Dave Hickling

Chair

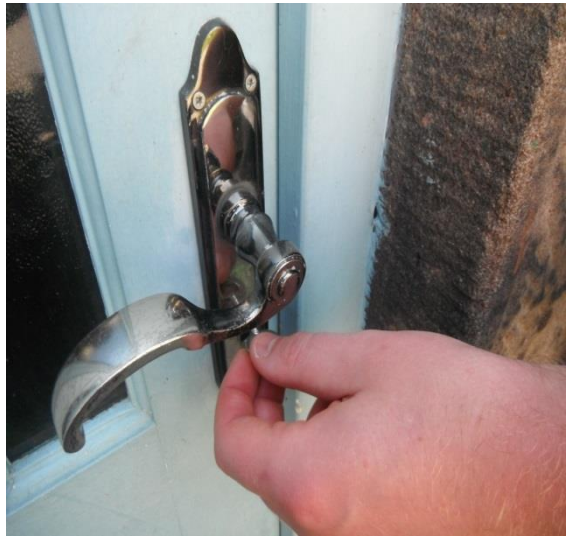
Association of Tenancy Relations Officers

Legal and Policy Officer,

Private Housing Standards

Sheffield City Council

Dealing with Harassment & Illegal Eviction.



Stepping up to the mark

Dave Hickling,

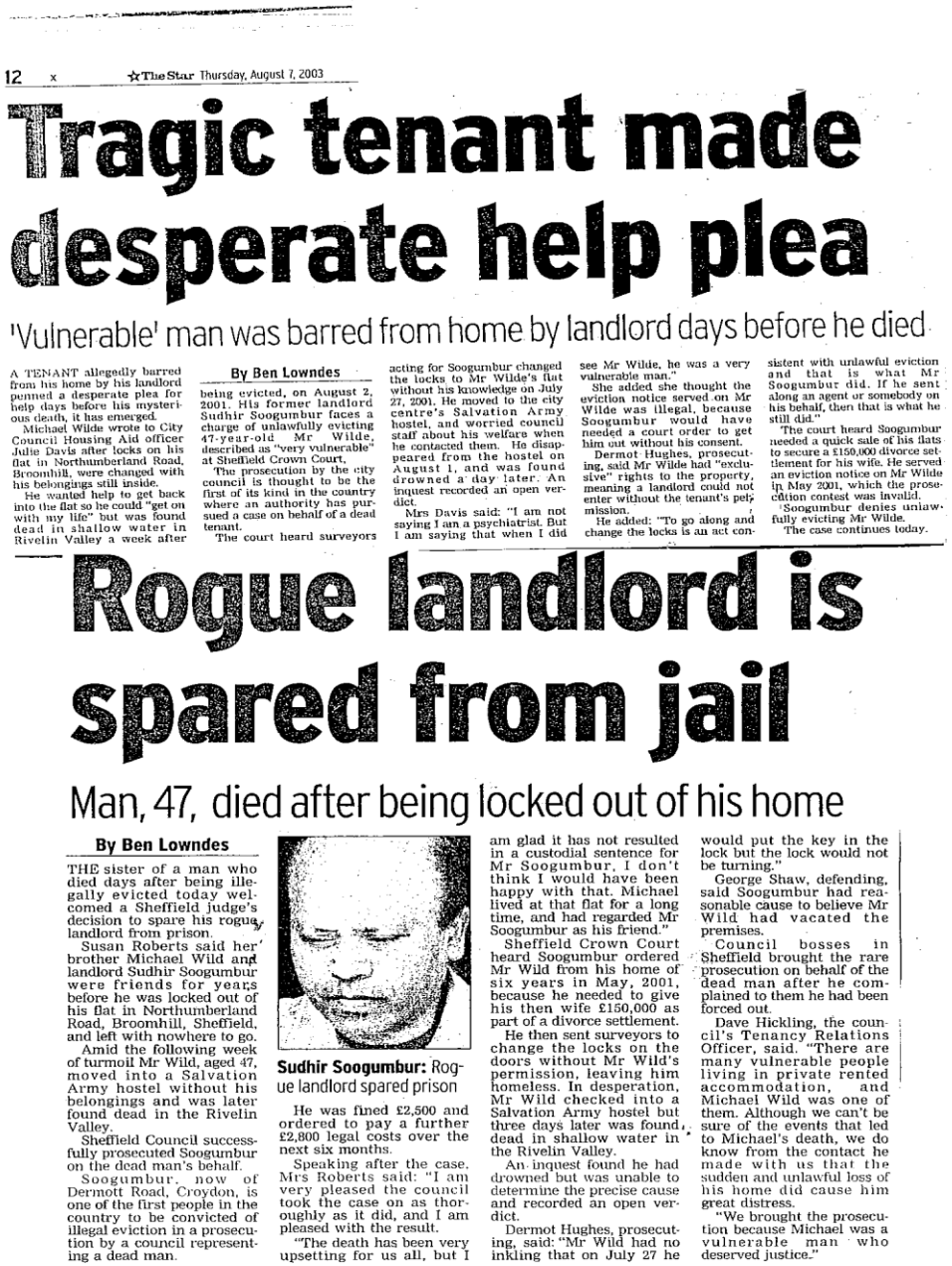
Chair,
Association of Tenancy Relations Officers.

Legal and Policy Officer,
Private Housing Standards
Sheffield City Council.

Thank you for inviting me!

illegal eviction: Consequences of sudden / traumatic illegal loss of home

- Loss of home
- Homelessness
- Loss of pride
- Sense of powerlessness
- Fear and anxiety
- Stress
- Upheaval
- Shock
- Uncertainty



12 x ☆The Star Thursday, August 7, 2003

Tragic tenant made desperate help plea

'Vulnerable' man was barred from home by landlord days before he died

A TENANT allegedly barred from his home by his landlord penned a desperate plea for help days before his mysterious death, it has emerged.

Michael Wilde wrote to City Council Housing Aid officer Julie Davis after locks on his flat in Northumberland Road, Broomhill, were changed with his belongings still inside.

He wanted help to get back into the flat so he could "get on with my life" but was found dead in shallow water in Rivelin Valley a week after

By Ben Lowndes

being evicted, on August 2, 2001. His former landlord Sudhir Soogumbur faces a charge of unlawfully evicting 47-year-old Mr Wilde, described as "very vulnerable" at Sheffield Crown Court.

The prosecution by the city council is thought to be the first of its kind in the country where an authority has pursued a case on behalf of a dead tenant.

The court heard surveyors acting for Soogumbur changed the locks to Mr Wilde's flat without his knowledge on July 27, 2001. He moved to the city centre's Salvation Army hostel, and worried council staff about his welfare when he contacted them. He disappeared from the hostel on August 1, and was found drowned a day later. An inquest recorded an open verdict.

Mrs Davis said: "I am not saying I am a psychiatrist. But I am saying that when I did see Mr Wilde, he was a very vulnerable man."

She added she thought the eviction notice served on Mr Wilde was illegal, because Soogumbur would have needed a court order to get him out without his consent.

Dermot Hughes, prosecuting, said Mr Wilde had "exclusive" rights to the property, meaning a landlord could not enter without the tenant's permission.

He added: "To go along and change the locks is an act consistent with unlawful eviction and that is what Mr Soogumbur did. If he sent along an agent or somebody on his behalf, then that is what he still did."

The court heard Soogumbur needed a quick sale of his flats to secure a £150,000 divorce settlement for his wife. He served an eviction notice on Mr Wilde in May 2001, which the prosecution contest was invalid.

Soogumbur denies unlawfully evicting Mr Wilde.

The case continues today.

Rogue landlord is spared from jail

Man, 47, died after being locked out of his home

By Ben Lowndes

THE sister of a man who died days after being illegally evicted today welcomed a Sheffield judge's decision to spare his rogue landlord from prison.

Susan Roberts said her brother Michael Wild and landlord Sudhir Soogumbur were friends for years before he was locked out of his flat in Northumberland Road, Broomhill, Sheffield, and left with nowhere to go.

Amid the following week of turmoil Mr Wild, aged 47, moved into a Salvation Army hostel without his belongings and was later found dead in the Rivelin Valley.

Sheffield Council successfully prosecuted Soogumbur on the dead man's behalf.

Soogumbur, now of Dermott Road, Croydon, is one of the first people in the country to be convicted of illegal eviction in a prosecution by a council representing a dead man.

Sudhir Soogumbur: Rogue landlord spared prison

He was fined £2,500 and ordered to pay a further £2,800 legal costs over the next six months.

Speaking after the case, Mrs Roberts said: "I am very pleased the council took the case on as thoroughly as it did, and I am pleased with the result.

"The death has been very upsetting for us all, but I am glad it has not resulted in a custodial sentence for Mr Soogumbur. I don't think I would have been happy with that. Michael lived at that flat for a long time, and had regarded Mr Soogumbur as his friend."

Sheffield Crown Court heard Soogumbur ordered Mr Wild from his home of six years in May, 2001, because he needed to give his then wife £150,000 as part of a divorce settlement.

He then sent surveyors to change the locks on the doors without Mr Wild's permission, leaving him homeless. In desperation, Mr Wild checked into a Salvation Army hostel but three days later was found dead in shallow water in the Rivelin Valley.

An inquest found he had drowned but was unable to determine the precise cause and recorded an open verdict.

Dermot Hughes, prosecuting, said: "Mr Wild had no inkling that on July 27 he would put the key in the lock but the lock would not be turning."

George Shaw, defending, said Soogumbur had reasonable cause to believe Mr Wild had vacated the premises.

Council bosses in Sheffield brought the rare prosecution on behalf of the dead man after he complained to them he had been forced out.

Dave Hickling, the council's Tenancy Relations Officer, said, "There are many vulnerable people living in private rented accommodation, and Michael Wild was one of them. Although we can't be sure of the events that led to Michael's death, we do know from the contact he made with us that the sudden and unlawful loss of his home did cause him great distress.

"We brought the prosecution because Michael was a vulnerable man who deserved justice."

The fit with fitness and other PRS regulatory duties

- Harassment / Illegal Eviction

  = very significant & imminent risk to health, safety & well-being of tenants

- Damage done to effective Housing Act 04 enforcement:

  - tenant fear
  - actual illegal eviction
  - disappearing tenants

Licensing

- extension of HMO licensing
- more and more Selective Licensing

Statutory duty to assess fitness of landlords and managers and whether management arrangements are satisfactory

  - breaches of landlord and tenant law
  - competence

- The rogue-iest of rogue landlords do this stuff!!

- Introduction of Banning Orders
- Extension of Rent Repayment

  Orders provide an added

  incentive to take enforcement of PfEA seriously

    - LA can assist a tenant to claim a year's rent not covered by benefit
    - LA must consider making a RRO claim for rent that did attract benefit

- & ……

.....penalties following prosecution can be significant!

Landlord locked up after throwing tenant on street

A BULLYING landlord who threw a tenant out onto the streets without his shoes when he failed to pay his rent on time has been jailed.

Jay Allen – accused of conspiring to murder takeaway driver Safrajur Jahingir two years ago – forced Chris Blades to leave his home on Handsworth Road, Sheffield, after he ran up £900 of arrears.

Allen, aged 30, of Padley Way, Sheffield Lane Top, forcibly evicted Mr Blades from the shared house without obtaining a proper court order, recruiting stocky pal Razwan Mohammed, 32, to shove him out of the door.

When Mr Blades, 28, told Allen, who has previous convictions for assault and affray, that he was breaking the law, the landlord replied: 'Do I look like I care?'

by RICHARD BLACKLEDGE
News Reporter

Judge Roger Keen QC said Allen, who earns £2,000 a month from seven properties, tried to 'dominate and frighten' his tenant.

Jailing him for nine months, the judge said: "You decided that because the rent had not been paid you were going to evict the tenant unless he came up with the money immediately, which was impossible.

"Using your considerable presence, together with that of your co-accused, you went to dominate, frighten and overwhelm Mr Blades."

A jury of eight women and four men took more than six-and-a-half hours to convict Allen and Mohammed of unlawful eviction.

Mohammed, of Orgreave Lane, Orgreave, was sentenced to six months' imprisonment, suspended for a year, with a seven-day tagged curfew from 7pm to 6am.

Afterwards, clothes shop assistant Mr Blades said he was happy with the sentence.

He added: "I wasn't expecting Jay Allen to be sent down, I thought he would get a fine."

Allen was one of six men who went on trial charged with conspiracy to murder Mr Jahangir, 23, who was shot behind the wheel of his car in Shirecliffe, in August 2009.

But the nine-week trial collapsed after defence lawyers discovered they had not been shown potentially vital evidence.

Unlawful eviction: Jay Allen threw out tenant over £900 arrear

COURT: TENANT COMPLAINED ABOUT STATE OF PROPERTY

Landlord facing jail

By Molly Lynch
Molly.lynch@thestar.co.uk
@mollygracelynch

A rogue landlord faces jail for bombarding a tenant with text messages after she complained about the state of his house.

Nilendu Das has been warned he could go to prison for subjecting Jennifer Okojie to demands for cash on an almost daily basis.

She contacted authorities after moving in

ened to complain after he wrote a clause into their contract saying they would be charged £350 if they did so.

Sheffield Council launched an investigation after he repeatedly ignored orders to bring houses he let up to a safe standard.

He pleaded guilty to four counts of failure to comply with improvement notices at Sheffield Magistrates Court and asked for seven similar offences, regarding another property in Sackville Road, to be taken into consid

Okojie, who has since moved, said: "The house was in such a state, it was disgusting. Every time it rained it would leak through into my room.

"He kept saying he'd sort things but he never did.

"It was the sheer volume of the messages he was sending me. It got malicious and it started affecting my health. I asked him not to contact my mobile and to email or write instead but he carried on.

"People living there were on housing benefit and

plain but I

ake us pay

ing.

rcise my

and I just

any more.

ncil to be

ney."

s Okojie,

my mon-

ing to get

anded to

osecut-

ing, said: "He should have tried to get any unpaid rent through the correct channel and served proper notices."

Coun Harry Harpham, cabinet member for homes and neighbourhoods at Sheffield Council said: "We will not tolerate this kind of activity and are committed to making sure that private renting offers a safe and desirable form of housing.

"This includes making sure that there are high standards and responsible management.

"The details of this case are disgusting. Nobody should be treated the way the victim was.

"The only saving grace is that we have managed to take this rogue landlord to task.

The case was adjourned for a pre-sentence report to be prepared.

Dentist is spared jail after illegal eviction

By Sarah Dunn

A COSMETIC dentist from South Yorkshire who unlawfully evicted two tenants from a flat by changing the locks when they were out has been spared jail.

Dr Ibrahim Hussain was found guilty by city magistrates after a one-day trial of illegally evicting Dr Patrick Quinn and his wife Jessica from a property in Crookes, Sheffield.

He was handed a three-month prison sentence, suspended for 18 months.

Chairman Ronald Cooke said the offence - when Hussain changed the locks at the

so serious only a custodial sentence could be justified.

Mr Cooke added Dr Quinn and his wife had felt intimidated by Hussain's behaviour, and he had been "uncooperative in facilitating their re-entry to the property."

Hussain, aged 31, of Western View, Crookes, was also ordered to carry out 200 hours' unpaid work and pay £1,200 compensation and £1,350 costs.

The trial last month had heard problems began because of a missing rent cheque. Although the flat belonged to Hussain's brother Tariq, the court heard Hussain had agreed for his dental practice

address and phone number to be used on the tenancy agreement.

Dr Quinn told magistrates he initially paid his rent by dropping cheques through Hussain's letterbox and later posted them to his surgery, the Brecks practice in Wickersley Road, Broom, Rotherham.

But, after giving their notice, the Quinns' final month's cheque went missing.

When Hussain asked for the money, Dr Quinn asked if their £650 bond - the same value as the outstanding rent - could be used but he refused.

Days before the couple were due to move out in May last

year, Dr Quinn said he received a "gangster-like" call from Hussain asking for the money.

The next evening the couple, who now live in Fulwood, returned to find the locks changed.

Matthew Burton, defending, said Hussain accepted responsibility for what had happened and offered his apologies.

Mr Burton also drew attention to the charity work of the amateur boxer - who has had trials for the Pakistan boxing team - in particular his efforts setting up a boxing gym in Rotherham with his former sparring partner Herol 'Bomber' Graham.

Changed locks: Dr Hussain

Deterrence and prevention

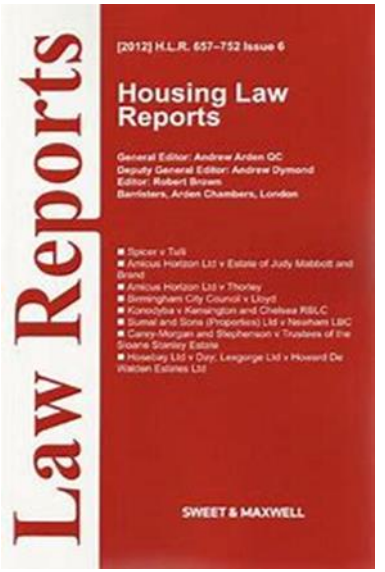
- Value of each prosecution is not in the individual case
- Early intervention crucial for prevention
- Effective deterrence crucial to those interventions
- Broader strategic value:

  deter ‘even the thought of breaking the law!’
- Important to link with advice & advocacy services for help with benefit and debt issues

Challenges

Complicated civil law issues to be aware of:

- Lawfully residing? Issues around e.g.
  - Sub tenants
  - Tenants who may have left
  - Tenants who have given notice
  - Occupiers left in premises by a tenant who has left
- Excluded occupier? (though n.b. excluded occupiers can still be victim of PfEA offence)
  - Occupiers with resident landlords
  - Charity or not for profit Hostel occupiers



80% - 90% cases straight forward but remainder can lead to potentially costly mistakes (credibility / financial?)

Challenges

- Evidence: proving events
- Lack of investigative powers
  - H Act s.235-7
  - access to Tenancy Deposit data
- Reluctant witnesses
- Reluctant Legal teams!
- Lack of funding
- Unreliable and inconsistent sentencing

Not a police job: ***Cowan v. Chief Constable of Avon and Somerset*** [2001] EWCA H.L.R. 44.

Solutions

- Specialised Officers

  with the right:
  - training,
  - knowledge,
  - inter-personal skills
  - appetite!

- More effective investigative powers

Solutions: sentencing

Sentencing:

- ensure impact on victim made clear to court e.g. victim personal statements
- briefings for Magistrates

- **General guideline for offences without specific guidelines (1st October 2019):**
  - harm to the victim and culpability of offender
  - can consider guidelines for 'analogous' offences (adjusting for different maximum sentences and different elements of the offence, e.g. Harassment Act 1997?)

Solutions

- Funding
  - local level, recognise that the human costs of illegal eviction have financial costs: homelessness mental and physical health
- Agreed prosecution policy / political and [illegible] officer commitment and supporting procedures
- Positive publicity
- Transmit your enthusiasm and

  don't be afraid to lose.
- Investigation of offences statut

A New Deal for Renting – abolition of section 21

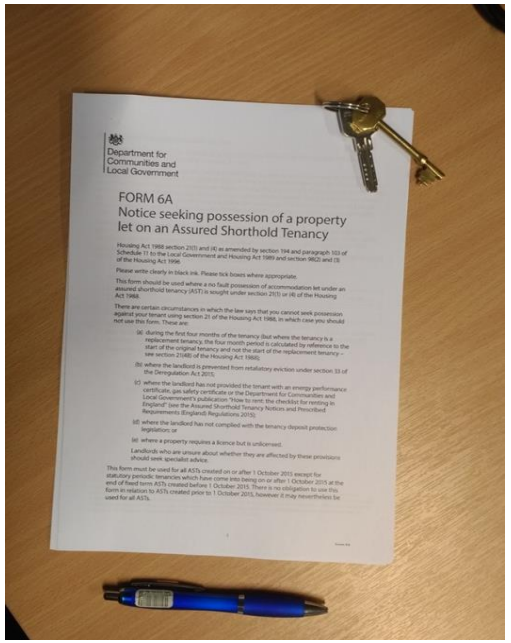
Government intention to repeal section 21 of the Housing Act 1988:

- an end to ‘no-fault’ evictions
- more stability, protecting tenants

  from having to make frequent moves

  at short notice, and enabling them to

  put down roots and plan for the future


Department for Communities and Local Government

FORM 6A
Notice seeking possession of a property let on an Assured Shorthold Tenancy

Raises the stakes!

Likely that landlords will have more motivation and more to gain from illegal eviction

Rising to the challenge

With or without, section 21, prosecuting harassment and illegal eviction offences should be a priority for all local authorities in tacking rogue landlords.

- protect the health and well being of its people
- and to promote stable and fairer communities
- promote basic human right of respect for the home
- to uphold justice

Local authorities must rise to the challenge and really should have little choice about that.