**FAO: Metropolitan Police** 16/11/2020

**Termination of an Assured Shorthold Tenancy**

Assured Shorthold Tenancies are legal agreements which contain criminal and civil legal provisions for their governance.

Termination of an Assured Shorthold Tenancy must be by a court order or mutual agreement to surrender.

When a tenant has not agreed a surrender of the tenancy the landlord must seek termination of the tenancy agreement via the Court. Failure to do this will be in breach of the Protection from Eviction Act 1977 and carries criminal and civil liabilities.

Section 1 of the Protection from Eviction Act (“PEA”) 19771977 makes it a criminal offence for a residential occupier to be evicted without a court order and/or be harassed with the intention of making them leave their accommodation.

**Unlawful eviction or harassment of a residential occupier is a criminal offence and not a civil or private matter**.

As a local authority the London Borough of Tower Hamlets is empowered to bring criminal prosecution against anyone committing an offence under the 1977 Act. The penalty, if proven, is a fine and/or imprisonment.

We advise tenants within this local authority to contact the police if they are being threatened with or have been unlawfully evicted and hand this letter along with the tenancy agreement to the attending police officer/s.

The police have powers of arrest under section 6 of the Criminal Law Act 1977 or for offences under the Protection from Harassment Act 1997.

If you are a first responder who has been called to an incident of unlawful eviction, please provide the tenant with a CAD reference number and a detailed report or statement of your attendance.

Additionally, please note that there are currently government restrictions on evictions during the lockdown period and over Christmas. There are restrictions to bailiff enforcement action in place until at least 11 January 2021. Any act to remove a tenant at this period without a court order bailiff warrant should be deemed as unlawful.

We appreciate your assistance.

Sandra Awotesu

Team Principal

Housing Advice