if you are a lodger), you are entitled only to reasonable notice before you have to leave.

This may also apply if you live in the same building as your landlord and you share living accommodation (such as a bathroom, lounge or kitchen) with a member of her/his family.

This notice can be given verbally, and should be at least equal to your rental period (for example, one week if you pay your rent weekly) unless you have agreed to a different notice period in advance. It can be difficult to enforce your right to a minimum notice period. You can get more details about your rights in Shelter's free guide *Private tenancies*.

It is illegal for your landlord to use violence to get you to leave. If this happens you should call the police.

## I don't live with my landlord

If you don't live with your landlord, you cannot be evicted lawfully unless your landlord gets a court order. However, in limited situations, people who don't live with their landlord can be evicted without one. This could be the case if:

- you moved into your home as a squatter, even if you now have a temporary tenancy
- you live in holiday accommodation
- you don't pay rent
- you live in certain types of hostels
- you live in interim accommodation provided by the council following a homelessness application.

If one of these situations applies to you and your landlord is trying to evict you, get advice immediately (see page 18).

If none of these situations applies to you, then your landlord must give you notice that s/he wants you to leave. Depending on the type of tenancy agreement you have and the reason your landlord wants you to leave, you should get either:

- two weeks' or two months' notice of seeking possession, or
- a minimum of four weeks' notice to quit, or
- a minimum of two months' written notice (if you are an assured shorthold tenant).

After your notice period has expired, your landlord has to apply to the court for a **possession order**. You may be able to challenge your landlord's application for a possession order in court. If the court makes an order for you to leave and you don't leave on the day the court says you should, your landlord must return to the court and ask for a **bailiff's warrant**.

You can get more information concerning your rights if your landlord wants to evict you from Shelter's two free guides: *Private tenancies* and *Rent arrears*.

If at any point in this process your landlord forces you to leave before the bailiffs arrive, then you have been illegally evicted. The only person who is legally allowed to use reasonable force to enter your home is a court bailiff.

## **The council is my landlord**

The council has the same responsibility as all landlords to follow the legal procedure for evicting you. You can only be evicted in certain circumstances, and the correct rules have to be followed.

If the council is evicting you, see where you can get advice from on page 18.

If you feel you have been treated badly by the council, you may be able to complain to the local government ombudsman (see page 16).

## **Why is my landlord harassing me or threatening to illegally evict me?**

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Although there is never an excuse for your landlord breaking the law and harassing you or illegally evicting you, in some cases it may help to understand her/his reasons. Sometimes your landlord may not know that there is a correct way to evict you, and talking to her/him about this may encourage her/him to approach your situation in a different way.

Some common reasons that landlords give for harassing or trying to evict their tenants illegally are listed below.

### **Rent arrears**

If you owe your landlord rent, negotiating a way of paying back the money you owe may help resolve the matter. Make sure your landlord has calculated correctly how much money you owe before you agree a repayment plan. Only agree to such a plan if you know you can afford the payments, otherwise you will find them difficult to maintain.

You may be able to claim housing benefit to help you pay the rent. For further information see Shelter's free guide *Housing benefit*.

If your landlord wants you to leave because of your arrears, s/he still has to follow the correct legal procedure (see page 8). You can get more information about your options in Shelter's free guide *Rent arrears*.

## **Inspecting the property**

Your landlord can come into your home to inspect the property only at a time that is convenient to you, and s/he should give you reasonable notice.

Reasonable notice shouldn't be less than 24 hours, unless it is an emergency. You must not unreasonably refuse access.

Under normal circumstances, your landlord shouldn't need to inspect the property very often. If s/he is inspecting the property frequently, or letting her/himself in without your permission, this could be considered harassment.

Try negotiating with your landlord to agree when it is acceptable to inspect the property.

If you are living in shared accommodation and you have a tenancy of an individual room, the landlord may have the right to access the common parts (for example, a shared kitchen). However, frequent visits, especially without notice or at late hours, could still be considered harassment.

## **Absence from your home**

If you go away for a long time without informing your landlord, s/he may think that you have abandoned your home and are not planning to return.

You can avoid a misunderstanding by ensuring that you always let your landlord know when you plan to be away for any length of time and explaining that you do intend to return. It is also important that you make arrangements for the rent to be paid while you are away.

If your landlord has rented the property to someone else while you have been away, or won't let you back in for another reason, you should get advice immediately from a Shelter advice service or a citizens advice bureau (see pages 20–21).

See page 14, for information about what the council may be able to do, and see page 8, for information about the legal process your landlord should take to evict you.

## Tenants with more rights than others

Some types of tenancy give you greater protection from eviction – **regulated tenancies** (if your tenancy started before 15 January 1989 you probably have one of these) or **assured tenancies**.

Some landlords may harass or illegally evict tenants in order to replace them with others who have a less secure type of tenancy. If you were a regulated or assured tenant who lost her/his home and found a new **assured shorthold tenancy** elsewhere, it is likely that you will have to pay a higher rent and it will be much easier for a landlord to legally evict you.

Another incentive for a landlord to evict a regulated tenant is that such tenants pay ‘fair rents’, which are usually lower than rents in other private tenancies.

See Shelter’s free guide *Private tenancies* for details of the different types of private tenancy.

## Selling the property

In some cases your landlord may be trying to sell the property. The property can be worth much more without a tenant living in it.

Your landlord does not have the right to show people around your home without your permission. If you prefer not to allow viewings by potential buyers, your landlord will have to wait until s/he has evicted you using the proper eviction procedures (see page 8).

## Can I break back in?

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If you have been illegally evicted from your accommodation, 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 you must be sure you have these rights before taking action, otherwise you might be committing a criminal offence. Get advice before you take any action from a Shelter advice service or a citizens advice bureau (see pages 20–21). If your council has a **tenancy relations officer** (see page 14), s/he may be able to help you re-enter your home. The courts could also order your landlord to let you back into your home (see page 17).

If you are certain that you have been illegally evicted and have the right to re-enter your home, be very careful not to damage the building when you are doing so. If you break or damage any part of the property (such as the door), you could be responsible for fixing or replacing it, and you could be committing criminal damage. If you change the lock, keep the old lock (and any keys to it), and return them to your landlord.

In some cases, the police may be willing to attend while you re-enter your home, in order to ensure that there is not a breach of the peace.

## Can I get my belongings back?

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If your landlord has evicted you, whether legally or illegally, and your belongings are still in your home, you have a right to get them back, even if you have rent arrears. If your landlord keeps hold of your belongings and refuses to return them to you, this is a civil wrong known as **conversion**. You may be able to go to court to get an injunction and/or claim damages (see pages 17–18).

## What if my landlord is violent?

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If your landlord is violent towards you or anyone in your household, this is a criminal offence and you should contact the police and your council's tenancy relations officer (see page 14).

If you feel unsafe in your home due to violence or threats of violence from your landlord, your council may be able to help rehouse you. If you are in this situation, get advice from a Shelter advice service or citizens advice bureau (see pages 20–21). For more information, see Shelter's free guide *Homeless? Read this*.

## Can the council help me?

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Your local council should have someone who can help you if your landlord is harassing you, or if you have been illegally evicted. Many local councils have a tenancy relations officer whose job it is to help tenants experiencing harassment or illegal eviction. If the council does not have a **tenancy relations officer**, ask to speak to their housing advice section or legal department.

### **Negotiating with your landlord**

If you are being harassed by your landlord, you should report any incidents to your local council, so that there is an official record of what has been happening.

The council may contact your landlord to explain her/his responsibilities and your rights. It may be able to mediate between you and your landlord to try to sort the problem out.

If you have been illegally evicted from your home, the council may contact your landlord and try to negotiate a way for you to return to your home.

### **Helping you to get back into your home**

Sometimes the council may be able to help you re-enter your home (see page 12).

### **Will the council prosecute my landlord?**

Although harassment and illegal eviction are both criminal offences, it is usually the council, not the police, who decide whether to prosecute a landlord.

A prosecution is more likely to happen if the harassment is serious, if you were illegally evicted, or if the landlord has a history of offending.

The council will need good evidence to succeed in a prosecution, and this will include detailed statements from you, and from anyone else who has witnessed the harassment or illegal eviction.

If the council decides to prosecute your landlord and the court find her/him guilty, your landlord could be fined or even given a prison sentence.

The council can also ask the court to award you compensation for any costs you have had to pay, such as rent for emergency accommodation or the replacement of belongings you haven't been able to get back.

If you would like to claim damages for stress or inconvenience, or because your landlord has broken the terms of your tenancy agreement, you will need to bring a separate civil action in court (see page 17).

## **What if I live in an HMO?**

If you live in a bedsit, a house or flat shared by several households, a hostel or a bed and breakfast hotel, there are extra laws that can protect you, in addition to the general laws covering harassment and illegal eviction.

Properties in which a number of people live together like this are usually known as **houses in multiple occupation** (HMOs).

If you live in an HMO and your health, safety or welfare is at risk because of inadequate management, bad conditions, overcrowding or harassment, the council has the power to take action against the landlord.

Certain HMOs must be licensed, and it is an offence for landlords to let out such HMOs without a licence. A landlord or manager of an HMO must be a 'fit and proper' person to hold a licence.

If you live in an HMO and are experiencing harassment, get advice from the council or see page 18.

## **What if I am homeless?**

If you are homeless, your council may have to help you. The kind of help you are entitled to depends on your circumstances, but it may include the council finding you alternative housing. Shelter's free guide *Homeless? Read this* explains how the council has to help you.

If you are not entitled to help from the council, or if you have problems getting the council to help you, a Shelter advice service or citizens advice bureau may be able to help you challenge the council's decision,

or to find accommodation (see pages 20–21). Shelter’s free guide *Finding a place to live* explains the different types of accommodation that may be available.

If you have no choice but to pay for accommodation after being illegally evicted, you may be able to claim damages from your landlord for the cost of this (see page 17).

## **The council won’t help me**

If you don’t feel that the council has treated you as it should, you can use its complaints procedure.

If this does not produce a satisfactory outcome, you can complain to the local government ombudsman (see page 21).

The ombudsman can investigate your complaint and, if s/he agrees with it, can recommend that the council apologises and changes its procedures to avoid similar problems in the future. The ombudsman can also recommend that councils pay a small amount of compensation.

## **Can the police help?**

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Although harassment and illegal eviction are both criminal offences, it can often be difficult to get the police to assist you. This may be because there is some confusion about the law, and the responsibilities of the police in this area.

However, the police will usually agree to attend an address to prevent a breach of the peace, which could be helpful if you intend to re-enter your property after being illegally evicted, or if you want to reclaim your belongings (see page 13).

A Shelter advice service or citizens advice bureau may be able to talk to the police about the laws concerning harassment and illegal eviction, and explain how they may be able to help (see pages 20–21).

## The police won't help me

If you are having difficulty getting the police to help you, or if the police attend your home and mistakenly help your landlord to evict you illegally, you could complain to the Independent Police Complaints Commission, which will investigate your complaint (see page 21).

## Can I take my landlord to court?

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The options you have for taking your landlord to court may include getting an injunction and/or claiming damages. You may be eligible for public funding (formerly known as legal aid) to help you take court action (see page 19).

### Can I get an injunction?

An injunction is a type of court order that instructs a person to do, or stop doing, something. For example, it is possible to get an injunction from the county court instructing your landlord to allow you back into your home, or to stop harassing you.

If a landlord breaks the terms of an injunction, s/he is in contempt of court and may be liable for a fine or even a prison sentence.

In order to get an injunction, you need to make an application at the court office. You will need to pay a fee (although if you are on a low income or on benefits you may be exempt), but you can include the cost of this in the level of damages that you may claim (see below).

### Can I claim damages?

If you have been harassed or illegally evicted you can bring a **civil case** against your landlord in the county court, and claim damages for the distress, and extra expenses, that this has caused you.

The damages that you can claim will depend on the type of agreement that you have with your landlord, as well as her/his behaviour and the particular circumstances of your situation.

The damages awarded by the court are likely to be higher if:

- the harassment from your landlord was very serious, and/or
- you had a regulated or assured tenancy (a tenancy with strong security of tenure).

Any evidence that you have collected by keeping records will be useful in proving your case to the judge. See page 5, for information on the type of evidence you might be able to collect.

## What if my landlord isn't the problem?

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This guide does not cover harassment by people other than your landlord or your landlord's agent. However, if you believe that the person causing problems is acting on behalf of your landlord (for example, if your landlord deliberately moved another tenant in to make life difficult for you), much of the information set out in this guide will still apply. You may be able to take action against both your landlord and the person harassing you.

If a neighbour or someone else is harassing you, you can still get help. Speak to your council or see below about where else you can get advice.

## Where to get further advice

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This guide is only an introduction to the law in England. If your problem isn't covered or fully explained, you can contact an adviser to discuss your situation.

An adviser may be able to help by:

- explaining the rights you have to stay in your home
- negotiating with the landlord on your behalf
- helping with practical issues, paperwork and court hearings.

You can get advice from a Shelter advice service or citizens advice bureau, by contacting Shelter's free housing advice helpline on 0808 800 4444, or by visiting [shelter.org.uk/advice](https://www.shelter.org.uk/advice)

If you decide to see a solicitor, you may be entitled to public funding, often referred to as **legal help** and **legal aid**. Not all problems qualify for legal help, but if your issue does, you will qualify for legal help if you are on certain benefits or you have a low income. There is a 'means test'. To qualify for legal aid you must also have a good chance of success in court. Your solicitor will be able to advise you about this. To check if you're eligible for legal aid visit **[www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid)**

Under legal aid, the solicitor can represent you in court proceedings and her/his fees are paid by the Government. If your income is above a certain level you may have to pay a contribution.

Not all solicitors do legal aid work. You can get details of those who do from Civil Legal Advice (see page 21). If you do not qualify for legal aid, a solicitor may be willing to do a first interview with you for a fixed fee, but following that, the fees can get expensive.

## Contact Shelter

You can call our free housing advice helpline. Calls to Shelter and Shelter Scotland are free from UK landlines and main mobile networks. We can provide minicom or interpreting services.

The cost of calling Shelter Cymru will depend on your landline and mobile provider and your contract with them.

### Shelter

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 **0808 800 4444**

**Mondays–Fridays: 8am–8pm**  
**Weekends: 8am–5pm**

### Shelter Cymru

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 **0845 075 5005**

**Mondays–Fridays: 9am–5pm**

### Shelter Scotland

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 **0808 800 4444**

**Mondays–Fridays: 9am–5pm**

For online information about your housing rights and details of local advice services, visit:

- [shelter.org.uk/advice](http://shelter.org.uk/advice)
- [sheltercymru.org.uk](http://sheltercymru.org.uk)
- [shelterscotland.org](http://shelterscotland.org)

## Useful organisations

### **Advice UK**

☎ 0300 777 0107  
mail@adviceuk.co.uk  
www.adviceuk.org.uk

### **Association of Residential Letting Agents (ARLA)**

☎ 0845 250 6001  
www.arla.co.uk

### **Citizens Advice**

☎ 08454 04 05 06  
www.citizensadvice.org.uk

### **Civil Legal Advice**

☎ 0845 345 4345  
emailhelp@civillegaladvice.org.uk  
<https://claonlineadvice.justice.gov.uk>

### **Courts Service**

[www.justice.gov.uk/about/hmcts](http://www.justice.gov.uk/about/hmcts)

### **Equality Advisory Support Service**

☎ 0808 800 0082  
www.equalityadvisoryservice.com

### **Gov.uk (the Government's public services website)**

[www.gov.uk](http://www.gov.uk)  
Find a legal adviser:  
[www.gov.uk/find-a-legal-adviser](http://www.gov.uk/find-a-legal-adviser)  
Eligibility for legal aid:  
[www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid)

### **Housing Rights Service**

(Northern Ireland)  
☎ 028 9024 5640  
www.housingadviceni.org

### **Independent Police Complaints Commission**

☎ 0300 020 0096  
enquiries@ipcc.gsi.gov.uk  
www.ipcc.gov.uk

### **Law Centres Network**

info@lawcentres.org.uk  
www.lawcentres.org.uk

### **Law Society**

[www.lawsociety.org.uk/find-a-solicitor](http://www.lawsociety.org.uk/find-a-solicitor)

### **Local Government**

#### **Ombudsman**

☎ 0300 061 0614  
www.lgo.org.uk

### **National Approved Letting Scheme**

☎ 01242 581712  
www.nalscheme.co.uk

### **National Association of Estate Agents**

☎ 0845 250 6001  
www.naea.co.uk





We help over a million people a year struggling with bad housing or homelessness – and we campaign to prevent it in the first place.

We're here so no-one has to fight bad housing or homelessness on their own.

Please support us at **shelter.org.uk**

**Until there's a home for everyone**

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