

## Tenant's Guide to Retaliatory Eviction

Retaliatory eviction occurs when a landlord tries to evict a tenant for requesting repairs or reporting disrepair. The **Deregulation Act 2015** provides important protections for tenants in such cases. This guide outlines the steps tenants should follow to prevent retaliatory eviction and ensure their rights are upheld.

### Step 1: Report Disrepair or Safety Issues in Writing

- **Why:** Reporting issues in writing creates a formal record that can be used as evidence if the landlord tries to retaliate.
- **How:**
  - Draft a clear and detailed letter or email to your landlord outlining the issues (e.g., leaks, mould, faulty heating).
  - Include the date the issues were noticed and how they affect your living conditions. Attach photos or videos if possible.
- **Keep copies:** Always keep copies of any communication with your landlord for your records. Maintaining thorough documentation strengthens your position if you need to challenge an eviction or prove your case in court.

### Step 2: Allow Time for the Landlord to Respond

- **Why:** Your landlord is legally required to respond and carry out necessary repairs. Allowing time for a response shows you've acted reasonably.
- **How long:** Depending on the severity of the issue, reasonable time may vary. Serious issues, such as no heating, should be addressed quickly.
- **Follow-up:** If there is no response within a reasonable timeframe (e.g., 14 days for serious issues), send a follow-up reminder.

### Step 3: Contact the Local Council if the Landlord Fails to Act

- **Why:** If the landlord ignores your requests, the local council can step in to enforce repairs and help protect you from retaliatory eviction.
- **How:**
  - Contact the **Private Housing Enforcement** at your local council.
  - Provide them with details of your complaints, including all written communication with the landlord.
  - Request a property inspection from the council.
- **Council action:** If disrepair is found, the council may issue an **Improvement Notice** or take **Emergency Remedial Action**. This prevents your landlord from issuing a valid Section 21 notice (no-fault eviction) for six months.

### Step 4: Understand Your Rights Against Retaliatory Eviction

- **Protections under the Deregulation Act 2015:**
  - If you report disrepair and the council serves an **Improvement Notice** or takes **Emergency Remedial Action**, the landlord **cannot serve a valid Section 21 notice** for six months following the council's action.

- If your landlord tries to evict you through a Section 21 notice during this period, the notice will be invalid.
- You can apply for a Rent Repayment Order (RRO) to reclaim up to twelve months' rent if your landlord fails to comply with Improvement Notice or fails to license a property requiring an HMO (House in Multiple Occupation) licence.

### **Step 5: Check the Validity of a Section 21 Notice**

If the landlord serves a Section 21 notice, ensure they have complied with all legal requirements before proceeding:

- **Gas Safety Certificate:** Ensure the landlord provided this at the start of your tenancy.
- **Energy Performance Certificate (EPC):** This must have been given to you before your tenancy began.
- **How to Rent Guide:** The landlord must have given you the latest government "How to Rent" guide.
- **Deposit Protection:** Your deposit must be protected in a government-approved scheme, and the prescribed information must have been provided within 30 days of the tenancy start.

If any of these requirements have not been met, the Section 21 notice may be invalid. You can [check if a Section 21 Notice is valid](#).

### **Step 6: Seek Legal Advice if Necessary**

- **Why:** If your landlord tries to evict you after you've raised a repair issue, legal advice can help you challenge the eviction.
- **How:**
  - Contact a housing solicitor or seek help from [Citizens Advice](#), [Shelter](#), or a similar organisation. They can help you challenge an invalid Section 21 notice or assist you in defending against a retaliatory eviction.

### **Step 7: Continue Paying Rent**

- **Why:** Failing to pay rent could give the landlord legitimate grounds to evict you, even if your disrepair claim is valid.

### **Contact Details**

For further information and advice, please contact:

- Swale Borough Council- Private Sector Housing  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT  
Email: [housing@swale.gov.uk](mailto:housing@swale.gov.uk)