Are the civil and criminal remedies for harassment and illegal eviction fit for purpose?

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A report from the ESRC study: Understanding criminality in the private rented sector and co-producing solution

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CORRECTION

The references in paras. 1.4 and 6.6 to the maximum fine of £5000 in the magistrates' court is incorrect and should be to an unlimited fine.

REPORTS IN THIS SERIES

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Executive Summary

Introduction

- The Renters' Rights Act 2025 aimed to increase tenants' feelings of security by removing s21 of the Housing Act 1988, which allowed landlords to give tenants notice without specifying a reason. The Act does little to tackle the most extreme form of precarity, which is landlords ending a tenancy with no regard for the required legal processes.
- The PfEA 1977 creates, as a criminal offence, actions taken to deprive, unlawfully, a residential occupier of any premises his occupation of the premises, and acts calculated to interfere with the peace or comfort of the residential occupier such that the occupier gives up occupation of the premises. However, prosecutions under the Act are rarely undertaken by local authorities, and tenants subject to illegal eviction and/or harassment are equally unlikely to pursue a civil remedy.
- This report explores the many reasons why harassment and illegal eviction are largely overlooked crimes which include problems relating to definition and counting the incidence of illegal eviction, the status of victims and a tendency of statutory authorities to 'victim-blame'. The report finds that the Act itself presents multiple obstacles to prosecution and offers little protection from illegal eviction.

Ending a tenancy legally

- The legalities associated with bringing a tenancy to a close differ according to tenancy or licence type, but it remains broadly the same that formal notice must be served on the renter. At a minimum, the notice must be in writing and give four weeks' notice. Once this expires, the landlord must apply to the court for a possession order. If the application is successful and the tenant does not leave, the landlord must obtain a warrant of eviction: a 'Bailiff's warrant'. Some tenancies are excluded from these provisions.
- Eighty per cent of tenancies, where the tenant had been living at the address for less than three years, are assured shorthold tenancies (ASTs). Often established with a fixed period of six or twelve months, these become a rolling period tenancy if agreed by both parties.
- The Housing Act 1988 defines the terms on which a landlord may bring a tenancy to an end. At the time of writing, it was possible for landlords to serve a 'section 21', which does not require the landlord to give a reason for ending the tenancy. This was the most common kind of notice to quit and requires the landlord to give two months' notice. If the tenant does not leave within that period, the landlord can apply to the court for a possession order at any time in the four months after the notice period. The ability to serve a s21 is invalidated by several defined circumstances, which generally relate to evidence of poor landlord practice.
- It is also possible for a tenant to be given a 'section 8' notice, where a tenancy has breached their tenancy agreement, commonly because of rent arrears or anti-social behaviour. The landlord must specify their grounds for possession. A possession claim must be started within twelve months of the date of service of the s8 notice.

The landlord can, again, apply to the court for possession if the tenant does not leave the property, and the tenant has the opportunity to offer a defence.

- The court decides the grounds on which a possession order is granted. If the tenant does not move out when the possession order become effective, the landlord must apply for a warrant to the bailiff's office of the court. Possession must be carried out in the presence of an officer of the court, and the landlord must make arrangements to change the locks. Once a warrant has been executed, the tenant has no further rights in occupation.

Research on harassment and illegal eviction

- The private rented sector (PRS) is a highly diverse sector of the rental market, where the experience of renting can differ substantially. Households on the lowest incomes tend to express higher rates of dissatisfaction. For many tenants at the lowest end of the market, the problems that are often associated with the sector are amplified. Acute precarity in this part of the market reflects landlord willingness to operate outside the law: sudden and sometimes violent illegal eviction are commonplace.
- Illegal eviction has tended to lack detailed consideration. The last major report on the issue was published in 2000, when the PRS accommodated around ten per cent of English households. That report recognised an association between marginal renters and the incidence of illegal eviction. Since that time there has been substantial increase in the number of marginal renters as a consequence of the use of the PRS to meet homelessness duties, the growing number of economic migrants and asylum seekers and households with No Recourse to Public Funds; and precarity created by the freeze in local housing allowance (LHA) rates, which set the level of housing allowance paid to benefit recipients.
- The 2022 White Paper recognised the existence of criminality in the PRS. In response, the Renters' Rights Act – initially framed as the 'Renters' Reform Bill' – contains clauses that increase local authorities' enforcement powers. No changes were made to the PfEA, but the Act does promise to introduce a new obligation on local authorities to enforce landlord legislation.

Introduction to the legal framework for illegal eviction and harassment

- The PfEA generates substantial legal complexity around every element of its implementation. For example, offences are against 'residential occupiers', which creates uncertainty in terms of defining a tenant and defining what might be regarded as a notice to quit. Three separate offenses are defined against residential occupiers. The first occurs when anyone 'unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so'. The second and third offences deal with harassment and differ depending on whether the harassment was undertaken by anybody, or just by a landlord or an agent. These provisions are complex and confusing.
- A prosecution by a local authority under the PfEA 1977 ends up with a criminal trial in a magistrates' court or the crown court. An offender found guilty in the magistrates' court can be sentenced with a fine of up to £5,000 or a terms of imprisonment not exceeding six months (or both); in the Crown Court the fine is unlimited, and the term of imprisonment is up to two years. This report considers local authority experiences in dealing with PfEA 1977 prosecutions.

- Individuals can take action against landlords through the First Tier Tribunal (Property Chamber). It is possible to claim a Rent Repayment Order (RRO) based on crimes created by the PfEA 1977. Tenants with a legal basis of complaint can also take the matter to a civil court. This report also explores the main causes of action and the remedies and the experience of lawyers using the civil law to achieve redress.
- Local authorities can also use other powers against landlords not directly aimed at illegal eviction or harassment, including use of the Anti-Social Behaviour, Crime and Policing Act 214.

Landlord perpetrators

- This research is part of a wider project exploring landlord-perpetrated criminality in the PRS. The research identifies three modes of criminality
    - landlords and letting agents whose criminality is intentional. The research recognises slum landlord, scam landlords, criminal letting agents and landlord/agent links to organised crime;
    - landlords whose legal infraction is reflective of a particular set of circumstances, and who may or may not reoffend depending on the outcome of the infraction; and
    - the criminogenic nature of the rental market more broadly, in providing multiple affordances and insufficient deterrent for breaking the law and where poor practice tends to be concentrated in a 'shadow' PRS.
- Harassment and illegal eviction is common in all modes of criminality.

Research questions

- The research sought to answer the following questions:
    - Is it possible to quantify the incidence of harassment and illegal eviction?
    - What behaviours are generally classified as 'harassment', and what kinds of actions can be considered 'illegal eviction'?
    - Do tenant experiences of harassment and illegal eviction indicate that satisfactory safeguards are in place?
    - How do various stakeholder agencies view their responsibilities in relation to harassment and illegal eviction?
    - Is it straightforward to pursue criminal and civil actions under the PfEA 1977 and other statutes?

Research method

- The report draws on several research methods and sources including qualitative interviews and case study data from the Safer Renting (n=48); qualitative interviews with local authority staff working in Yorkshire and the Humber (29 private sector housing team staff, and 12 housing options staff); interviews with criminal lawyers and staff involved in prosecuting cases within local authorities (n=4) and interviews and focus groups with civil lawyers and advise organisations (n=15). Full research method details are in Appendix 1.

Quantifying the incidence of harassment and illegal eviction

Quantifying harassment

- Quantifying harassment is innately problematic given the range of behaviours. The degree to which a landlord might regard their actions as harassing, or a tenant discomforted, can be subjective. The English Housing Survey offers no data on tenant experience of harassing behaviours. A 2016 Shelter/YouGov survey indicated that many renters had experience of behaviours including a landlord/agent entering their home without notice or chance to give permission (7.5 per cent), and abuse/threat/harassment by landlord or letting agent (2.5 per cent).

Quantifying illegal eviction

- There are multiple obstacles to defining the incidence of illegal eviction. The English Housing Survey (EHS) asks tenants for the reason why a recent PRS tenancy came to an end, indicating that in most cases the tenant most often drove that decision. Fewer than 10 per cent of tenancies ended at the instigation of the landlord, but the EHS does not attempt to ascertain exactly how landlords brough the tenancies to an end.
- Data on *legal* evictions indicates that an estimated 60,000 tenancies ended with landlord possession actions in 2024, leading to an estimated 16,800 tenant repossessions by county court bailiffs.
- This report focuses on illegal evictions that are of immediate detriment to the tenant. It is therefore appropriate to consider incidence of *illegal* eviction logged on HClic, the system that monitors local authority homelessness activity. Quarterly returns are submitted by each local authority, indicating the number of incidences where a homelessness relief or prevention duty is triggered by an illegal eviction. However, n Q1, 2025, the system logged 280 cases. It was notable that 247 local authorities (84 per cent) logged no cases at all. Housing options interviews indicated that some homelessness teams are not logging cases using the system.
- Further, local authorities judging whether a household is owed a prevention duty will often not log an invalid notice to quit: an invalid notice is generally taken as proof that the tenant is not in reality at risk of homelessness, so no duty is owed. This 'prevention paradox' leads to a substantial undercount in the incidence of attempted illegal eviction.
- Local authorities were also unlikely to report that an illegal eviction had taken place if there was successful mediation to return the tenant to the property.

Behaviours that can be classified as harassment or illegal eviction

Legal definitions of harassment and illegal eviction

- S1(3) of the PfEA 1977 defines harassment as 'acts likely to interfere with the peace or comfort of the residential occupier or members of his household'. This includes the persistent or withdrawal of services 'reasonably required for the occupation of the premises as a resident'.

- Illegal eviction is defined as depriving 'the residential occupier of any premises of his occupation of the premises or part thereof, or attempts to do so'.

Behaviours that can be defined as harassment

- Harassment relating to the property includes:
    - Trespass, including the landlord entering the property frequently; at unsociable hours; when the tenant is not there; and letting other people into the tenant's home;
    - Restricting tenant use of a property originally let for sole use, for example, 'reserving' a room for their own use; imposition of arbitrary rules including – for example – restricted use of a shared kitchen; and
    - Disconnecting utility supplies unexpectedly; chronic disrepair or lack of maintenance; demolishing or removing essential elements such as doors or white goods.
- Harassment directed at the tenant includes
    - High volumes of texts or emails;
    - Interfering with tenant possessions, for example, opening or keeping mail; stealing belongings; retaining necessary ID such as passports;
    - Physical intimidation or harassment including unwanted sexual attention;
    - Reporting or threatening to report the tenant to the authorities; and
    - Interfering with tenant rights.

Adopting a broad definition of illegal eviction

- This report considers illegal eviction outside the tight frameworks defined by the Protection from Eviction Act and considers the range of means by which a landlord might seek to bring a tenancy to an end without due recourse to legal processes.
- 'Bureaucratic infraction', means that a landlord has not served the correct documentation in order to bring the tenancy to a close, for example, by giving a notice that does not specify a notice period appropriate to the reason for the notice to quit.
- Coercive eviction includes measures undertaken by the landlord to persuade the tenant to surrender their tenancy so that the landlord does not have to follow due process. Coercive eviction essentially comprises successful harassment, but can also include:
    - Misrepresenting a tenant's rights so that, for example, they believe that the landlord has a right to immediate possession following a notice to quit;
    - Paying a tenant to leave the property;
    - Agreeing to 'write off' rent arrears so that the tenant leaves.

  Note that these are all circumstances where a landlord can claim that a tenant 'surrendered' their tenancy so that no claim for illegal eviction can later be made. These measures also undermine tenants' ability to claim support from local authority housing teams, who might conclude that that tenant was intentionally homeless.
- 'Lock-change' eviction, which comprises measures to prevent the tenant from accessing their homes, by changing locks, blocking entry or altering cardkeys. In these circumstances, tenants might also lose their possessions since the landlord has blocked access. In some cases, the landlord might dump possessions in the street or the front garden of the property. Theft of belongings takes place in either case.

- Retaliatory eviction has been defined as eviction taking place in response to a tenant complaint relating to repair or maintenance. The Deregulation Act 2015 created as somewhat convoluted procedure which prevents a landlord serving notice within six months of an improving notice being served. However, at the very lowest end of the market retaliatory eviction generally results in a more forcible ejection rather than the serving of a s21 notice (see chapter 4).

Landlord justification for harassment and illegal eviction

- Harassment and illegal eviction often take place in the contact of a longer term exploitative and abusive letting arrangement and reflects circumstances in which the letting no longer serves the landlord's purpose.
- Landlords find multiple ways to justify their own behaviour in seeking an illegal eviction. It is useful to acknowledge these reasons in order to understand why some statutory responses to this crime are often compromised (see chapter 5).
    - Appeal to higher loyalty: landlords might claim that they need to evict a tenant in order to house a family member or themselves needed to move into the property.
    - Asserting landlord privilege: landlords claimed a higher moral purpose, in claiming that they were housing tenants who would otherwise be homeless, and that a tenant should therefore be grateful for the accommodation whatever its state of repair; or claimed that – as property owners – they were within their rights to act as they saw fit. Local authorities and police often condoned these presumptions.
    - Denial of responsibility: where a property was being managed by a letting agent, the landlord denied any responsibility for an illegal eviction; a letting agent could – similarly – blame the landlord.
    - Blaming the circumstances: the landlord might claim that they had 'no option' but to evict the tenant illegally because of overcrowding which might compromise an HMO licence. The tenant might have fallen into rent arrears, meaning that the landlord could face financial difficulties. Certainly landlords were intolerant of the required notice periods. Local authorities often sympathised with landlord frustrations with the legal system, as an explanation for illegal eviction.

Tenant experience of harassment and illegal eviction

Risk factors for illegal eviction

- In 2021, the National Audit Office suggested that the government lacked data on what made renters vulnerable, and how those renters should be supported. This research indicates that extreme vulnerability sits at the lowest end of the market. There are several risk factors associated with a tenancy ending with an illegal eviction.

Marginalised and substandard housing

- A landlord being willing to let substandard property is a reasonable marker for their likelihood to resort to illegal eviction. Tenants' accounts included accommodation

that was not necessarily suitable for residential occupancy, property that was in very poor condition with damp, disrepair and rodent infestation, and property that was egregiously overcrowded.

Uncertain tenant status

- Tenancies set up with limited regard for legalities including a willingness to set up a tenancy with no reference checks, with no paperwork given to the tenant. The landlord might require payment of rent in cash. These elements might initially benefit a tenant with limited access to the mainstream market, but in the longer term constituted a precarious basis on for claiming tenant rights. One further common ploy was for the landlord to claim that tenants were in fact lodgers and so exempt from PfEA provisions.

Lack of clarity on landlord's identity/property ownership

- A closely associated risk sits around tenant uncertainty on who exactly their landlord is. This meant that it was difficult to identify who might be responsible for property standards, repairs, poor management practices and harassment. Problems with clarity were in evidence when a letting agent was involved in property management, and some tenants were subject to rent-to-rent scams and paying rent for rooms that were being sublet by another tenant without the landlord's consent.

Economic vulnerability

- Tenants who had fluctuating income or who were reliant on Universal Credit (UC) were at a high risk of illegal eviction. Many tenants who were interviewed entered into a tenancy in work and with reasonable confidence about paying the rent. Illegal eviction often followed a change of circumstances that meant they fell behind with rent payment or had to make a UC application. Landlords were highly intolerant of rent arrears and often demonstrated unwillingness to produce paperwork in support of a UC claim.

Emotionally vulnerable

- A further risk factor was tenants having some degree of emotional vulnerability. Some tenants were seeking accommodation because they had already been evicted illegally and landlords were able to appear as friendly and supportive, initially. Tenants self-reporting their mental health problems indicated that the landlord sometimes tried to foster a sense of loyalty. Households containing children were particularly vulnerable to a landlord's manipulation, via threats to 'tell the social services', indicating that children would be taken away.

Immigration status and non-UK origin

- Tenants are often excluded from the mainstream market by 'Right-to-Rent' regulations which make some landlords unwilling to risk letting to a tenant whose appearance is non-White, or whose name might be regarded as 'un-English'. Landlords clearly targeted these groups, on the understanding that they might not understand English tenancy law and could be threatened with reports to the authorities that might lead to deportation.

The lived reality of lock-change eviction

- Tenant accounts of illegal eviction indicated that this could be a drawn-out process: months or even years of exploitative and abusive landlord behaviours culminating in a particularly threatening coercive eviction or a lock-change.

Precipitating factor

- Often, landlords resorted to illegal eviction when a tenant was deemed to have crossed some kind of line, so that the letting arrangement no longer suited the landlord's purposes. This might mean that the tenant was finding it difficult to pay the rent, had complained to the authorities about the property conditions or overcrowding, or because the tenant's accommodation was wanted for someone else.

Illegal notice to quit

- The landlord often served what would turn out to be an illegal notice to quit, or to otherwise hint to the tenant that they should leave. Tenants mentioned that other tenants in shared properties often moved out in response to these actions.

Seeking advice following an illegal eviction

- The tenant often contacted the local authority, to be told that their notice to quit was not legal, so the tenant was within their rights to continue living in the property.

Continued abusive behaviour culminating in threat

- Tenants were then subjected to an escalation of harassing behaviours, which might include physical threat. In some cases, the landlord tricked the tenant into leaving the property, by claiming – for example – that an infestation needed to be treated, or that there was a water leak.

Triple trauma within lock-change eviction

- Tenants who were subject to a lock-change eviction were often returning home from work, or an appointment, or some time away to find they were simply unable to get into their accommodation. This kind of eviction delivers a triple trauma.
    - A first response was to call the authorities. None of the tenants reported that the police prevented the eviction. In some cases, the police echoed the landlords' incorrect assertion that they were within their rights to change the locks. Tenants realising that the police would not help added substantially to the trauma of the event.
    - For tenants, there was then a confused realisation that they no longer had a home, or indeed any shelter. Many tenants had nowhere to go: they slept in their car, or on the street. The tenants who were interviewed included households with children, people with disabilities, and elderly people.
    - A third element to the trauma was the realisation that they had lost all their possessions. Landlords could prevent tenants from ever recovering their

belongings; grant access so that they could 'grab' what they could carry; or dumped possessions in the street where they were open to the elements and to casual theft from anyone passing by.

Seeking later support

- Tenants had a mixed experience in seeking support from the local authority. The response could be delayed, as tenants found it difficult to prove what had happened since their possessions – including any tenancy agreement – had been retained by the landlord.

Unwelcome protracted negotiation

- At the same time as trying to secure somewhere else to live, tenants were also in protracted negotiation with the landlord for return of their belongings, often without any resource for removing them to somewhere safe.
- Tenants could be ambivalent about attempts by the local authority to return them to the same tenancy, given their past experience of exploitation and harassment with that landlord.

Uncertain resolution

- 'Recovering' from an illegal eviction could take weeks: tenants were often in shock, which meant that it was difficult for them to deal with the authorities.

Impact of trauma

- The qualitative interviews indicated that illegal eviction had long-term mental and physical health consequences. The action was often highly traumatic, leading to feelings of shame and embarrassment. Tenants reported mental health difficulties including anxiety and depression and health difficulties including signals of stress such as heart problems and increased blood pressure. Respondents noted that their children's behaviour was also affected.

Outcomes

- All the tenants who were interviewed had been put in touch with Safer Renting and so did have some degree of support. Housing outcomes information is not available in each case, since in some instances the client simply stopped engaging with the charity: often, clients simply want to move on and try and forget what had happened.
- Around a fifth of tenants stayed within their tenancies after an eviction or attempted illegal eviction and were often still being subject to the same harassing behaviour despite the authorities being aware of the situation. Some tenants were able to stay with friends or family, but at least three were still homeless some weeks after the eviction. A fifth of tenants were able to access immediate emergency accommodation, reflecting cases of acute need including families with children or people with disabilities. It is notable, however, that at least one interviewee had been placed by the council in the accommodation he was then illegally evicted from.
- In almost all cases, the landlord or letting agent did not face any level of sanction for harassment or illegal eviction. One client secured an RRO of £7,000 but at the time of the interview it still had not been possible to enforce the order.

Statutory responses to illegal eviction

Enforcement contexts

- Local authority responses to illegal eviction are framed by their approach to enforcement more generally. Important contexts include the substantial resource restrictions facing local authorities: in 2021 it was reported that, across England, there were fewer than 860 FTE environmental health staff working in housing.
- Local authorities vary in terms of strategies with regard to enforcement: for some authorities, working 'with' local landlords might encourage greater use of softer enforcement measures.

Local authorities

- The report identified several reasons why local authorities do not prioritise investigation and prosecution of illegal eviction including: loss of expertise as a consequence of a substantial reduction in the number of tenancy relations officers; the fact that, at the time of writing, there was no statutory obligation to investigate illegal eviction.
- It was also the case that dealing with landlord criminality is not regarded as a priority for housing options teams, who were the officers who were most likely to encounter tenants with experience of illegal eviction. Housing options teams could express uncertainty of their knowledge of the PfEA 1977 and were primarily concerned with establishing whether they had a duty under the Homelessness Reduction Act 2017. Returning a tenant to the property from which they had been evicted meant that a homelessness relief duty was not triggered.

The police

- The police were often called to the scene in cases of illegal eviction, but very often showed poor awareness of housing law or an understanding that illegal eviction is a criminal offence. Officers might simply refuse to attend if the tenant called for assistance; attend and simply state that eviction was a 'civil' not police matter; or attend and actively support the landlord.
- The police offered little support for prosecution actions by local authorities, despite their potential to act as witnesses.

Blaming the victim, defending the landlord

- One final theme that was integral to statutory responses was a tenancy to blame the tenant: they were regarded as being possibly complicit in an illegal eviction, as a strategy to secure a social housing tenancy. Tenants could also be blamed for 'causing' the illegal eviction by not paying the rent or displaying problematic behaviours.
- Landlords' excuses for illegal eviction were often echoed and supported by statutory agencies. The police very often expressed the view to tenants that the landlord was within their rights to evict via a lock-change.

- Tenants could also be blamed as a consequence of their failure to support local authority prosecution: this failure was deemed reflective of their 'chaotic lives', rather than being understood as a consequence of possible ongoing homelessness or a temporary accommodation placement out of borough.

Criminal prosecutions under the Protection from Eviction Act

Data on prosecutions

- Data from the Ministry of Justice (MoJ) indicates that just over 400 cases were prosecuted under the PfEA in the data period 2011 to March 2023. Qualitative data from legal professionals underlined the rarity of prosecution cases, with some local authorities pursuing none for extended periods of time. There was marked regional variation, with London and Yorkshire and the Humber regions both having relatively high numbers of PfEA cases. No prosecutions at all took place in either North East or East Midlands region.

Protection from Eviction Act 1977, s1

- The offence is committed against a 'residential occupier', but some types of tenants are excluded from protection, including lodgers. This means that they are not entitled to be evicted by court order.
- The wording of the PfEA creates problems, since the legislation is so worded that it creates distinctions depending on the perpetrator and the nature of the offence in terms of intention: whether actions were 'likely' or 'intended' to cause the occupier to leave. It has to be shown that the tenant leaving the property was the intention behind the harassment.
- MoJ data indicates that most offences prosecuted under the act relate to illegal eviction rather than harassment, where the illegal eviction has actually taken place rather than attempts that have been unsuccessful and/or resulted in local authority intervention.

Prosecution experience of local authorities

- The willingness of local authorities to pursue cases appears linked to whether the local authority had tenancy relations officers (TROs) whose work focuses on illegal eviction. In some local authorities, TRO work was subsumed into private sector housing duties, which meant that PfEA prosecutions were given little priority.
- Within the case study region, one local authority had a specialist TRO team, which meant that they could deal with illegal evictions more proactively. This team also worked closely with the homelessness and housing options teams, routinely providing advice and taking referrals.

Investigation, prosecution and sentencing

- There can be some gap between a local authority receiving a complaint and the decision to prosecute, with many obstacles in place. These can include the landlord providing a credible explanation of events; the lack of a statements from the victim or other witnesses; and access to interpreters using accepted criminal procedure rules.
- An investigation officer who is confident in victims and other witness evidence will invite the landlord to a PACE interview.

- The lawyer for the local authority will decide whether the prosecution should continue. The decision generally meets the public interest test. However, there can be problems with the strength of evidence, which needs to be 'watertight'.
- Of all cases heard in full at the magistrates' court, 86 per cent resulted in a guilty verdict. However, most cases are deferred or discontinued. This can slow progress through the courts: years can pass between the offence and an actual hearing date, which makes it difficult to retain a tenant's interest.
- MoJ data indicate that a fine is the most common sentence for a person found guilty of a PfEA offence. There is substantial variation in the level of fines: in 2019, the mean fine was £413, and in 2021, £1,512. Legal expert and local authority interviewees were dissatisfied with the level of fines.

Rent Repayment Orders

- RRAs allow tenants to apply to the First Tier Tribunal (Property Chamber) when the landlord has committed a housing offence, including under the PfEA. If the tenant is in receipt of UC, the local authority can apply. In order to make an order, the Tribunal must be satisfied beyond reasonable doubt that the landlord has committed the offence. It is not necessary that a criminal trial has taken place. However, it is necessary to meet the requirement of criminal standard of proof.
- In 2024, 30 per cent of Tribunal published decision related to PfEA-related RROs. This low percentage reflects the nature of tenants generally subject to illegal eviction: they will generally be reliant on legal aid to bring a case. Where a tenant has been in receipt of UC, the rent payment is paid back to the local authority.
- It is notable that the Tribunal can decide not to make an order at all: one local authority TRO commented that, in their experience, the First Tier Tribunal did not regard punishing landlords for illegal eviction as in any way important.

Civil remedies for tenants subject to harassment and illegal eviction

- Civil lawyers who had experience of harassment and illegal eviction cases further underlined the marginalised nature of tenants subject to this type of crime: they were often people who were living in HMOs, using counterclaims to defend themselves rent arrears or landlords seeking possession. Many cases had elements of disrepair.

Legal aid

- Tenants' access to legal aid has been severely compromised by austerity cuts to legal aid provision, which means that – according to the Law Society – 43.6 per cent of the population of England and Wales does not have access to a legal aid provider in their local authority area. Legal aid applications for harassment and wrongful eviction have declined substantially.
- Applications for legal aid must pass tests in relation to financial eligibility and merits. Here, the merits test is deemed most problematic, since this includes a 'proportionality test', where the likely benefits to the individual would justify the likely costs of bringing the case. Potential damages are limited in cases of harassment, to the start of the claim; and where a tenant has been reinstated into a

property following an illegal eviction, damages may be limited. Both indicate that legal aid might be refused at the outset.
- Cases of illegal eviction are rarely straightforward and often regarded as a more problematic type of case. Legal aid providers might prioritise cases where a positive outcome is likely.

Courses of action
- An individual taking a civil matter to court must have a 'cause of action', or legal basis of complaint. The main legal text on harassment and illegal eviction lists nine possible cause of action, and it is possible to claim under contract and tort. Lawyers will use whichever cause of action best serves their circumstances.

Defences raised by landlords
- Defences included some of the excuses mentioned earlier in this summary. Common defences included:
    - The landlord claiming that they were moving into the property;
    - The tenant had abandoned the property
    - The tenant cut off their own utilities in order to secure a social housing tenancy.

Remedies
Two remedies are possible in civil actions.

Injunctions
- An injunction requires a party to a civil action to take a particular action, i.e. to allow a tenant back into their home. Interim injunctions are sought as an urgent remedy and can work well if there are no issues with delays.

Damages
- In broad terms, damages are split into three types: general, special and exemplary/aggravated damages. Tort cases may be awarded general damages that, for example, might offer a daily-rate compensation for time spent in temporary accommodation. Special damages cover the cost of quantifiable items such as items that are missing following an illegal eviction. Exemplary damages relate to a desire to punish the plaintiff, where – for example – they have judged that the profit from their illegality is likely to exceed the compensation payable to the claimant. Aggravated damages are awarded to compensate the claimant for injury to their feelings.
- The award of damages can be large in illegal eviction cases: a case was reported in February 2025 of damages of £88,786 awarded to an illegally evicted tenant, being made up of a combination of general, special, exemplary and aggravated damages.
- Claims made under the Housing Act 1988, s.27, are limited by s.28 to the difference between the value of the landlord's interest with the occupier still enjoying the right to occupy, and the value of the landlord's interest without such a right.
- Legal respondents were generally positive about the level of damages, which are regarded as adequate compensation for the loss of a home, compared with the fines awarded in the magistrates' court. However, there was some concern about the lack

of recompense for family members; the daily rate; and special damages where it can prove difficult to evidence that an item has been lost.
- There was also some comment about difficulties with enforcement of damages. This might prove difficult where there is some uncertainty as to the identity of the landlord and ownership of the property. In the latter case, it was known for directors to liquidate companies to avoid liability.

Conclusions and recommendations

Modes of criminality

- All types of criminal landlord are likely to make use of harassment and illegal eviction. Hard-core enforcement measures will lead to a reduction of illegal eviction by removing the slum landlords who use this tactic to control tenants.
- Some landlords who otherwise act within the law will sometimes make recourse to illegal eviction to resolve a problem they regard as intractable, or because of incompetence, inexperience or misinformation. These illegal evictions might be 'bureaucratic' infractions rather than a programme of harassment or a lock-change eviction. Better support should be available in these cases but individual monitoring should be in place to guard against repeated infraction.
- The shadow private rented sector exists because of structural failings in the housing market and benefit system. Regulatory conventions do not apply: tenants cannot be supported to make 'safe choices'. A lack of alternatives forces tenants to ensure predatory practices. Resolving structural failings is likely to reduce opportunities for criminal exploitation.

The failings of the PfEA as law

- The legislation offers inadequate protection from ongoing harassment, since it is necessary to evidence *mens rea*;
- 'Illegal eviction' is rarely a single, definitive act, and can take many forms;
- The legislation does not acknowledge one of the major elements of trauma relating to illegal eviction, which is the theft of or damage to belongings;
- Clauses within the Act create opportunities for landlords to sidestep the regulations.

Also

- Local authorities often lack the legal expertise to negotiate landlord-tenant law;
- Burdens of proof have to be presented to criminal level; landlords can create uncertainty around whether an illegal eviction has indeed taken place;
- Police actions frequently exacerbate the crime;
- The courts do not offer sentences that reflect the severity of the harms of the crime; and
- Tenants have no easy pathway to civil justice.

Recommendations

Within existing frameworks

- Explore the use of injunctions, to control landlord behaviour.
- Improve signposting to identify slum and scam landlords by developing good working practices between homelessness teams and private sector housing enforcement. Housing officers should be incentivised to identify slum landlords who are a causal factor in some tenants' chronic homelessness. Local authorities should be obliged to create a formal notice of all illegal notices to quit, so that this information can be used to bolster a case for a banning order.
- Improve the policing response though encouraging closer working between neighbourhood policing and PSH teams to identify slum landlords, including training police attending an illegal eviction to collect evidence to support a criminal conviction; through identifying, for police, the value of supporting highly marginalised tenants who have been subject to a lock-change eviction, as an 'up-stream' intervention preventing increased vulnerability and possible street homelessness; and encouraging an attitudinal shift to dismantle presumptions that trespass, theft and assault are excusable within a landlord-tenant relationship. Drawing analogies to domestic abuse might encourage officers to envisage an appropriate police response.
- Beter support should be available to tenants who want to seek remedies. Greater awareness of tenants' rights is not necessarily a solution: tenant awareness of their rights in some cases triggered an illegal eviction. Supporting tenants to seek civil remedies can result in meaningful recompense for tenant experience but also introduce the possibility of highly punitive damages.
- A more compassionate response to illegal eviction is called for. A trauma-informed response would acknowledge tenant experience and encourage the introduction of safeguards so that tenant victims would feel better protected in any PRS tenancy arranged by the local authority.

The promise of the Renters' Rights Act

Changing use of the PfEA from a power to a statutory duty to enforce

- The RRA contains provisions that oblige local authorities to be proactive in enforcing relevant homelessness legislation, which incudes the PfEA. Local authorities will have to review how they resource and operate tenancy relations functions. Tensions exist in some local authorities between homelessness teams working 'with' landlords and enforcement teams seeking to prosecute the worst-performing landlords who are sometimes called on to meet homelessness need. An effective TRO service can effectively bridge these two functions, contributing to homelessness prevention and alleviating the combined negative spiral of increasing temporary accommodation expenditure and reliance on poor-quality landlords.

Allowing local authority entry without warrant in cases of illegal eviction

- In cases of illegal eviction, local authorities will have the power to enter the property without a warrant, and with no obligation to inform the landlord. This means that a tenant can speedily regain access to their home. Where a residential occupier's property is locked within a home, the local authority would then also have the right to enter, enabling the tenant to recover their belongings.
- This requirement extends to a restricted number of tenancy types. Around 16 per cent of renters are excluded: 'residential licensees', renters in supported

accommodation and property guardians. These groups, who lack effective protections, are further marginalised by this exclusion.

Changes to the mechanism of Rent Repayment Orders

- RRA promises to make significant changes to Rent Repayment Orders. Barriers have been lifted to ensure that cases can be taken against superior landlords, and the amount of rent that can be claimed has been extended from twelve to twenty-four months. However, the regulation still requires any rent paid from the housing element of UC to be paid back to the local authority, depriving the tenant of rent that is rightfully theirs. Giving tenants in receipt of benefit a means of seeking redress – a measure available to every other renter – would substantially empower tenants in a sector of the market where they have limited bargaining capability.

Invalid notices to quit

- The RRA will require landlords to use a prescribed form of notice, which will make it easier for local authorities to determine the legality of a notice to quit, and offers a financial incentive – via CPNs – to prosecute non-compliance.

Creation of a new civil penalty offence

- The RRA creates a new civil penalty offence for harassment and illegal eviction, with an upper fine limit of £40,000. This route offers local authorities a more attractive alternative to resource-intensive prosecutions under the PfEA and promises a higher level of sanction than is available in the magistrates' court. However, there has been limited discussion about the ways in which tenants who have been subject to illegal eviction might benefit from increased use of CPNs.

A new PfEA?

- A thorough review of the PfEA is in order, with a view to introducing new legislation. The following suggest some key principles for a new approach:
    - Strip away the unhelpful ambiguity that sits within current legislation with regard to modes of occupancy. These have created opportunities for landlords to evade the law. In the case of lodgers, landlords should be required to prove evidence of occupation as their only address.
    - The law allows offenders to hide behind proxies. The legislation should clearly state that the offender could be the property owner, letting agent, landlord as noted on the tenancy agreement, or even head tenant.
    - *Mens rea* should not be a consideration: the legislation should omit considerations of landlord intent, which have created substantial obstacles to prosecution.
    - Establish a duty to provide an in-person response to an illegal eviction. Effective coordination of policing and homelessness teams should be able to offer immediate assistance and support prosecution. Police training should include the development of an app to support the collection of appropriate data at the scene of an illegal eviction.
    - A conviction for harassment or illegal eviction should immediately render a landlord being deemed 'not fit and proper' to operate as a landlord. This has

consequences for their ownership of HMOs, and should trigger local authority use of interim or final management orders.
    - Maintaining a record of invalid notices to quit would be facilitated by the introduction of the 'landlord database' under the RRB.

Supporting recommendations

- Upskilling local authorities. Skill deficiencies are in evidence in relation to illegal eviction prosecutions and enforcement action more generally. The government should consider its role in subsidising adult training in technical and legal skills to support housing enforcement.
- Clarity on responsibilities. Local authorities should be encouraged to review how enforcement and homelessness teams coordinate their activities in relation to the PRS. Good practice authorities ensure that all PRS properties used to discharge homelessness duties meet the required standards. Non-compliance that comes to the attention of homelessness teams is drawn to the attention of enforcement officers. Clarity on responsibilities also includes defining the team that will take a lead in prosecution and creating a role with responsibility for tenant support in prosecution cases.
- Legal support. Local authorities should have access to legal officers who are sufficiently confident to attend to landlord prosecutions. The government should consider creating specialist regional teams that local authorities can draw on.
- Effective sanctions. Good practice is being developed in the use and recovery of RROs and CPNs. An increase in the number of fines and their severity will provoke an increase in the number of appeals, in turn increasing pressure to provide robust evidence. In these circumstances, best practice should be subject to regular review.

1. Introduction

1.1 Introduction

Insecurity is often cited as a primary problem with private renting as a tenure. One aim of the Renters' Rights Act 2025 is to increase tenants' feelings of security by removing the s21 of the Housing Act 1988. This allows landlords to give tenants notice without having to specify a reason. However, the Act does little to tackle the most extreme form of precarity, which is landlords ending a tenancy with no regard for the required legal processes. Very little attention is given to harassment and illegal eviction. These are crimes defined by the Protection from Eviction Act 1977 (PfEA) and sit outside the principal frameworks for enforcement included in the various Housing Acts.

The PfEA 1977 creates, as a criminal offence, actions taken to deprive, unlawfully, a residential occupier of any premises his occupation of the premises, and acts calculated to interfere with the peace or comfort of the residential occupier such that the occupier gives up occupation of the premises.[1] However, prosecutions under the Act are rarely undertaken by local authorities, and tenants subject to illegal eviction and/or harassment are equally unlikely to pursue a civil remedy.

This report explores the many reasons why harassment and illegal eviction are largely overlooked crimes. These are crimes that are most often experienced by tenants are the very margins of the market, in what might be termed the 'shadow' private rented sector (PRS). Both harassment and illegal eviction can be experienced as a very wide spread of behaviours. Definitional problems create obstacles to counting the incidence of harassment and illegal eviction, which are compounded by statutory responses characterised by avoidance of responsibility and victim-blaming. The report discusses the problems associated with definitions both in law and in the very messy reality of tenant-landlord relations. Prosecution requires the production of evidence to criminal standard and this is not always straightforward. The PfEA itself offers multiple obstacles to prosecution and in doing so offers little protection from illegal eviction and curtails powers to prosecute landlord and letting agent perpetrators.

This introductory chapter gives essential background information, outlines primary questions guiding the research and describes the research methodology.

1.2 Ending a tenancy legally

The legalities relating to a landlord obtaining vacant possession are contained in different pieces of legislation depending on the tenancy or licence type but broadly speaking the full procedure is the same, in that a formal notice must be served on the renter. Generally, at a minimum, the notice must be in writing and give four weeks' notice (PfEA 1977, s.5). After this expires, the landlord must apply to court for a possession order (PfEA 1977, s.3). If this application is successful but the tenant does not vacate it is incumbent on the landlord to

[1] The standard textbook on the Act is A. Arden, R. Chan and S. Madge-Wylde (2012, 7th edn) *Quiet Enjoyment. Arden and Partington's guide to Remedies for Harassment and Illegal Eviction*, Legal Action Group/Arden Chambers.

obtain a warrant of eviction, commonly referred to as a 'Bailiff's warrant'. Renters known as 'Excluded occupiers' defined in s3A PfEA 1977 are 'excluded' from this process and no court proceedings are required to end their right to occupy. This summary deals specifically with landlord responsibilities in relation to ending an assured shorthold tenancy (AST).

According to the English Housing Survey in 2023-24, just over 80 per cent of private renters who were living at their current address for less than three years were on assured shorthold tenancies, and just under three per cent were living with resident landlords.[2]

Assured Shorthold Tenancy

ASTs often begin with a fixed term of perhaps six or twelve months. If both parties are happy for the arrangement to continue, a new fixed term is agreed or the tenancy becomes a rolling periodic tenancy. This kind of tenancy continues on a weekly or monthly basis until the tenant or landlord decides to bring the arrangement to a close. A landlord can give the tenant notice at any point during the periodic tenancy.

During the fixed term a landlord may serve a notice pursuant to s8 Housing Act 1988 citing any of the grounds available to them in schedule 2 Housing Act 1988 but whilst it is also possible to serve a s21notice during the fixed term it cannot be served during the first 4 months of the initial tenancy and if it expires before the fixed term it is the fixed term that holds precedent and possession cannot be applied for until the fixed term has ended.

Section 21

At the time of writing, the most common kind of notice to quit was a Section 21, which does not require the landlord to give a reason for ending the tenancy. Landlords can only use a Section 21 notice if certain requirements have been fulfilled (see Box 1.1).

The landlord must give at least two months' notice, and the notice must include the date at which the tenant must leave. If a tenant does not leave the property within the notice period specified, the landlord can apply to the court for a possession order at any time in the four months after the end of the notice period.

If the s21 is valid the landlord can use the 'Accelerated possession' process, costing £404. Accelerated possession does not require either party to attend court. If there are no challenges to the process the possession is done by post but if the tenant challenges the process, perhaps because the s21 is invalid, then there will have to be a court hearing.

Section 8

It is also possible to give a tenant a section 8 notice to quit. This kind of notice is given where a tenant breaches the terms of a tenancy agreement, commonly because of rent arrears or anti-social behaviour or in certain circumstances where the landlord has another reason for seeking possession, such as wanting to live in the property themselves or because prior to occupation the property was used to house ministers of religion and it is needed again for that purpose.

The section 8 wording is set out on 'form 3' or is drafted in such a way that it contains the same information as this form. Form 3 includes all the information on a form 6a and

[2] 2023-24 English Housing Survey: Rented Sectors Report, Annex Table 2.10: Length of initial tenancy agreement, by tenancy type, two-years analysis, 2022-24, https://www.gov.uk/government/statistics/english-housing-survey-2023-to-2024-rented-sectors, accessed 23 Sep 25.

must also specify the grounds for possession. The level of notice it is required to give depends on the terms that have been broken. There are seventeen broad grounds for possession: some are mandatory and others are applied at the discretion of the county court. A possession claim must be started within twelve months of the date of service of the Section 8 notice.

If a tenant remains in a property after the notice to quit has elapsed, the landlord must apply for possession, usually to the county court but on rare occasion directly to the High Court. Upon receiving the application, the tenant will be notified by the court and given the opportunity to mount a defence to proceedings and even lodge a counterclaim, for harassment, illegal eviction disrepair or failing to protect the deposit.

Box 1.1 Use of section 21

A s21 notice will be invalid in the following circumstances

- There is no current Gas Safe Certificate at time of service.
- No Energy Performance Certificate has been given
- It is served during the first 4 months of the initial tenancy
- Six months has elapsed since the notice was served.
- The property is not properly licensed or no Temporary Exemption Notice has been issued by the local authority.
- The deposit is not protected or the prescribed information of the deposit scheme has not been given (Although a landlord can serve a s21 if they have breached deposit protection but gives the deposit back to the tenant before serving s21)
- The landlord has breached the regulations on retaliatory eviction in the Deregulation Act 2015
- The landlord has breached the Tenant Fees Act 2019 by taking a prohibited payment (although s21 can be served if the prohibited fee has been returned to the tenant)
- Notice served does not use a specific form – form 6a – or a document including the information that is required on a form 6a.
- The period of the notice is less than 2 months
- The tenancy is not an assured shorthold tenancy

The government's 'How to Rent' guide should also be given at the start but can be given later on and if there has been a new version published since the previous one already given, the up-to-date copy must also be given.

The process of eviction

The court can decide to grant an outright possession order where the grounds used in the application are mandatory grounds (Grounds 1 - 8). In such instances possession does not take effect before fourteen days, although the court does have the power to extend this period if it causes undue hardship.

Where the grounds cited are discretionary grounds (Ground 9 - 17) the court must go on to consider whether, given the nature or seriousness of the breach, it is reasonable to grant outright possession. In such instances they have the power to issue a Suspended

Possession Order, for instance where rent arrears are reasonably low and the tenant has financial resources to afford the rent plus a set amount to reduce the arrears gradually.

Warrant of Eviction

If the tenant does not move out when the possession order becomes effective, the landlord must apply for a warrant to the bailiff's office of the court. Where rent arrears are particularly high it is quite common for a landlord, having obtained a possession order in the county court, to seek a warrant from the High Court because execution of the warrant is usually quicker but they must first seek the permission of the county court to transfer the warrant to the High Court for execution by High Court Enforcement Officer. Such permission can be refused. Depending on the area, obtaining county court warrants can add several weeks for even months to the timescale and the costs of application can be passed on to the tenant.

Challenging possession

Where a possession order has already been granted but it comes to the attention of the tenant, perhaps through legal advice, that possession was granted in absentia and without their knowledge or granted in error or through duplicity on the part of the landlord, tenants can apply to court to have the possession order set aside. However, they must act promptly once they found out, they must have a good reason for not attending the hearing and, had they have attended, their defence would have raised acceptable legal issues rather than simply denying the case. Such applications can also be made even if the warrant is extant and immanent, although it is prudent to seek to have the warrant suspended at the same time.

Vacant possession

Warrants, whether county court or high court, must be carried out in the presence of an officer of the court, whose role is merely to ensure that the court's order is carried out. The landlord must make arrangements to change the locks. Once the warrant has been executed the tenant has no further rights in occupation. It is legally possible to have warrants set aside allowing for re-entry but this is quite unusual and is really the preserve of specialist lawyers.

1.3 Research on harassment and illegal eviction

The PRS is highly diverse, containing multiple niche markets where the experience of renting can differ substantially. In 2021-22, the English Housing Survey (EHS) found that 5.7 per cent of the highest income quintile renters were in some measure dissatisfied with their accommodation; for the lowest income quartile, the percentage was 17.6 per cent.[3] For renters at the margins of the PRS, the problems that are routinely associated with the tenure are amplified. For example, the innate insecurity of the PRS has been associated with

[3] 2021-22 English Housing Survey: satisfaction and complaints, Annex Table 1.3: Satisfaction with current accommodation, by income quintiles and tenure, 2021-22, https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-satisfaction-and-complaints, accessed 22 Jul 2025.

landlord use of s21 of the Housing Act 1988 which allows landlords to give notice without specifying a reason. This can create uncertainty about when a tenant might be asked to leave but still does grant a minimum two months' notice. For many tenants at the lowest end of the market, a more acute precarity is expressed through the incidence of sudden and sometimes violent illegal eviction, where landlords have no intention to operate within the law.

Illegal eviction has tended to lack detailed consideration.[4] Indeed, it might be argued that this crime hides in plain sight. For example, in reporting on the lived experience of private renting in Salford, a team from the University of Salford gave the case study of 'Peter', who was subject to a lock-change eviction and endured street homelessness for months afterwards. However, the report gave greater attention to threat of retaliatory eviction.[5] Similarly, Harris and McKee's report on health and wellbeing in the PRS focused on the sometimes-misplaced fears of tenants who had never been evicted, excluding any reference to tenants who did have those experiences.[6]

The last major English report on this issue, *Harassment and Unlawful Eviction of Private Rented Sector Tenants and Park Home Residents*, was published in 2000 when the PRS accommodated around ten per cent of English households.[7] This report recognised an association between illegal eviction and marginalised renters. Each of the three groups mentioned by the report have grown substantially since 2000, which suggests that illegal eviction has become a more pressing concern. First, renters with personal vulnerabilities – mental health difficulties, addiction, or growing up in care– are now even less likely to find accommodation in the social sector. Since 2011, local authorities have been able to discharge their homelessness duty via a 12-month privately rented tenancy. The 2020-22 EHS found that 4.7 per cent of private renters had experienced homelessness in the past few years, and in nearly three quarters of these cases had contacted the council for assistance.[8]

Second, there has also been growth in the number of economic migrants and asylum seekers. Renters with uncertain migrant status can sit outside of standard statutory responsibility, with No Recourse to Public Funds.[9] Poor knowledge of housing rights creates

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[4] There was some reporting on illegal evictions as a response to the moratorium on bailiff actions during the Covid lockdowns. See e.g. S. Ali (2021) 'How to ensure better protection for tenants around the country', *Local Government Lawyer,* July 23. Recent reports that consider tenant experiences of private renting often mention the threat of illegal eviction, but not its incidence, e.g. R. Rich & A. Smith (2025) *Living in the private rented Sector In 2025: The Voice of the Tenant Survey, wave five*, Tenancy Deposit Scheme.

[5] L. Scullion, A. Gibbons, P. Martin *et al.* (2018) *Precarious lives: exploring lived experiences of the private rented sector in Salford*, SHUSU.

[6] J. Harris & K. McKee (2021) *Health and wellbeing in the UK private rented sector: enhancing capabilities*, UK Collaborative Centre for Housing Evidence.

[7] The report is not available online, but findings were included in D. Cowan & A. Marsh (2001) 'There's regulatory crime, and their landlord crime: from "Rachmanites" to "partners", *The Modern Law Review,* 64:6, 831-854. A useful review has been produced on illegal eviction in Scotland: A. Deery (2023) *Illegal eviction: experiences of CAB clients in Scotland*, Citizens Advice Scotland.

[8] 2021-22 English Housing Survey: Private Rented Sector report, Annex Table 3.10: Experience of homelessness in the past few years, by tenure, two-year analysis, 2020-22 & Annex Table 3.11: Whether contacted the council with help being homeless, by tenure, two-years analysis, 2020-22, https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-private-rented-sector, accessed 23 Sep 2025.

[9] C.J. McKinney, S. Kennedy, M. Gower & G. Sturge (2025) *No recourse to public funds*, House of Commons Library, CBP-9790.

opportunities for exploitation and coercive control. Third, illegal eviction is also strongly related to economic marginality. The Local Housing Allowance, introduced in 2008, operates at some distance below market rents. This pushes tenants on low and fluctuating wages into the cheapest possible shared options, enduring poor property conditions and overcrowding. As chapter 4 indicates, families with children were very often renting single rooms in HMOs. Lack of choice also meant that households were more likely to assent to letting arrangements paid in cash and skirting the law in respect to the legality of the property as a dwelling and with lack of certainty about their status as a tenant. Landlords willing to let in these circumstances, operating in the shadow private rented sector, are also most likely to resort to illegal eviction.[10]

The 2022 White Paper recognised the existence of this part of the market, comprising criminal private landlords, who 'often target more vulnerable tenants, who may be less aware of their rights or unable to act on them'. Behaviours included 'scam lettings, frequent use of illegal eviction, harassment, theft, threats of violence and extreme overcrowding'.[11] However, the report showed limited understanding of the entrenched nature of local authority and police unwillingness to implement the PfEA, and tenant experiences of serial harassment and illegal eviction as a largely inevitable outcome of living at the lower end of the PRS. The paper did identify problems with the Act, listing poor performance in terms of the number of successful prosecutions and variation in enforcement activity. To remedy these problems, it was proposed that local authorities be encouraged to use civil penalties in response to harassment and illegal eviction, work with the police on the issue, and impose penalties that 'reflect the serious impact that illegal eviction has on tenants'.[12] The Renters' Rights Act 2025 will extend local authorities' rights to issue civil penalties against landlords evicting their tenants illegally. The Private Rented Sector database also promises to augment local authority enforcement activity, 'meaning council staff will be able to focus on enforcement against criminal landlords'.[13] No specific change was made to the PfEA, but the Act promises to introduce a new duty on local authorities 'to enforce the landlord legislation in its area'.[14] This would mean that local authorities would be obliged to investigate any incident of suspected harassment or eviction, and to take action where appropriate.

1.4 Introduction to the legal framework for illegal eviction and harassment

Very simply, legal matters can be split between criminal and civil actions and this is true for illegal eviction and harassment of residential tenants. Criminal action is generally taken by the state through prosecution authorities - generally the police and the Crown Prosecution Service. But local authorities also have the power to prosecute certain crimes. Although multiple crimes may be committed when an illegal eviction or harassment takes place – for

[10] R. Spencer, B. Reeve-Lews, J. Rugg & E. Barata (2020) *Journeys in the shadow private rented sector*, Cambridge House.
[11] Department for Levelling Up, Housing and Communities (2022) *A fairer private rented sector*, DLHC, 19.
[12] *Ibid.*, 32.
[13] https://www.gov.uk/government/publications/guide-to-the-renters-rights-bill/guide-to-the-renters-rights-bill#private-rented-sector-database, accessed 21 Jul 2025.
[14] Renters' Rights Act, s.107(1).

example, assault – the main offences are prosecuted by local authorities under the PfEA 1977.

An increased commitment to application of the PfEA presumes that the Act constitutes an adequate protection. This report considers the behaviours associated with harassment and illegal eviction, and the ways in which the PfEA constructs those actions as offences that can be prosecuted. The 2000 *Harassment and Unlawful Eviction* report concluded that the general view of respondents was that 'the process of implementing the law – engaging in litigation – was more in need of change than the provisions of the law itself'.[15] This report questions whether, 25 years later, some elements of the regulation have created obstacles to enforcement, and if mismatches exist between the experience of this crime, and the courts handling of cases.

PfEA 1977, s.1 creates several offences against 'residential occupiers'. The PfEA generates substantial legal complexity around every element of its implementation. For example, one TRO noted the problems relating to defining a tenant and defining what might be regarded as a notice to quit, and where legal expertise is essential:

> *We provide a diagnosis of the occupancy status, and also of the legal position in relation to being told to leave. Because these things are not always clear-cut. So if you've given somebody, a tenant, an undertaking to leave is that a notice to quit? Does that have the effect of ending the tenancy? That requires a lot of detailed knowledge. Service occupiers, lodgers, the whole kind of raft of quite difficult occupancy statuses or scenarios where occupancy status is hard to diagnose* [TRO-MNM01].

There are three separate offences. The first is the simplest (s.1(2)) and occurs when anybody – whether a landlord or agent or not – 'unlawfully deprives the residential occupier [...] of his occupation of the premises or part of it.' The second and third offences deal with harassment and differ depending on whether the harassment was undertaken by anybody (whether a landlord or agent or not) or just by a landlord or agent. These provisions are complex and confusing and are dealt in more detail in chapter 6. A prosecution by a local authority under the PfEA 1977 ends up with a criminal trial in the magistrates' court or the crown court, if the defendant elects for jury trial. An offender found guilty in magistrates' court can be sentenced with a fine of up to £5,000 or to term of imprisonment not exceeding six months or both. In the Crown court the fine is unlimited and the term of imprisonment is up to two years.

However, there is a further action that individuals can take through the First Tier Tribunal (Property Chamber) against their landlord: the Rent Repayment Order (RRO). The action is based on the crimes created by the PfEA 1977. If the Tribunal is satisfied beyond reasonable doubt that the landlord has committed the offence, it can order the landlord to repay an amount of rent. The detailed law and practice of local authorities under the PfEA 1977 and the associated RRO are also explored in chapter 6.

In addition, local authorities may use other powers against landlords which are not directly aimed at illegal eviction or harassment. One example is the use of the Anti-social Behaviour, Crime and Policing Act 2014 (see Box 8.1). Some authorities have used a 'Community Protection Warning' ('CPW') under s.43(5) of the 2014 Act to warn landlords about their behaviour or anti-social behaviour orders under s.1 of the 2014 Act. One landlord

[15] Marsh *et al.*, *Harassment and unlawful eviction*, 95.

unsuccessfully challenged such a CPW in a judicial review in 2021.[16] The range of powers are broad and are not covered in detail in this report.

A civil action is taken by the individual who is aggrieved by the action of another person or organisation. In cases of illegal eviction or harassment, action is usually against the tenant's landlord or agent. Any civil action is taken in the civil courts; generally, in the case of illegal eviction and harassment, in the county court. For an individual to take a civil matter to court they must have a legal basis of complaint – 'a cause of action'. Generally, this is either a contractual claim based on a tenancy or other agreement between the landlord and the occupier or a tort (i.e. a civil wrong between individuals or corporations). The main legal text on illegal eviction and harassment lists nine possible causes of action for illegal eviction with some further causes for harassment.[17] If a cause of action is proven, the individual may seek two remedies: an injunction and damages. Chapter 7 provides more detail on the main causes of action and the remedies and the experience of lawyers using the civil law to achieve redress for occupiers.

1.5 Landlord perpetrators

This study of the operation of the PfEA has taken place in the context of a wide research programme on landlord-perpetrated criminality in the PRS.[18] This research has identified three modes of criminality:

- landlords and letting agents whose criminality is intentional. The research recognises slum landlord, scam landlords, criminal letting agents and landlord/agent links to organised crime;
- landlords whose legal infraction is reflective of a particular set of circumstances, and who may or may not reoffend depending on the outcome of the infraction; and
- the criminogenic nature of the rental market more broadly, in providing multiple affordances and insufficient deterrent for breaking the law and where poor practice tends to be concentrated in a 'shadow' PRS.[19]

Harassment and illegal eviction are a common in all modes of criminality. The threat of eviction underpins landlords' ability to engage in abusive exploitation of tenants. It is notable that some landlords who would not necessarily regard themselves as 'law breakers' may create justifications for illegal eviction where the situation dictates this to be in their best interests (see chapter 3).

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[16] *Scott Halborg v Hinkley & Bosworth Borough Council*, https://cornerstonebarristers.com/wp-content/uploads/old/final-judgement-r-halborg-v-hinckley-and-bosworth-bc-judgment-10-11-21.pdf, accessed 2 Sep 2025.

[17] Arden *et al*, *Quiet Enjoyment*, para. 1.5.

[18] K. Colliver & C. Hunter (2025) *Enforcement against slum landlords in England*, University of York; X. L'Hoiry, G. Page, L. Parton, J. Rugg & G. Antonopoulos (2025) *Criminal landlords and the shadow private rented sector in England,* University of York; L. O'Malley, L. Parton & J. Rugg (2025) *Landlord-perpetrated tenant abuse in the English private rented sector*, University of York.

[19] L'Hoiry *et al.*, *Criminal landlords.*

1.6 Research questions

This report considers the effectiveness of the PfEA as a measure to protect renters at greatest risk of harm and combines legal analysis with more qualitative accounts of the Act in operation. The research captured the perspectives of a wide range of stakeholders and aimed to answer the following questions.

- Is it possible to quantify the incidence of harassment and illegal eviction?
- What behaviours are generally classified as 'harassment', and what kinds of actions can be considered 'illegal eviction'?
- Do tenant experiences of harassment and illegal eviction indicate that satisfactory safeguards are in place?
- How do various stakeholder agencies view their responsibilities in relation to harassment and illegal eviction?
- Is it straightforward to pursue criminal and civil actions under the PfEA 1977 and other statutes?

1.7 Research method

This study of illegal eviction took place within a broader ESRC-funded research programme exploring different dimensions of landlord-perpetrated crime in the PRS. Other grey reports look in detail at local authority enforcement action under the Housing Acts; the use of banning orders; criminal landlords, criminal landlord behaviours and the shadow private rented sector; and supporting victims of tenant abuse (see footnote 18). The study used Yorkshire & the Humber as its primary case study location. The region includes 15 local authorities. The research also explored some research themes with local authorities and stakeholders outside this region.

This report on illegal eviction is a collaborative production between the ESRC team and Safer Renting, a charity that supplies tenancy relations services to twelve local authorities across London. Safer Renting deals with over 350 cases of harassment and eviction cases every year. Working with Safer Renting has facilitated access to individual cases and qualitative accounts and augmented legal expertise in the research team.

The research has employed several research methods, detailed in Appendix 1. In summary, the main data were:

- Qualitative detail from Safer Renting case work. This included analysis of case notes for 33 cases which were referred to Safer Renting between December 2023 and April 2025. In addition, depth interviews were completed with fifteen Safer Renting clients, focusing on the circumstances in which the clients were referred for advice. In this report, these data will be referred to as 'Safer Renting casework' or 'Safer Renting interviews'. Demographic information on respondents is given in Appendix 2, and a selection of short narrative accounts is in Appendix 3.
- Qualitative interviews with local authority officers operating in local authorities in the Yorkshire and the Humber region, including 29 housing enforcement officers in fifteen local authorities and twelve housing options staff working in seven local authorities.

Case records of five cases tracked over 18 months (MNM-A-E) and interviews with officers in a local authority (MNM) that is active in investigating and prosecuting cases through a tenancy relations team.

- Four interviews with criminal lawyers and staff involved in prosecuting cases in other local authorities, and fourteen interviews with civil lawyers and advice organisations. A focus group also took place with four Safer Renting staff.

1.8 Structure of the report

The report is structured in seven chapters and begins with outlining the problems attached to quantifying the incidence of harassment and illegal eviction. The following chapters indicates that harassment and illegal eviction are actions that include many different types of behaviour. Chapter four discusses tenant experience of harassment and the most immediately acute experience of eviction: a landlord unexpectedly changing the locks or using other methods to prevent a tenant from accessing their home. Statutory responses to illegal eviction are the focus of chapter 5. The report then considers local authority's pathways to criminal prosecutions under the PfEA (chapter 6), and civil remedies (chapter 7). The report concludes with discussion of the fitness of the PfEA in terms of its ability to protect tenants from this type of crime. This chapter considers the degree to which the Renters' Rights Act – which as passed as this report was completed – offers any remedies to improve tenant experiences. The report concludes that the legislation requires wholesale review, with a view to introducing new legislation that will offer an enhanced level of protection to tenants and a clearer pathway to prosecution.

1.9 Conclusion

The Protection from Eviction Act 1977 is the principal legislation that is used to protect tenants and prosecute landlords who harass tenants and subject them to eviction that does not conform with the processes laid down in law. This report offers the first detailed and wide-ranging review of the operation of the Act since 2000 and draws on qualitative and quantitative sources drawn from the legal profession, local authorities, third sector agencies and – importantly – individuals with lived experience of illegal eviction. The report demonstrates a radical mismatch between the resources committed to monitoring the incidence of this crime and the prosecution of perpetrators, and the level of trauma visited on individuals who experience – in cases of lock-change eviction – immediate loss of their home and possessions. The Renters' Rights Act looks set to introduce increased obligations on local authorities to implement housing regulation. However, as this report demonstrates, the PfEA itself offers obstacles to successful prosecution.

2. Quantifying the incidence of harassment and illegal eviction

2.1 Introduction

In 2021, the National Audit Office commented that the government lacked high-quality data to on key issues such as harassment, illegal eviction and chronic disrepair.[20] There are substantial difficulties facing any attempt to quantify the incidence of harassment and illegal eviction. The last major review of illegal eviction, published in 2000, made no attempt to establish the scale of the problem.[21] Government data offering reasons for tenancy termination are routinely collected but the questions asked do not make it possible to identify where an illegal eviction has taken place. Similarly, questions establishing satisfaction/dissatisfaction rates with landlords cannot be taken as a proxy for the experience of harassment. Data on legal terminations is similarly problematic, since it does not readily distinguish private sector tenancies. One ostensibly reliable count – local authority homeless duties triggered by the threat of, or actual illegal eviction – is collated through the H-CLIC system. However, qualitative interviews with housing options officers indicates substantial deficiencies in H-CLIC as a measure of either problem. Notwithstanding the inability to quantify the problem, qualitative data derived from stakeholders and tenants indicates that illegal eviction, at the lowest end of the market, is an endemic and almost expected feature of tenants' rental experience.

2.2 Quantifying harassment

Quantifying harassment is innately problematic given the range of behaviours (see chapter 4). The degree to which landlord might regard their actions as harassing, or a tenant be discomforted can be subjective. Housing options officers at two local authorities illustrated the point:

> *I suppose it is landlord harassment or is it how the tenant perceives it sometimes? Sometimes it's around, you know, "I feel my landlord's harassing me because they're putting pressure on me to give them a date to leave the property". "Are they allowed to come, you know, they want to come round and take photos because they want to put a property up for sale". Others, it's like landlords turning up chasing rent, like that kind of thing that we know landlords shouldn't be doing. So it's the unannounced visits.* (ABA01&ABA02).

> *Often, landlords don't realise if they… Well, from my experience of dealing with the landlord, the ones that we had, they don't feel they're harassing; they feel it's their right. They could go it's their property, that tenant's not complying, not paying the rent. So for them to knock on the door to demand that rent, they're not seeing it as harassment*. (HOP-HIH-1&HIH02).

[20] National Audit Office (2021) *Regulation of private renting: Department of Levelling Up, Housing & Communities*, HC863, 8.
[21] Marsh, *et al., Harassment and unlawful eviction*.

The English Housing Survey offers no data on tenants' experience of harassing behaviours. In 2016, Shelter posted findings from a survey of 3,261 renters, complete by YouGov (Table 2.1). The survey asked for experience of harassment, and – more specifically – trespass and interference with utilities. Even conservative extrapolation of these data indicates that harassment is experienced by tens of thousands of renters.

Table 2.1: Shelter/YouGov survey of 3,261 private renters in England, aged 18+ (2016)

Behaviour	Percentage
A landlord/agent has entered my home without me being given any notice/chance to give permission	7.5
I have been abused/threatened/harassed by a landlord or letting agent	2.5
A landlord/agent has cut off a utility without my consent for no good reason	0.8
A landlord/agent has thrown my belongings out of the home and changed the locks	0.6

Source: Shelter (2016) 'Over a million renters victim to law-breaking landlords', 26 Sep., https://england.shelter.org.uk/media/press_release/over_a_million_renters_victim_to_law-breaking_landlords, accessed 2 Sep 2025.

2.3 Quantifying illegal eviction

Quantifying illegal eviction is also problematic. Even at a basic level, quantitative data are not collected on the number of PRS tenancies coming to an end every year; no reliable centralised data are collected on those coming to an end without due process.

Ending a private tenancy

The PRS is a tenure that is notable for the level of flexibility offered to both tenants and landlords, offering a valuable degree of accessibility compared with other tenure. Landlords sometimes enter the market without the intention of acting as a landlord for an extended period. 'Accidental' or 'incidental' landlords end tenancies once a decision has been made either to move into the property or to sell. It is also the case that some tenants seek rental arrangements that are intended to be shorter term, for example, reflecting work relocation or during a less settled early career phase. There are no data on the number of tenancies that come to an end every year. The EHS asks household references persons, who were resident for less than a year, their previous tenure. These data indicate that around two thirds of all moves – involving an estimated 1,285,000 households – were out of a PRS tenancy, with the vast majority of these comprising a movement from one privately rented arrangement to another.[22]

[22] English Housing Survey 2022-23 Headline Report, Annex Table 3.7: Previous tenure by current tenure, 2022-23, https://www.gov.uk/government/statistics/annex-tables-for-english-housing-survey-headline-report-2022-to-2023, accessed 24 Sep 2025.

Data on the circumstances in which private tenancies come to an end is also not routinely collected. The English Housing Survey collects some material on private renters' experiences, but not every year and not always using the same question format. The EHS Private Rented Sector 2022-23 asked private and social tenants, whose tenancy had ended in the previous twelve months, the main reason. Just under two thirds of private renters – 63.1 per cent – had wanted to move. A small number – 1.6 per cent – had moved due to rent increases by the landlord, and a further 1.1 per cent moved due to a poor relationship with their landlord. At total of 9.1 per cent had been asked to leave by a landlord/agent, although the question did not indicate whether they had been served a formal notice or had been subject to an illegal action.[23] The survey also asked *all* EHS respondents who had moved in the last three years their reason for moving. This approach included people who may had moved from private renting to another tenure. Just one per cent of current owners had been asked to leave by their landlord, but this increased to 8.8 per cent of current renters and 10.3 per cent of current social renters.[24]

These data point towards PRS tenancy termination being a decision most often driven by tenants, with fewer than 10 per cent of tenancies ending at the instigation of the landlord. However, the EHS does not attempt to ascertain exactly how landlords brought those tenancies to an end.

The number of legal evictions

The Ministry of Justice supplies data on the number of rental tenancies that are ended by legal evictions, but these do not readily distinguish between private and social sector tenancies. A reasonable estimate might be around 60 per cent privately rented.[25] The number of landlord possession claims in the county court in England and Wales has been increasing since the artificial lockdown dip, from 78,688 claims in 2022 to 98,766 claims in 2024. The proportion of claims proceeding to a bailiff eviction is also increasing, from 24.9 per cent to 28.3 per cent over the same period. These data indicate that an estimated 60,000 PRS tenancies ended with landlord possession actions in 2024, leading to an estimated 16,800 tenant repossessions by county court bailiffs.

Ending a private tenancy illegally: H-CLIC data

As will be seen in chapter 3, there are many ways in which it is possible to bring a PRS tenancy to a close without due process. This report is considering illegal actions that bring serious detriment to the tenant, and here it is reasonable to presume that homelessness is a

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[23] English Housing Survey 2022-2023: Rented Sectors Report, Annex Table 3.12: Reason last tenancy ended in the previous 12 months, 2022-23, https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-rented-sectors, accessed 24 Sep 2025.

[24] English Housing Survey 2022-2023: Rented Sectors Report, Annex Table 3.10: Reasons for moving, by tenure, 2022-23, , https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-rented-sectors, accessed 24 Sep 2025.

[25] Mortgage and Landlord Possession Statistics, April to June 2024, *https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-april-to-june-2024/mortgage-and-landlord-possession-statistics-april-to-june-2024*, accessed 24 Sep. 2025. Table 7 distinguishes accelerated claims, social and private landlord claims. Around a third of claims issued by the courts relate to PRS tenancies, but a further third are accelerated claims. The vast majority of these relate to Assured Shorthold Tenancies and are more likely to be PRS than social tenancies.

catastrophic outcome. Data are available on the number of tenants seeking homelessness assistance because of threatened or actual illegal eviction.

Since 1996, each local authority has been obliged to submit a quarterly summary of homelessness activity, to record the incidence of homelessness and local authorities' response to acute housing need. These data – the 'P1E' returns – provided essential longitudinal data on homelessness trends. The P1E system was revised with the introduction of the Homelessness Reduction Act in 2018. This process introduced the Homeless Case Level Information Collection (H-CLIC). The new system aimed to collect more granular data on why households become homeless. The system asks local authorities to log the reason why a homelessness prevention duty or a homelessness relief duty has been triggered. The local authority officer will therefore need to be satisfied that an illegal eviction is being threatened or has actually taken place. To log a case under this heading, local authorities must agree that '*The applicant was evicted by their landlord or agent without due legal process when they had the right to continue to occupy*.[26]

In theory, the H-CLIC system should be able to offer reasonably robust time-series data on the incidence of illegal eviction as a cause of local authorities exercising their duty to prevent or relieve homelessness (Table 2.2). In actuality, the figures are difficult to interpret and contain a lot of imputed data to compensate for missing information.[27]

Table 2.2 Cases where illegal eviction is given as the reason why a household is owed either a relief or a prevention duty, Q1 2021 to Q1 2025

Time period	Prevention duty cases triggered by illegal eviction	Relief duty cases triggered by illegal eviction
Q1 2021	70	200
Q1 2022	80	210
Q1 2023	100	210
Q1 2024	70	280
Q1 2025	60	220

Source: Statutory homelessness: detailed local authority-level tables, in the stated quarters, Tables A2P & A2R.

A more detailed exploration of local authorities' individual responses in Q1 2025 (Table 2.3) indicates that local authorities may not be entering data at all. The data suggest the unlikely scenario that, in 84 per cent of local authorities, no households approached the local authority with a threat of illegal eviction in that Quarter. Similarly, in 64 per cent of authorities no households approached the local authority with homelessness relief need caused by illegal eviction. It is possible to claim that the low figures reflect local authorities' effective strategies for countering illegal eviction. One of the Y&H housing options officers said that their authority invested resources in tackling illegal eviction *and* monitored the

[26] MHCLG (2018) Guidance for the completion and return of H-CLIC data, https://gss.civilservice.gov.uk/wp-content/uploads/2018/05/H_CLIC_v1.4.1_guidance.pdf, accessed 2 Sep 2025.
[27] Department for Levelling Up, Housing & Communities (2023) *Statutory homelessness statistics: use, improvements and user engagement note*, 30 November (accessed 23 Jul.).

quality of data entry. However, the remaining authorities noted technical, procedural and attitudinal difficulties with data entry.

On an obvious technical point, local authority housing options/homelessness teams could be unaware of 'illegal eviction' as a cause option within the H-CLIC system. During two of the interviews, one officer turned to another to question whether illegal eviction was indeed an available option. It seems to be the case that it takes some time to scroll through the drop-down boxes, and it takes too long for this option to appear.

Table 2.3 Cases where illegal eviction is given as the reason why a household is owed either a relief or a prevention duty, Q1 2025

Number of cases	Local authorities logging this number of prevention duty cases		Local authorities logging this number of relief duty cases	
	Local authorities	Percentage	Local authorities	Percentage
0	247	84.0	189	64.3
1	39	13.3	59	20.1
2	5	1.7	18	6.1
3	2	*	12	4.1
4+	1	*	16	5.4

Source: Statutory homelessness: detailed local authority-level tables, January to March 2025, Tables A2P & A2R. * indicates less than 1.

A second issue related to illegal eviction triggering a prevention duty. All the interviewed housing options officers mentioned tenants being given invalid notices to quit, which appeared to be remarkably common. One officer assessed the proportion as 30 to 40 per cent of all the notices they see (HOP-BCB1); another saw it as nearer 60 per cent in their borough (TRO-MNM01). A typical response was to view the fact that the notice was invalid as a signal that there was no prevention duty: the courts would not uphold the notice, so the tenant was not at risk. In the words of one officer:

> *they're not threatened with homelessness if they've not got a legal notice, that's the view that we take, but because that landlord can't evict them legally, then we don't open a case on the basis they're being at threat of homelessness* [HOP-BCB1].

There appeared to be no procedure for logging invalid notices, although – as will be seen in chapter 4 – tenants reported that a lock-change eviction often followed when a landlord had been told that they had served the wrong paperwork. One pair of officers suggested a pragmatic reason why invalid notices were treated in this way:

> *Officer #1*
> *I'd suggest if local authorities are not putting illegal eviction, then they're very good at not entertaining illegal evictions and getting people prevented. You know, there's a lot of work that goes on to stop those illegal evictions. Or …*

Officer #2 (interrupts)
… They gatekeep! [Both laugh] *I'll say it! I'll say it. Because I know that it's happened, or I have worked in other places where it has happened and it's like, you're not homeless, you've got a tenancy, you need to go back […] People* [ie officers] *aren't going to think that they've got the time to faff when someone's got a tenancy* [CDC#1 & CDC#2].

The 'prevention paradox' – an illegal notice being regarded as offering no risk to the tenant, so there was no prevention duty and hence no recording of the issue – is likely to be widespread.

It was also common for local authorities not to log an illegal eviction having taken place *if* mediation is successful in returning the tenant to the property. Housing options teams often stressed to tenants that they should never surrender keys to a property, since doing so would give the landlords fair ground for claiming that the property had been abandoned, irrespective of how the tenant was persuaded to return the keys. As will be seen in chapter 5, local authorities have a strong incentive to return a tenant to a property they have been evicted from, as a means of evading a duty to accommodate. However, a failure to log the eviction downplays the scale of the problem.

A further issue related to a lack of clarity as to the relative importance of illegal eviction as the best way of explaining the tenant's problem. For example:

It could be there could have been rent arrears, the landlord could want to sell the property as well, or relet the property, because they don't want to rent it to somebody that's got rent arrears due to a reduction in employment income, and they've illegally evicted them at the same time [*HOP-BCB01*].

Illegal eviction is often part of a complex narrative that the H-CLIC system cannot readily capture: *it doesn't all fit in a drop-down box, does it?* [ABA1&ABA2]. These officers gave the example of a woman who had presented as homeless. She had just moved from one property because the landlord was selling it; she had been served a s21 and been given the correct notice. She had signed a new tenancy with an ostensibly reputable agency. However, the new landlord – with the agent's complicity – had changed the locks just a day before the woman had arranged to move in. The landlord claimed that they had only recently found out from the letting agent that the woman was partially reliant on Universal Credit. The local authority intervened to persuade the new landlord to change the locks back. In this instance, the local authority had logged the original s21 as the reason for homelessness, not the new landlord changing the locks. The officer admitted '*the illegal eviction occurred in the middle of all of that and will probably get lost in the data*' [ABA1&ABA2].

Conversely, an illegal eviction could happen a little further back in an individuals' housing history. Another officer commented on 'friends and family no longer willing to house', which a very common reason for a homelessness presentation. However, 'friends and family' may be offering a short-term sofa-surfing arrangement following an illegal eviction – chapter 4 indicates that this is remarkably common. The officer is more likely to log 'no longer willing to house' rather than the initial illegal eviction as the problem.

2.4 Conclusion

There are no robust data on the incidence of harassment and illegal eviction. Indeed, the circumstances in which tenancies come to an end is opaque and constitutes an area where further work needs to be done to devise EHS questions that can pinpoint the number of tenancies that come to an end without the landlord serving due notice. Even though there are no robust data on the incidence of harassment and illegal eviction, qualitative evidence suggests that this problem is endemic at the lowest end of the market. As one PSH officer commented: they are only likely to see 'the tip of the iceberg': '*There's a hell of a lot of illegal evictions taking place that we just wouldn't know about*' [PSH-LML01]. Homelessness prevention work seems to be an ideal context for collecting incidence amongst tenants whose victimisation leads to extreme housing need. However, the complexities of definition and the protracted nature of an individual's housing crisis means that an illegal eviction is not always logged. Note that data on prosecutions, presented in chapter 6, offer no insight into the scale of the problem.

3. Behaviours that can be classified as harassment or illegal eviction

3.1 Introduction

This chapter defines activities that may be classed as harassment or illegal eviction. The chapter steps away a little from some of the legalities surrounding the operation of the PfEA to consider the range of behaviours perpetrated by a landlord seeking to bring a tenancy to an end without recourse to due legal process. The chapter draws interviews with victims of harassment and attempted and actual illegal eviction, indicating that behaviours had the capacity to be physically, mentally and emotionally damaging. In some cases, landlords calibrated their actions to evade the provision of the Act. In many more cases illegal behaviours are unremitting and blatant, possibly reflecting criminal landlord awareness of that prosecution was unlikely.

3.2 Legal definitions harassment and illegal eviction

S1(3) of the PfEA defines harassment as 'acts likely to interfere with the peace or comfort of the residential occupier or members of his household'. These acts include the persistent withdrawal or withholding of services 'reasonably required for the occupation of the premises as a residence'. S1(2) of the Act defines illegal eviction as depriving 'the residential occupier of any premises of his occupation of the premises or part thereof, or attempts to do so'.

Behaviours that can be defined as harassment
According to government guidance, harassment 'can be anything a landlord does, or fails to do, that makes you feel unsafe in the property or forces you to leave' and can include a range of activities.[28] Harassment can include both unwanted behaviours and a failure to attend to responsibilities where that failure materially undermines the liveability of a dwelling and provokes the tenant to leave.

In the Y&H region, tenants seeking information from the any of the fifteen local authorities would find variable levels of advice.[29] Five local authorities make no mention of harassment at all, and three used the term but offered no definition. Where harassment was mentioned, local authorities tended to slightly simplify the rubric of the PfEA, although two repeated the more user-friendly government definition given above. Almost all the authorities mentioning harassment offered a broad list of example behaviours. That having been said, it is notable that none of the qualitative interviewees used the term 'harassment', and in many instances reported harassing behaviours without categorising these as illegal. Local authority websites give variable support to tenants seeking to understand whether their landlord's actions were actually against the law.

[28] 'Private renting for tenants: evictions in England', https://www.gov.uk/private-renting-evictions/harassment-and-illegal-evictions, accessed 2 Apr 2025.
[29] This relates to a search using the term 'harassment' on all council websites on 1 Jul 2025.

Drawing on the Y&H websites, Safer Renting case studies and depth interviews and expert legal interviews, harassment activity falls under two broad headings: harassment relating to the property, and harassment directed at the tenant.

Harassment relating to the property

Harassment can include actions relating to the property that 'interfere with the peace or comfort of the residential occupier or members of his household'.[30]

Trespass

Trespass is largely under-reported offence, since tenants may be unaware that their landlord has no right to enter their rented property without due notice and requires explicit permission. Landlords have the right to inspect or enter a property to attend to repairs, but notice is required unless the repair is an emergency. Harassment can include:

- the landlord entering the property frequently;
- coming to the home at unsociable hours;
- entering the home when the tenant is not there; and
- letting other people into the tenant's home without due notice and/or without the tenant's permission.

Landlords have a right to enter the shared areas of houses in multiple occupation, but no right to enter the individual rooms that have been let.

Restricted use

There were cases where tenants reported that the landlords had restricted their use of a property by moving themselves or others into a part of the premises that was originally let to the tenant for sole occupancy. For example, by letting a self-contained property but 'reserving' one room in that house for their own use or moving someone else into the property unexpectedly. Restricted use also included the imposition of arbitrary 'rules' that might mean that a HMO tenant is no longer allowed access to certain shared areas including use of the kitchen.

Interfering with property use

This range of behaviours undermines a tenant's ability to use their property as their home. Interference includes threatening to or actually disconnecting utilities or instituting unreasonable control of utility supply. For example, one tenant lived in a property that was part of her landlord's home and he controlled her heating, electricity and hot water, sometimes leaving her with no supply for long periods of time. It was also the case that landlords rig meters so that the tenant pay more for electricity or pays for electricity supplied to another property. One landlord rigged the meter to inflate the cost of the electricity and recover rent arrears. This type of harassment can escalate to actual removal of or damage of necessary items including kitchen goods, bathroom items and doors. One civil lawyer had a case where '*they were basically demolishing the property around the client… pulling down ceilings, cutting off electricity, setting fire to things*' (Civil lawyer 1).

Harassment can also chronic refusal to undertake necessary repairs, where the intention is for the tenant to leave because the property becomes unliveable. One TRO, lodged within their local private sector standards team, saw monitoring poor property standards as integral to work on the PFEA:

[30] Protection from Eviction Act 1977, s.1(3). See further, Chapter

> *We see a lot of overlap there, and we see the contribution to an awful lot of the 'fit and proper' issues. We're dealing with the same bad landlords – bad landlords' condition, bad landlords' licensing, bad landlords in the way that they treat the tenants. To us that makes perfect sense* (TRO-MNM01).

Harassment directed at the tenant

High volume of texts or emails

Harassment of tenants more directly can include disruption of comfort via an unwarranted high number of texts, for example, asking when the tenant is planning to leave, reminding them to leave, or reminding them of unpaid rent. This volume of texts can become intimidating and stressful.

Interfering with tenant possessions

Tenants can also feel threatened by landlord interference with the tenant's belongings. Tenants who know that their landlords are capable of trespassing into the tenant's space become anxious about the security of their possessions. This includes the landlord:

- opening or retaining mail;
- opening cupboards and drawers and looking at private items;
- stealing tenant property;
- removing tenant property; and
- retaining necessary identification documents, such as passports.

This kind of behaviour, particularly when the tenant lives in a HMO, creates uncertainty and distrust amongst tenants, making them feel insecure and more likely simply to surrender the tenancy.

Physical intimidation or harassment

In some instances, landlord harassment extended to more physical intimidation. This included:

- actual violence or the threat of violence;
- shouting slurs and insults relating to gender, race or sexuality; and
- permitting anti-social behaviour in or close to property by individuals that are not part of the tenant's household.

Housing options officers recognised physical threat as being a routine aspect of management for some landlords:

> *So the landlord will have a caretaker, you know, and it's always a big burly person, isn't it?* [HOP-CDC01].

> *We've had landlords arrange for people to go around and beat people up so you know landlord hasn't done it but has arranged that. They tend to be the illegal evictions we see more. Not just people getting the paperwork wrong* [ABA1&ABA2].

Physical intimidation might include a landlord visiting the property with someone else, immediately outnumbering a single tenant to create an atmosphere of threat. The physical

intimidation might include trespass, with the tenant returning to their property to find that the landlord and their associates had let themselves in. This physical nature of this threat was particularly alarming to female tenants.

Safer Renting casework included tenants in HMOs where the landlord was inducing them to leave by giving temporary control of other rooms in the property to people who were drug users, played loud music and physically threatened the tenant.

Reporting or threatening to report the tenant to the authorities

Harassment is a pattern of behaviour that makes a tenant feel insecure. Safer Renting casework included instances of landlords making spurious accusations of criminal activity or neglect of children. Civil lawyer 8 also had an example of an accusation of neglect against a client. The client was already involved with on-going dispute with the landlord. It seems that the landlord had reported that a child was regularly left alone in the flat

> *I got a call from my client at like one o'clock in the morning, which I didn't answer because I was asleep. …Obviously she'd been emailing me through the night and to say that she turned up at the property and the police were in attendance and were taking her dogs and the landlord had changed the locks, and then the police had told her that she had to leave the area. So she did. Well, the police had told her …that she had to wake her child up who was staying at his dad's, bring her him to the property so that they could check on his welfare, which is insane and extremely traumatising. He's 8 years old, so extremely traumatizing for him because he turned up at the property to see all these police to see his dogs getting taken away, and his mum in tears* [Civil lawyer 8].

Landlords were also threatening tenants who were recent migrants, claiming that they were in the country illegally, and would be deported. Even the threat of a report to the authorities can create high levels of anxiety, particularly where a tenant has a limited understanding of criminal justice or social policy operation in the UK.

Interfering with tenant rights

Finally, harassment can also include deliberate attempts to undermine a tenant exercising their housing rights. Local authority websites did sometimes recognise this kind of harassment, using terms including 'threats to the tenant's rights in their tenancy'. Two authorities made specific reference to the use of tenancy agreements that deliberately reduced the rights of the tenant to remain in the property. Landlord interference with tenants' rights included:

- Use of sham agreements, which created uncertainty as to the type of tenancy that had been entered into;
- Claiming that the tenant was a lodger under licence and so PfEA provision did not apply. This claim was often made in relation to shared housing, where the landlord – or a member of their family – claimed to be living in the house which meant that all other residents were lodgers.
- Deliberately misinforming the tenant as to their rights, and in relation to available support, for example, indicating that landlords had the right to enter a property at any time, or the council offered no assistance to private renters.

Landlord intentionality in relation to harassing behaviours can be moot. Some harassing behaviours can fall within the purview of what might be regarded as landlord abuse. Here, the difference lies in the fact that abusive landlords generally do not want their tenants to leave, aiming to 'lock' their tenants into a situation where exploitation can continue over a long period of time.[31] An abused tenant who does finally make the decision to leave would be within their rights to seek prosecution under the PfEA, again under s1(3A).

A listing of harassment behaviours is helpful in defining the harms visited on a tenant subject to those behaviours. However, one officer was very much of the view that there was no boundary to that behaviour:

> *What struck me was how far someone is willing to go, to trample on someone else's human rights effectively, when they've become an inconvenience to you financially*. (OOREHO02).

3.3 Adopting a broad definition of illegal eviction

Illegal eviction can be defined tightly in terms of infractions of the Protection from Eviction Act. In this report, 'illegal eviction' is defined more broadly as a landlord seeking to end a tenancy without complying with the required legal procedures for bringing a tenancy to a close. However, the circumstances and means by which an illegal eviction takes place will vary, and tenants subject to an illegal eviction are not all offered the same level of protection in law. The report will refer to different kinds of eviction, defined below.

'Bureaucratic infraction'

Landlords seeking to end a tenancy must serve the correct documentation appropriate to the reason for their bringing a tenancy to a close, and appropriate to the tenancy type. For termination of the most common type of tenancy – assured shorthold tenancies – the landlord must give a section 21 notice giving two months' notice to quit, or a section 8 notice which gives two weeks' notice to quit. Box 1.1 in chapter 1 lists the reasons why a section 21 or a section 8 notice might be invalid.

For tenants, the most problematic element of 'bureaucratic infraction' is probably the landlord giving an inadequate notice period: for example, specifying that the property must be vacated within one or two weeks, or by the end of the month. This places the tenant in a precarious position, in having inadequate time to locate alternative accommodation. Within the Safer Renting cases, a tenant failing to move within the period defined by the landlord is then generally subject to an escalating pattern of harassment.

As indicated in chapter 2, local authorities often dismiss cases where a tenant presents with an invalid notices to quit as not constituting a prevention from eviction case. However, the Safer Renting case notes indicated that many tenants served with incorrect paperwork often erroneously believed that the landlord had indeed acted with due regard to the law and left within the notice period specified. Arguably, in these cases, tenants had been coerced to leave although legal definitions would not support that conclusion.

[31] O'Malley *et al., Landlord-perpetrated tenant abuse.*

Coercion

Eviction by coercive means includes measures taken by the landlord to persuade the tenant to surrender their tenancy so that the landlord does not have to follow the due legal process. Coercive behaviour can overlap substantially with elements of harassment and can include misrepresenting to the tenant their legal right to remain in a property, for example by telling them that the landlord has a right to automatic possession in specified circumstances or threatening the tenants with bailiffs who will forcibly remove the tenant and take some of their possessions: *Not enforced possession, but many cases where the landlord tells the tenant, simply, that they have to leave and if they don't then the bailiffs will come* [PSH-BCB02].

Coercion might also include legal actions such as inducing the tenant to leave by giving them a cash payment. In some circumstances, 'winkling'[32] or 'pay-to-leave' might work in the tenant's favour if they have accrued rent arrears and face a possible County Court Judgment and can use this money as deposit on another property.

However, paying the tenant to leave can also be a more abrupt and threatening action where the tenant feels forced to leave even though they do not have an address to move to, and where the money offered is unlikely to cover the costs of securing another property. A tenant's accepting this inducement places them in a grey area in relation to local authority's duties under the Homelessness Reduction Act. One housing officer recognised that the lines drawn within coercive practices could be moot, from

> *"I know that I'm withdrawing their gas or their electricity to try and get that [eviction]" to the more underhand "Look if you leave by the end of the week, I'm going to write off your rent to arrears. I'll give you 500 quid if you leave" kind of thing. Even though they've got nowhere to go to. So that obviously isn't criminal, but it's certainly not best practice* [ABA1&ABA2].

A tenant surrendering the keys in any circumstances constitutes a strong justification for a landlord claiming that they did not need to serve notice, because the tenancy was abandoned. Indeed, civil lawyers who were interviewed mentioned that it was common for landlords to use 'surrender' as a defence. Local authority Housing Options Officers commented on the emphasis they gave to tenants, not to return keys to the landlord in any circumstances since this created substantial difficulties in proving that an illegal eviction had taken place.

Forcible ejection/preventing re-entry

In some instances, landlords might evict a tenant by either personally or by proxy visiting the property and ordering the tenant to leave immediately. The landlord might in these cases threaten physical violence. An alternative approach will be for the landlord to prevent the tenant from entering the property by changing or damaging the locks or disabling a digital key.

In these cases, the tenant is generally forced to leave their possessions in the property. Landlords might then dump the tenant's possessions on the street or in the property's garden or yard. The tenant suffers immediate loss of their home and often theft

[32] See D. Nelkin (1983) *The Limits of the Legal Process: A Study of Landlords and Crime,* University of Edinburgh Press, 57ff.

of or damage to their possessions. Chapter 4 discusses this kind of illegal eviction in more detail.

Retaliatory eviction

In June 2007, the Citizens Advice Bureau released the report *The tenant's dilemma*, which indicated cases where tenants were given notice following their complaining to the landlord about repairs or maintenance issues.[33] Concern about the incidence of property condition complaints leading to what came to be known as retaliatory eviction resulted in the passage of the Deregulation Act 2015. This set out to offer a higher level of protection from eviction under these circumstances, by providing that no landlord was permitted to serve a section 21 notice on a tenant for a period of six months after the serving of a relevant improvement notice. A landlord's failure to comply would constitute an illegal eviction. This regulation reframed 'retaliatory eviction' as a procedural infraction, where protection is predicated on a complaint having been made to a local authority that results in the formal serving of an improvement notice. To this end, the legislation protects tenants in a very restricted set of circumstances, and for a short period of time.

This report will not be giving detailed consideration to illegal evictions defined as being so under the Deregulation Act 2015. At the very lowest end of the market, retaliatory eviction is commonplace and generally includes a more forcible ejection rather than the serving of a s21 notice, as will be seen in Chapter 4.

3.4 Landlord justification for harassment and illegal eviction

It is important to establish a framework for explaining a landlords' willingness to harass and illegally evict tenants. For the majority of landlords who seek to comply with the law, it makes little sense to evict a tenant who is paying the rent and who takes care of the property. Within the shadow private rented sector, criminal landlords are more inclined to seek compliant tenants who are willing to accept a 'sham' letting arrangement or to rent informally with no paperwork in place; pay rent in cash; tolerate overcrowding; and accept very poor-quality property conditions.

Illegal eviction takes place when a tenant ceases to be compliant. For example, many of the caseload tenancies began when the tenant was in work and confident about their ability to pay the rent from their earned income. However, a loss of work, change in household formation, or poor health might lead to the tenant seeking to make Universal Credit benefit claim. The landlord would regard this as unacceptable, since it would expose them to scrutiny and require them to provide proof of a rental liability. Other examples of a tenant being 'non-compliant' included contacting the landlord too often to complain about property conditions or overcrowding or complaining about the property to the local authority.

Interviews with criminal landlords, taking place under the overarching ESRC Criminal Landlord project, evidenced the ways in which landlords justified their own behaviour in seeking an illegal eviction. This approach is useful to help frame some of the reasons why statutory responses to this crime are often compromised (see chapter 5)

[33] D. Crew (2007) *The tenant's dilemma: warning: your home is at risk if you dare complain*, Citizens Advice Bureau.

Appeal to higher loyalty
Under this heading, a landlord might justify their action through reference to the need to serve a higher purpose. Within the case study interviews, the 'higher loyalty' was the landlord's own family. The eviction was taking place because the landlord had immediate need of the property the tenant was using, to accommodate a family member or indeed themselves. In these cases, the need of the tenant was regarded as subordinate to the needs of the landlord.

Asserting landlord privilege
One further theme evident in tenant accounts was a landlord attitude which placed the landlord in a higher moral frame: that the harassment or illegal eviction were justifiable simply because they were the landlord. Asserting landlord privilege might mean a landlord expressing their belief that without them, the tenant would be homeless and so should have been grateful for the accommodation – irrespective of its poor state of repair – and/or not complained about the landlord's behaviour. This was a belief embedded in some housing officer responses to illegal eviction. There was also the view that the landlord had the right to access the property at any time or that ownership conferred the right to act as the landlord saw fit. As will be seen, policing responses often echo this presumption.

Denial of responsibility
Where a tenant property was being managed by a letting agent, a landlord could justify any illegal activity by blaming the agent. Similarly, a criminal agent might well blame the landlord.

Blaming the circumstances
A landlord might clam that they had little option but to evict the tenant, given the legalities of the matter. For example, a landlord with a HMO that was overcrowded, or running a shared property might make recourse to illegal eviction so that the property was either within its licensing conditions or did not need licensing.

In some instances, landlords felt able to justify their actions because the tenant had fallen behind with the rent or not agreed to a rent increase. Actions to expedite the end of the tenancy were felt to be justified to minimise the rental loss, particularly given the time it takes to progress an eviction case through the courts. Again, this view was often vindicated by housing officers who regarded tenants facing illegal eviction as in some way blameworthy if for some reason they were unable to pay the rent (see chapter 5). Local authority officers also referred to landlord 'frustration' with the legal system as explaining illegal eviction. Certainly, tenant experience indicates landlord impatience with the required notice periods.

3.5 Conclusion

This chapter has considered behaviours that are recognised as constituting 'harassment' or 'illegal eviction' within official guidance given to tenants, and as construed by local authority officers. The PfEA does not specify actions that might be regarded as harassment. Illegal eviction can take place in several different ways: some are more and some less difficult to

prosecute. Bureaucratic infractions are relatively straightforward to recognise, and remarkably commonplace. However, different strategies used by landlords to coerce the tenant to surrender their keys and so evade prosecution for illegal eviction are not generally acknowledged, and the more extremely traumatic 'lock-change' eviction tends not to be distinguished.

4. Tenant experiences of harassment and illegal eviction

4.1 Introduction

This chapter explores tenant experience of harassment and illegal eviction, drawing its detail from the Safer Renting caseload. Data were collected via fourteen qualitative interviews with former Safer Renting clients and 33 anonymised case summaries derived via interviews with case workers. These cases were all instances where clients had agreed that their experiences could be included in further research. The interviews asked tenants to describe the rental experiences that led to their case being referred to Safer Renting. This information was augmented with case notes data that have made it possible to arrive at generalised accounts of harassment and illegal eviction.

The chapter focuses on accounts given by tenants who have been forcibly ejected from their properties by threat, coercion or by locks being changed. As will be seen, this kind of eviction delivers multiple layers of trauma compounded by secondary victimisation that is a consequence of insensitive and ineffective responses from statutory agencies. It was possible in many instances to consider outcomes. In some instances, tenants did seek reparation. However, some were so severely traumatised by their experiences they were often unwilling to dwell on what had happened. Short and medium-term outcomes for tenants varied markedly. It was notable that the unplanned way in which tenants might be ejected from their home meant that the following tenancy was chosen in desperation and comprised yet another exploitative arrangement. For some tenants, illegal eviction became a serial inevitability.

4.2 Risk factors for illegal eviction

The 2021 National Audit Office report suggested that the DLUHC lacked 'good insight into what makes renters vulnerable, and how to ensure support reaches those who need it most'.[34] This report suggests that the highest levels of vulnerability sit at the very lowest end of the market, where criminal behaviours are commonplace. Many tenants who are referred to Safer Renting have renting experiences in this part of the market. Taken together, all the qualitative accounts discussed here indicate that there are several risk factors associated with a tenancy ending in the tenant being forcibly deprived of their home.

Marginalised and substandard housing

One notable risk factor for illegal eviction was the tenant living in a property that could be judged in some way marginalised or non-standard. A landlord being willing to let this kind of property constitutes a reasonable marker for their likelihood to resort to illegal eviction. One tenant was living in a form of cabin or shed at the bottom of her landlord's garden, and another couple was living in an illegal cupboard conversion. Two other tenants were in accommodation annexed to their landlords' property; in both cases, he controlled their utility supply. MD had been living in a room in a shared flat above a shop owned by the

[34] National Audit Office, *Regulation of private renting,* 40.

landlord. The flat was overcrowded and insanitary. There were problems in the bathroom of a similarly overcrowded flat above the same shop, and the landlord's resolution was to give the residents a key to MD's flat. In total, 13-15 people were using the same toilet and bathroom. Conditions in the flat deteriorated and MD's complaints led to a physical altercation with the landlord and a lock-change eviction. Almost all the case work and interviewed tenants were living in substandard properties with problems including damp, excess cold, disrepair, vermin infestation and – in cases of HMOs – overcrowding.

Uncertain tenant status

Another common denominator was tenancies being set up with limited regard for the legalities. Tenants might report that their landlord were quite willing to set up the tenancy without reference checks and not necessarily give the tenant any paperwork confirming that a tenancy had been created. The tenant might not necessarily feel unhappy about this start to their tenancy. In some instances, the tenant was uncertain about their ability to secure a tenancy in the mainstream market; a landlord offering somewhere to stay could be regarded as being almost a favour. NB, a woman renting a single room, had found a property following an illegal eviction that had led to her living in her car for three weeks. The new landlord was offering a room at a reasonably low rent - £450 per month – but *he always wanted the cash. He always pushed me to pay cash*. However, this meant that – as time went on – the tenant was made to feel uncertain about their legal right to remain in the property.

This ploy was deliberate. One common strategy was for landlords to claim that their tenants were in fact lodgers, which meant that they had limited right to stay in the property and a limited notice to quit compared with a tenant under an assured shorthold tenancy. The 'lodger' ploy was particularly prevalent in cases of shared property, where the landlord might claim to be living in one of the rooms in the house. Another landlord attempted to represent the tenant being 'under licence' by claiming that the tenants were living in a hotel. The building had been used as a hotel in the past but no longer had hotel amenities including shared spaces or a restaurant. Tenants prepared food in their rooms. The landlord wanted to turn the property into a care home and evicted all the tenants indicating that they were 'hotel guests'. In another case, ZI was told that her property was in fact a 'serviced apartment', but on moving in no services at all were delivered. Her sham tenancy agreement contained unfair clauses about rent arrears (SEE APPENDIX 2).

Uncertain tenant status was also fostered by landlords who misinformed the tenant about their legal rights. This was often the case where a tenant was inexperienced in UK rental law or had had English as a second language. When NO pressed for a tenancy agreement, the landlord said that he was within his rights to refuse: *I have everything legally. I am not like you. I'm a British person.* All these kinds of activity were calculated to disempower the tenant and make it easier for the landlord to evade the law.

Lack of clarity on landlord's identity/property ownership

A closely associated risk factor was the tenant being unclear about who, exactly, their landlord was. Inability to be certain created obfuscation about who exactly was responsible for property standards, repairs, poor management practice and harassment. There were a few casework instances where tenants found that landlords and letting agents disagreed as to who rent should be paid to and who was responsible for repairs. For example, MD was living in a seven-bed HMO when property control appeared to shift from one owner to another. The new owner demanded the transfer of the £800 a month rent payment, at the

same time as the original owner insisted on their payments continuing. When this did not happen, they attempted a lock-change eviction that was prevented since MD understood his tenant rights. However, he then later left as the original landlord's behaviour became violent.

Further, tenants were also subject – unwittingly – to rent-to-rent arrangements where it became unclear whether the owner of the property fully complied with a tenant then subletting a property. UB, a single mother in her 30s, was living in a HMO with her daughter and had been duped into thinking that another tenant was in fact the landlord. The mesne discovered the subletting arrangement and illegally evicted everyone in the household.

Economic vulnerability

Tenants who were economically vulnerable were also at high risk of illegal eviction. Many caseload tenants began their tenancies in paid employment and expressed themselves reasonably confident about their ability to pay the rent. It should be noted that the rents being paid – despite property condition – were not significantly below market price.

However, the fact that many were in low-paid, insecure work meant a reduction in working hours – or loss of work entirely – rapidly led to rent arrears. This was particularly the case where landlords were unwilling to cooperate with a tenant making a Universal Credit claim. AD had agreed to a landlord's demand to pay a block of six months' rent at the start of the tenancy. However, soon afterwards she lost her job and did not want to let the landlord know:

> *So I knew that I will have to rely on a benefit to cover the rent. To tell the truth, I didn't tell this the landlord because immediately when we met, he said he had to evict a previous person and he was moaning about people on a benefit and - etc., so I kept that quiet.*

A change in household circumstances might also lead to economic vulnerability. A large handful of respondents had entered into a tenancy with their partner but then experienced relationship breakdown; in a couple of instances, pregnancy meant that a tenant was no longer able to work.

Regardless of the very poor quality and overcrowded nature of some of the properties that tenants called home, landlords were often charging rents that were still some way above the local housing allowance rate for an area. Even where landlords were willing for tenants to apply for Universal Credit, shortfalls between the Local Housing Allowance and the rent being charged led to the accumulation of arrears over time, and confusion about exactly how much rent was owed. Rent arrears was probably the most common pretext for illegal eviction.

Emotional vulnerability

A further risk factor was tenants who had some level of emotional vulnerability. The level of vulnerability to exploitation was manifest in different ways. For example, people who had very little time to secure a place to live – following relationship breakdown or arguments in the parental home – could be less careful in their choice of tenancy. Social isolation was, similarly, prevalent particularly for people who had moved to London from abroad and/or who had no family or friends nearby. People in these circumstances may be more ready to

accept assurances from a landlord operating informally, and who appeared to be supportive and able to 'do them a favour'.

Households containing children were also more vulnerable to verbal and physical threat, where the tenant's principal concern became protecting their child by complying with the landlord's wishes. Landlords might also threaten single mothers particularly with 'a report to social services', which the tenant feared would then result with the child being taken into care. KF's landlord reported her to the police repeatedly, about the theft of furniture and then claiming that her eight-year-old son had been dealing drugs at his school.

Some tenants self-reported mental health problems. From their narrative accounts it was clear that landlords were aware of the mental health problems they were causing or exacerbating.

Immigration status and non-UK origin

Landlords were able to exploit tenants whose immigration status meant that they might find it difficult to negotiate the open rental market. 'Right-to-rent' regulations place an onus on landlords to check that a tenant has the right to remain in the UK, which has led to some discrimination against prospective tenants whose appearance is non-White, or whose name is regarded as in some way 'un-English'. These acts of exclusion mean that some tenants are more likely to seek accommodation in the shadow PRS. Some of the individuals on the caseload list were non-UK nationals, who had moved to the UK and whose right to stay was being processed. Safer Renting interview NO was relieved to find that her landlord made it easier for her to move in:

> *He's all okay. He doesn't have any questions. He doesn't even ask me any even documents or my legal status, where I am, what is my… You know, on which visas I am in this country. He never asked me.*

However, the landlord also insisted on cash payments, and did not give NO a tenancy agreement. Landlords were more likely to harass tenants with threats of 'reports to the authorities' in these circumstances. Even where a tenant had a clear right to remain, lack of certainty about legal protections might then make a tenant submit to coercive controls.

Tenants in these circumstances is likely to be unfamiliar with their housing rights. NI was a recent migrant to the UK, moving into a self-contained property with her husband and three children. She had moved in with a standard AST but the landlord then later changed it to a lodger's agreement. A lack of certainty about their rights, and an unwillingness to risk an ongoing right to remain process might also make the tenant unwilling to 'rock the boat', in terms of pursuing legal recompense from the landlord.

A further element of this aspect of the client's demography is the incidence of intra-racial exploitation. For example, EB – who lived with his partner in a HMO room – had initially felt that he would be 'safe' with his landlord who came from the same part of Eastern Europe. The landlord had felt 'like family'. EB later concluded that the landlord was targeting people from his own country to live in his substandard, overcrowded properties without complaint.

4.3 The lived reality of lock-change eviction

Illegal eviction is not a single action. It is often experienced as a drawn-out process which takes place over a period of months or years. The following paragraphs draw on qualitative Safer Renting data. Note that Appendix 2 summaries some cases in greater detail. The case study work indicates that most of the Safer Renting cases had problems with their tenancy prior to the eviction taking place. In cases where there was statutory intervention to stop harassment, the intervention often created nothing more than a pause. Landlords' harassing behaviour continued and culminated in a lock-change. The slow process of recovering belongings constituted a continuing trauma. In many cases, tenants found no immediate resolution.

Precipitating factor

The chapter has outlined risk factors for illegal eviction, and many of the caseload households had one or more – for example, a household containing a single mother, where the immigration status was uncertain. Very often, landlords appeared to decide that changing the locks was a reasonable response to the tenant crossing some kind of line, in becoming uncompliant within what was generally an exploitative rental arrangement. As indicated above, this might also a tenant's inability to pay the rent because of changes in employment or household status, or a decision taken by the tenant to withhold rent to force a landlord to attend to necessary repairs. The precipitating factor might also relate to the tenant making multiple complaints relating to necessary repairs or to property conditions – such as rodent infestation – requiring an immediate response. In a couple of instances, the tenant had informed the authorities about overcrowding and property condition, leading to an inspection the serving of improvement notices. For example, LT had reported their landlord, and the EHO turning up to inspect the property found the landlord changing the locks. Harassment of the tenant started from that point.

Other precipitating factors might relate to a change in the landlord's objectives for their property. For example, BG's landlord wanted her to move out of her room in a two-bed shared house, so that family members could move in. Illegal evictions are also triggered by landlord's decisions to sell the property or upgrade it.

Illegal notice to quit

A landlord then giving notice might include simply telling the tenant that they should leave by a given date – often, the end of the month. In some cases, the landlord might make this request as a text. Where it was given in writing, landlords did not give the required notice or use the specified language.

In some cases, 'notice' comprised the landlord commenting that the tenant might simply prefer to leave: they were no longer 'getting on' with the landlord and might want to live elsewhere. This was a coercive attempt to push the tenant to decide to move on. Some tenants reported that they did respond to an illegal notice by leaving the property within the period specified. Indeed, it seemed common for tenants to respond to illegal notices in this way. Many tenants who were in shared properties mentioned that other tenants in the house 'took the hint' and moved out, perhaps because they were aware of the risk of a lock-change eviction, with all its associated trauma. However, the respondents stayed because they had nowhere to go.

One tenant, who was unfamiliar with UK law, said that her landlord tried to persuade her to leave the property and take her children to sleep in the street outside. He claimed that housing departments sent officers around at night to find people who were sleeping outside and, in that way, she would be guaranteed to get somewhere else to live.

Seeking advice following an illegal notice

When served with an informal or inaccurate notice, some tenants contacted an advice agency or the authorities to check their tenant rights. In these cases, the tenant was generally advised that the landlord had not served a legal notice, and the tenant was within their rights to continue living in the property. Amongst the Safer Renting caseload, a tenant telling the landlord that they had a legal right to remain generally led to that landlord then using other methods to persuade tenants to leave.

Continued abusive behaviour culminating in threat

Tenants choose not to respond to landlords' (illegal) notice to quit or to verbal encouragement to leave were often subject to an accumulation of abusive and often threatening acts perpetrated by the landlord. Chapter 3 indicates the range of activities that might readily fall under the definition of harassment. MB was living in a single room in an unlicenced HMO. She lost her job and fell into difficulties paying her rent, which the landlord had increased; he claimed that she was four months in arrears. MB, who had no recourse to public funds, was paying rent when she could but the landlord became increasingly angry and violent, leading to a physical assault. MB left immediately afterwards and – in discussing her case with Safer Renting – said that she felt too unsafe to return. She was able to stay with a friend, but her status meant that she was not eligible for support from the council. Safer Renting interview BB2 said that his landlord had started to become 'nasty' in response to multiple complaints about the rodent infestation and multiple elements of disrepair. BB2 was also finding it difficult to pay the rent. The landlord's reactions became more extreme:

> *he started threatening me. It was him that stated the fact that I should leave, that he's going to bring up some boys, that they're going to beat me up and destroy my stuff. He became very vicious.*

In the end, he just left. Safer Renting interview CD also left his tenancy, to sleep on the street. After months of harassing behaviour – CD had lost his job and was falling behind with the rent – the landlord said that she would be sending men to 'sort him out'. CD felt it was too unsafe to stay in the property.

Safer Renting interview ZI was caught in a disagreement between the landlord and letting agent and had been given a sham tenancy that hinted that the shared property she was living in was a serviced apartment. A disagreement on the matter led to the landlord trying to make ZI sign a new tenancy agreement by locking her out of her room when she was in the shower. She suffered multiple lock-changes by the landlord and the letting agent, until she returned one day to find that internal doors had been removed, along with the toilet, making the property entirely uninhabitable. NI was actually in her home when the landlord changed the locks, and subsequently felt unable to leave, knowing that she would not be able to get back in. She was unable to take her children to school.

Safer Renting interview LT and her partner – a couple in their 50s – had complained about the landlord to the council, and his response was to move a group of men into the shared property. These men were there ostensibly to deal with the repairs required by the council, but it was evident that their loud and aggressive behaviour was intended to induce the tenants to leave. The men tried to provoke fights with the tenants. LT reported that one other tenant, who was pregnant at the time, left because the stress was affecting her health. LT and her partner themselves also left after multiple violent threats.

Landlords could employ more devious methods to persuade a tenant to leave. TL, living in a kind of cabin at the bottom of the landlord's garden, was visited by two individuals with clipboards, claiming to be from the council, saying that the property was unsafe and she should move. These two individuals were in fact friends of the landlord. Safer Renting interview BM was persuaded to leave his HMO room by someone claiming that a serious leak in the room above constituted an immediate threat. BM bundled some of his possessions into a taxi. The man seemed genuinely concerned for BM's welfare:

> *he said, call me if you need me, and yes, it just went straight to voicemail, no-one picked up and then I realised that was probably a fake name he gave me, probably a fake number, like a burner phone or something. […] So when I realised I'd been evicted I went back to the property straight away to see and to find that the locks had been changed. Then I realised that guy was sent there to change the locks. So it was all just a pretext.*

Similarly, Safer Renting interview UB was living in a HMO room with her daughter and was told that they had to leave so that an inspection could take place; as with BM, she returned later to find the locks changed.

Triple trauma within lock-change eviction

The Safer Renting tenants who failed to submit to harassment were subject to a 'lock-change' eviction. In almost all cases, landlords changed the locks when they knew the tenants were out of the property, often at work, at medical appointments or out of the country. A lock-change eviction delivers simultaneous triple trauma: shock in response to the failure of the authorities to offer any immediate assistance; realisation of a sudden loss of shelter; and damage to, loss of, or restricted access to belongings, leaving the tenant with nothing.

Tenants returning home to find that their keys do not fit experience this as a highly confusing, sudden blow. It was rare for tenants to try and regain entry to the property, although they have a legal right to do so. In one atypical case, the tenant commented that they knew they could change the locks back but lacked the money to pay for a locksmith. UB had been told that by Safer Renting that they could break back in but thought that this might jeopardise their migrant status. In some cases, the landlord was in the property, which prevented the tenant from effecting re-entry.

A tenant's first action was usually contacting the authorities to secure assistance. As will be seen in chapter 5 below, there was a highly variable response from the police. It was most common for the police simply not to show despite multiple phone calls. Advice might be offered on the phone. For example, NB was told, simply, to take the landlord to court. ZI, also locked out of her property, was told that this was a civil affair, but she might be able to take the landlord to court for theft of furniture. The police physically attending scene did not

tend to resolve the issue in the tenant's favour. A misunderstanding of the law was endemic. The police handed Safer Renting QP a notice from his landlord saying he was no longer a tenant, and on that basis said they were unable to assist. QP, aware of his rights, called the police again and they returned at 1:30 in the morning when the landlord had started to remove QP's belongings from his home. The police response was to help the landlord take QP's belongings away. Safer Renting interview BD was told by police attending the scene that she had to let the landlord change the locks, leaving her and her baby immediately homeless. Sometimes, the police might try and persuade the landlord to let the tenant stay 'for one more night' but did not press the issue if the landlord refused. Tenants were simply advised to go and find alternative accommodation.

Tenants received similarly low levels of assistance from the local authority. As will be seen in chapter 5, local authorities tended to tell people that an illegal notice did not constitute a threat of eviction, so no help would be available. None of the tenants reported that immediate assistance was on hand from the local authority once an eviction had taken place. A review of website information across the Y&H regions found no information on how to cope in the immediate aftermath of a lock-change eviction, aside from advising that tenants should call the police if there was a level of personal threat.

A landlord preventing a tenant's access to their home presented the immediate problem of homelessness. The lock-change was often discovered at night, after work, when finding shelter was most problematic. Tenants had no money to check themselves into a hotel. In some cases, they were able to sleep in their car. Neighbours took pity on one woman and her child and let them sleep on their sofa. Others slept rough. It has been noted that isolation is a risk factor for illegal eviction and compounds the harm for households unable to draw on their social networks for support in its immediate aftermath.

Tenants having to resolve their immediate homelessness were also faced with damage to, theft of or loss of access to all their belongings. QP, who watched the police help the landlord to take his belongings away still does not know where they are. Landlords committing a lock-change eviction sometimes placed tenant property in bin bags and/or simply dumped them in the street. Tenants were therefore having also to consider how to protect their possessions from the elements, from casual theft by passers-by or – in the slightly longer term – from removal by waste collection services. It was impossible at such a chaotic moment to retrieve valuable and loved items.

It was also the case that landlords did not remove the tenant's belongings: they remained behind a locked door, with no immediate prospect of recovery. In some instances, the police helped by negotiating with the landlord for a limited time during which the tenant could access their home and pack up as many items as they could carry. Tenants often expressed regret that they made poor decisions in those moments of crisis: for example, one mother did not pick up her daughter's favourite doll. This was never recovered. Safer Renting interview NO, in extreme distress and concentrating on recovering her disabled daughter's medication, forgot to take her pushchair and this added substantially to the stress in the following hours as she carried her child across London trying to find somewhere to stay.

For several tenants, illegal eviction carried serious medical consequences. Barring access to their home also meant that they were no longer able to access essential medication. For Safer Renting interview NB, the situation felt so much worse because he knew that the landlord was aware of NB's poor health:

he was well aware, he just threw me out, and he was aware I'm not able to breathe. He was aware that my medication is inside. He was well aware of my very poor health. I was out, without my medication. I fainted there. I had blackouts outside the door, outside my house.

NB had to persuade other people in the HMO to let him in to get his inhaler. One woman, who was pregnant at the time of the eviction, ended up in hospital. An elderly couple – the husband in his eighties – was also taken to hospital. The couple had waited for hours on the doorstep, uncertain what to do after a lock-change, and the husband eventually collapsed. However, once his immediate health crisis was resolved, and after the couple sat in the hospital waiting room for two days, they were simply ejected despite having no home to return to.

The eviction also meant that tenants were left lacking essential documentation, including passports to confirm identity or any documents confirming that they had been tenants. This created problems with support agencies that required proof that a tenancy had indeed existed.

Seeking later support

Clients gave a mixed assessment of help they received from the council. Safer Renting interview BB had approached the council and said that the landlord had told her to leave but was advised that the landlord had to serve a s21 notice. This is something the landlord flatly refused to do: '*She said she'd have nothing to do with the council'* and later changed the locks on BB's HMO room.

I didn't have anywhere to go to, so I was just wandering around the streets thinking, okay, it's getting late now, what do I do? Because, at the time, the council hadn't yet given me somewhere, they were working on my documents and stuff like that, they were putting paperwork together, so they hadn't given me an answer. I remember if I didn't call at six o'clock, they probably would have forgotten about me, because the guy that was dealing with my situation was about to leave and then he remembered. He said, "Oh my God, I forgot you, let me send you somewhere to go".

BM2's experienced a much more marked delay in dealing with his case:

they were very hesitant to help and told me it's... I can't remember what they said exactly, but I think they kept doubting if I was actually homeless. Yes, I can't remember exactly what they said, under what criteria they denied me help, but yes, they were very hesitant to help until I kept badgering them about it, and while I was staying in these different places, moving around the whole city with my luggage and everything, I just kept calling them and calling them, and then, and most of the times, they wouldn't even pick up, my specific caseworker, she was very difficult and didn't want to talk to me and then eventually I found out about the relief duty that you're entitled to. So I use that to tell them, okay, I know that you have to help me here, and that's when they decided to be a bit more helpful, when I told them that they were legally obliged to facilitate some kind of resettlement for me or something along those lines.

Both were later referred to Safer Renting hence the inclusion in this project. These tenants did experience – over the longer term - a positive outcome in terms of assistance with their case. However, it is not difficult to anticipate that many tenants experiencing a lock-change eviction will fall back on family and friend networks, to 'sofa-surf', or will experience a period of street homelessness. When they re-engage with the system, it is unlikely that the precipitating cause of their acute homelessness will be identified.

Unwelcome protracted negotiation

For many tenants, securing alternative shelter was the priority. This could take some weeks to resolve, and – for single people – might comprise a succession of short-term sofa-surfing arrangements, using hostels or continuing to sleep in the car. Temporary accommodation was in some cases arranged for households with children, but not in every case. At the same time, tenants were also contacting the landlord to negotiate access to their belongings, but often without any resource for moving them to somewhere safe.

Tenants found contact with landlords highly problematic. In many cases, the landlord simply did not make themselves available. Where they were available, they might be aggressive and abusive and unduly delay a tenant's access to their possessions. NN, living in a self-contained flat, was evicted by a landlord who had been told by the council to deal with its severe damp issues. NN found the locks changed, and six months later was still trying to secure access to his possessions. The last time he returned to his home, he found that the landlord had nailed the door shut. Tenants were generally apprehensive about the fate of their belongings. Almost all the tenants who were able to re-enter their former home and recover belongings found items missing or broken, including laptops, jewellery, heirloom possessions and children's toys.

Tenants could be ambivalent about the prospect of mediation taking place between local authorities and the landlord. These efforts tended to focus on returning the tenant to a property. For tenants who had been subject to a long period of harassing behaviour and a lock-change eviction, returning to the site of the trauma and re-engaging with a victimising landlord was not a welcome outcome.

Uncertain resolution

This period of 'recovery' from the immediate aftermath of an illegal eviction could take weeks. During this time, tenants were not necessarily capable of cooperating with the authorities about the possibility of prosecuting the landlord, since other concerns were more immediately pressing. The experience clearly took a toll. For NB, *I wasn't able to do anything at that point of time, physically, psychologically*. For many tenants, the illegal eviction led to no easy resolution, despite the intervention of organisations such a Safer Renting or the council.

Some tenants remained in a legal grey area in relation to their landlord's actions. TU had been living in a single room in a HMO, and the landlord served a s21 notice. TU didn't leave immediately, which led to the landlord trying to 'flush him out' by cutting off the utilities. TU returned home one day to find the landlord changing the locks. He contacted the council, who served the landlord with an abatement order. The landlord reinstated the utilities but cut them again three days later. The tenant remains in the property in a species of limbo but unwilling to contact the council again because he did not think they could help. Safer Renting case EZ was working in the care sector; his landlord effected an illegal

eviction in response to EZ falling into rent arrears. Following negotiation with Safer Renting, EZ was allowed back into the property. A second illegal eviction occurred around nine months later: EZ was woken up at 3:00am with three men in his room, who told him he had thirty minutes to leave. The landlord could have pursued a legal eviction, since there is no question that EZ was in rent arrears. At the time of the fieldwork, all of EZ's belongings were still in the flat, and he was staying with friends. Not surprisingly, he was unwilling to consider any actions that might return him to a property where he has experienced two illegal evictions and a threat of physical violence, but no other housing option appears tenable.

Even where there was support for the tenant following an illegal eviction, the issue did not often come to a satisfactory resolution for the tenant. When tenants were able to return home, a landlord's harassing behaviour often continued, and there was no improvement to property condition.

Impact of trauma

The qualitative interviews offered clear evidence of the impact of illegal eviction on the respondents. LH's health had returned to the UK from a visit abroad to find the locks changed on her room:

> *I don't know how to say it, but I was like, how could it happen? How do you call this? I was sitting there, I was crying, because I lost my house, I lost my stuff, I lost my baby's stuff. I didn't have nowhere to go*.

Months later, she was still homeless. Safer Renting interview HD spent three weeks trying to defend the belongings his landlord dumped outside his home; he had simply nowhere to take them. His predicament was visible to anyone walking past: *The shame I felt and the embarrassment was immense'.* Physical and mental health issues were a primary consequence, including anxiety and depression. BB2 had left his home property following physical threats from the landlord that had become increasingly frightening:

> *It was difficult, not a time to remember, I'm sorry. […] It was stressful. In fact, it's affected my health seriously. I started getting very high blood pressure that blood is coming out from my nose. Blood is going to my brain. Everything about me was destroyed. I was avoiding people because I've just changed. It's so annoying that just talking about it now is making me to just cry*.

MM was also affected by a lock-change eviction, even though in her instance she was able to gain re-entry to the property. She had been locked out with a baby and a toddler and was suffering from leukaemia at that time. '*So yes, it makes something different in my personality and makes me scared, not confident [..] When I remember I feel like I want to cry. So I did my best to forget about it. I did my best to have treatment with mental health doctor to forget about it.*

The threatening behaviour of KC's landlord was so extreme that an Interim Management Order was served on the property. Nevertheless, he returned with a friend and started shouting racist abuse, threatening to throw her out of the window. This action was captured on a phone, and the landlord was arrested and imprisoned. However, KC – eligible only for a shared room rate – now has acute anxieties about sharing with strangers. NB,

living in temporary accommodation after two successive evictions, reported that he started to have recurrent panic attacks, and developed very low self-esteem. He is taking depression medication and finds it difficult to go outside even for necessary medical appointments.

Respondents with children reported that – where their children had been old enough to recall the experience – their behaviour had been affected. One child routinely recalled the way the landlord had shouted at his mother, and another's continued nervousness meant that he began to wet the bed. BV had been living with her family in a shared property for two years, suffering harassment for much of that time which affected her blood pressure. The landlord gave notice when BV was eight months pregnant with her third child, but the letting agent persuaded the landlord to put that to one side. However, soon after the birth, the landlord told the family that they had two weeks to move out. He then arrived at the property with three other men:

> *They were threatening me, talking, joking. My baby was crying, keep crying, keep crying because she was scared, the way they were talking and everything. They said they need me to pack out now. In 24 hours, they are coming back again. If I didn't go out in 24 hours, they will come and throw my properties outside.*

BV was so distressed by recalling the details of this event, the interview was brought to an immediate close.

4.4 Outcomes

This section review outcomes for the case study tenants only.

Housing outcomes

Information about immediate and medium-term outcomes for the Safer Renting tenants is not available in every case. Some clients stopped engaging with the charity: for example, after NE's physical altercation with his landlord, and lock-change eviction, Safer Renting staff heard from one of NE's relatives that he slept in his car for a while, and they did not hear from him again. It was common for tenants to disengage after an initial referral and following Safer Renting attempts to return the client to the tenancy.[35] Many local authorities pursuing criminal prosecutions following an illegal eviction also noted that clients often just stopped cooperating, and its generally agreed that the client simply wanted to move on and try and forget what happened.

Around a fifth of tenants in the Safer Renting selection were helped to retain their tenancies. For example, CD was able to return to his property after Safer Renting 'de-escalated' tensions with his landlord; CD has been able to find work and is paying off the rent arrears. In many more cases, the landlord's harassment behaviour has continued and/or tenants are seeking alternative accommodation.

A handful of tenants were able initially to secure a place to stay with friends and relatives, but it was equally likely for a tenant to find themselves street homeless after a lock-change eviction. Three tenants remained so in the weeks following the illegal eviction.

[35] See also chapter 6 for other examples of tenant disengagement from attempts to secure redress.

An immediate solution with friends or relatives often settled into longer term sofa-surfing, and an eventual move into temporary accommodation.

Under a fifth of the tenants were able to secure immediate emergency accommodation. These were cases of particularly acute need, where the household might contain a baby or very young child, or there was disability or serious illness in the family. A placement by the local authority did not necessarily mean that problems were resolved. In more than one case, tenants experienced illegal eviction – or the threat of it – in a property secured by the council. NI, her mother, and five children had been placed by the council in a in a four-bed property with damp and infestation problems. Bureaucratic errors in her UC claim led to rent arrears and the landlord threatening eviction. NI was told by the letting agent that he would not intervene if the landlord chose to change the locks. This threat of eviction was averted by Safer Renting intervention, but NI is not happy about having to remain in the property.

Justice outcomes

Safer Renting intervention generally includes supporting the tenant to apply for a Rent Repayment Order (RRO) where appropriate. This includes making referrals to Justice for Tenants. MB, who was assaulted by her landlord, was fortunate that another tenant in the HMO had filmed the altercation on her phone, and a positive RRO outcome was anticipated. EB, who was subject to a lock-change eviction when he was out of the UK and which he witnessed via a camera set up in his room, was – with assistance from Safer Renting – able to secure a RRO against their landlord and was awarded £7,000. However, it is proving to be difficult to enforce that order.

In almost all cases, the landlord or – where they were involved – letting agent did not face any level of sanction for the harassment or illegal eviction.

4.5 Conclusion

This review of case study notes and qualitative interviews offers a detailed narrative of tenants' experiences of harassment and illegal eviction. These experiences were being visited on households who were already vulnerable to harm because of their reliance on rentals at the very lowest end of the market. The likelihood of harassment and illegal eviction increases substantially where landlords already operate at the margins of legality, in offering very poor-quality properties. In these circumstances, use of non-standard letting arrangements indicates that landlords are sufficiently aware of the law to attempt evasive strategies.

Tenants facing a lock-change eviction suffer a triple trauma that has long-term consequences. The loss of accommodation and an uncertain understanding of the fate of belongings deprives tenants of shelter and security so immediately that it places many in a state of shock. The failure of authorities to offer immediate assistance provokes immediate disbelief, and reluctance to trust statutory services to offer any meaningful support. Tenants, not surprisingly, associated private renting with trauma and anxiety. The fact that some experienced serial evictions hints at a repeated spiral, where extreme precarity had become inescapable.

5. Statutory responses to illegal eviction

5.1 Introduction

This chapter considers the tenor of statutory responses to illegal eviction and reflects on the willingness and ability to support tenants and pursue perpetrators. Statutory responses have been moulded by failings in the statutory remedies, creating a loop where unwillingness to invest skill and time in prosecution leads to deskilling in terms of ability to prosecute, and an eventual failure to regard this as a feasible intervention. The chapter also reviews police responses to illegal eviction. The police have a notoriously poor understanding of their responsibility to deal with illegal eviction, and – despite numerous attempts to institute training – are more likely to assist the perpetrator when attending lock-change evictions. Further, attitudes across all statutory agencies point towards a generic culture of disinterest, acceptance of landlords' 'techniques of neutralisation' and – to a large degree – blaming the tenant both for triggering an illegal eviction and failing to support prosecution.

5.2 Enforcement contexts

Local authority responses to illegal eviction are framed by each authorities' approach to enforcement more generally. Two contextual factors are important. First, austerity measures mean that local authorities are, across many services, under-resourced in relation to the functions they are expected to provide. The private rented sector accommodates around a fifth of all households, but every local authority has an insufficient number of officers trained in enforcement measures. In 2021, the Chartered Institute of Environmental Health reported that a quarter of all its members worked in housing, but this equated to only 856 FTE staff members in England.[36] One large Y&H authority reported that they had just 15 inspection staff, meaning that there were 6,000-7,000 PRS properties per staff member [PSH-MNMO1].

Second, local authorities vary in terms of the strategies they deploy regarding enforcement. Harris *et al*.'s review of enforcement activity, published in 2020, characterised four strategies and approaches:

- Informal enforcement action directed at the individual landlord or letting agent includes education, advice or guidance, persuasion, and negotiation.
- Formal enforcement activity includes legal action, for example, serving statutory notices, civil penalties or prosecuting landlords.
- Compliance-focused activities targeted at the wider sector can include dedicated advisory services, landlord training, accreditation schemes, newsletters or landlord forums.[37]

[36] CIEH (2021) *Environmental Health: workforce survey report: Local Authorities in England*, CIEH.
[37] J. M. Harris, D. Cowan & A. D. Marsh (2020). *Improving compliance with private rented sector legislation: local authority regulation and enforcement*. UK Collaborative Centre for Housing Evidence, 12. See also K.

Local authorities might also develop a fourth, 'creative approach', that regard housing standards as evidence of wider issues relating to poverty and tenant marginality'.[38] A local authority prioritising informal, 'soft' actions to educate and persuade landlord to improve their behaviour is more likely to mediate with a landlord to seek a tenant's reinstatement, than a local authority with a stronger emphasis on formal enforcement activity. As will be seen below, local authorities working 'with' the PRS to meet housing face challenges in balancing control and cooperation.

5.3 Local authorities

There are several reasons why local authorities do not prioritise investigation and prosecution of illegal eviction.

Loss of expertise

First, there has been a loss of expertise. Traditionally, Tenancy Relations Officers (TROs) were employed directly by local authorities and had the remit to investigate cases of harassment and illegal eviction. Anecdotal evidence indicates that the number of TROs has dropped substantially over the last twenty years. In 2021 the National Audit Office confirmed that no information was available on the number of staff carrying out TRO duties.[39]

In addition, TRO work has been subject to a degree of 'drift', and in some local authorities covers generic tenancy sustainment and landlord liaison, often associated with use of the PRS to meet homelessness need. This means that TRO expertise might sit within Housing Options Teams, be badged as 'local landlord liaison', and have a remit for landlord support:

> *I think it's probably a similar role, I think it's just a name change. The aim of it is to be a one-stop shop for landlords. So, yeah, so not really doing any sort of mediation or anything specifically, but definitely so landlords have somewhere to go directly* [CDC01&CDC02].

Thus, the existence of a TRO in a local authority does not guarantee that they are tasked with enforcing the PfEA. Only one local authority in Y&H had a clearly defined TRO team that investigated PfEA offences, and – unsurprisingly – this authority is one of the national lead authorities for prosecution. In areas where TRO work is given a higher level of priority, the outcomes can be highly beneficial. In 2021 it was reported that Bristol City Council employed 3.6 FTE TROs who prioritised enforcement of the PfEA. In this instance, the TRO team worked closely with housing enforcement, including illegal eviction and housing offences as part of discretionary HMO licensing conditions.[40]

Colliver & C. Hunter (2025) *Enforcement against slum landlords in England*, University of York. DOI: https://doi.org/10.15124/yao-mxs4-x815.

[38] *Ibid., 13.*

[39] National Audit Office (2021) *Regulation of private renting*, 32.

[40] S. Ali (2020) 'How to ensure better protection for tenants around the country', *Local Government Lawyer*, 23 Jul. Accessed 27 Jul 2025.

These two authorities were very much the exception. Where there are local authorities without a TRO specialism, illegal evictions are simply not investigated. One PSH officer commented on other authorities where he had worked:

> *Where I worked in the south, we didn't have anyone [i.e. a TRO] for illegal evictions, and that meant in effect people were just allowed to be illegally evicted. The council was made aware of blatant illegal evictions and they went unpunished. [...] There are certain councils where enforcement is completely negligible* [PSH-MNM01].

Across the Y&H region, confidence in the ability to undertake PfEA prosecutions was mixed. Data available from the Association of Tenancy Relations Officers indicated that expertise was spread across the region unevenly: across the fifteen authorities, eight had no members, five had one, one had three and one had four.[41] One Housing Options team member saw their authority's lack of expertise in this area as particularly problematic: '*we haven't got a dedicated tenancy relations team, so we haven't got the expertise or experience in really pushing all the criminal levers that we perhaps could'* (IHOP-GHG01).

Investigation not a statutory function

Second, the government can be ambivalent about the value of tenancy relations work. The National Audit Office noted that Environmental Health Teams' capacity for enforcement activity was potentially limited by their performing tenancy relations duties, implying that this work has a lower priority.[42] Officers explained under-performance in relation to PfEA investigation by stating that there is no statutory duty to investigate illegal eviction, but there is a duty to serve improvement notices for Category 1 hazards. It was felt appropriate, therefore, to prioritise housing improvement work. This issue is discussed further in Chapter 6.

Criminality not a priority for Housing Options teams

Third, Housing Options teams did not always take a proactive stance in regarding illegal eviction as a crime where prosecution was a likely outcome. This was despite the fact that there could be knowledge of landlords who made frequent recourse to this strategy:

> *You have tenants coming through and they're saying "oh, my landlord's changed the lock and they tell you who it is and you're like, right, yeah, I believe that's happened. They've got form for it* [HOP-ABA01&ABA02].

There were four interconnecting reasons why the criminal aspect was disregarded. As with private sector teams, there could be a lack of confidence in knowledge of the regulation. Housing Options teams operate at the 'front line' in dealing with illegal eviction cases, since tenants in acute housing need are likely to approach the council for assistance. However, across the eight Housing Options teams that were interviewed, only one or two expressed confidence in their knowledge of the PfEA, and none reported that routine training was available to keep officers up to date. Some expressed the need for training in this area. Some officers were confident in their ability to judge the legality of a notice to quit, but in at

[41] These are data secured from the ATRO as context-gathering for the Y&H regional case study.
[42] National Audit Office, *Regulation of Private Renting*, 32.

least one local authority area these cases were referred these cases to the local Citizens Advice (CA), since they were thought to have the appropriate legal expertise.

Another reason was that Housing Options teams regarded illegal eviction cases purely in relation to the existence of a homelessness prevention or relief duty. A primary priority was to ascertain whether there was evidence of a duty, which included contacting the landlord to establish whether the tenant no long had access to settled accommodation. Where it was evident that the local authority did have a duty, then a second priority was to try and get the tenancy reinstated. This meant persuading the landlords to fulfil their legal obligations:

> *There's an element of bluff and bluster from landlords but we've got a good team that have got the right approach that can put the landlord in their place. The overarching theme and ethos of that team is to maintain tenancies and they do that very well* [PSH-NON01].

It would seem, therefore, that even where there might be evidence for illegal eviction, getting a tenant back into a property was regarded as the most desirable outcome:

> *Sometimes we get it directly from a tenant saying, 'Look, I've just been kicked out of my house.' And we will try and do what we can to try and get them back in. We'll also potentially, start gathering evidence of potential offences under the Protection from Eviction Act, to see whether or not we think there's anything that we can do there. Our prime purpose is to try and keep those people in those properties, if possible, and prevent there from being an illegal eviction. […] We don't tend to prosecute that many people, to be quite frank. I've been in post for two years and I can only think of one case where we are taking a prosecution against the landlord for offences under the Protection from Eviction Act. So it's not something which regularly happens* [HOP-opo1, HOP-opo2 & PSH-OPO2].

In addition, Housing Options teams could pass cases on to enforcement teams for prosecution, but cases were not often passed on because Housing Options officers knew that action was rarely taken. One officer noted that their enforcement team was overwhelmed with disrepair cases: *There's slim to zero chance that anything we could do would result in a prosecution of that landlord'* [HOP-BCB02].

Perhaps the most pressing reason why Housing Options teams do not actively promote prosecution for illegal eviction is local authority reliance on the PRS for accommodation. The 2000 report on illegal eviction concluded that enforcement action was compromised by local authorities working with landlords as 'partners'. This creates ambivalence around hard enforcement approaches:

> *We're gonna resolve homelessness, we need a buoyant, affordable, good, private rented market. So I think sometimes we're clashed a bit, I think it's fair to say, with other side of service'* [HOP-ABA01&ABA02].

5.4 The police

As has been seen in chapter 4, the police are often the first response when tenants are subject to illegal eviction or harassment by a landlord. The 2020 report *Journeys in the*

shadow private rented sector, reflecting on the actions of Metropolitan Police, the authors noted that:

> Poor police awareness of housing issues, and how to tackle that poor level of awareness, was a common theme. Local police did not play a strong role in supporting enforcement activity.[43]

The position across England does not seem to have been improved in the last five years.

Overwhelmingly, qualitative interviews across all types of respondents offered negative comments on police involvement in illegal eviction.[44] The police may be called by the tenant as a response to actions by the landlord, sometimes the landlord calls the police and, in some cases, both parties have called the police. There are three different negative responses by the police.

1. The police simply refuse to attend.

   they'll immediately just say it's a civil matter. They can't do anything. They just then refuse to come out to the property. They refuse to get involved. Even if you try to argue …[it] is a criminal matter. It's under section 1 of the Protection against Eviction Act and things like that. They don't care [Advice Agency 2].

2. The police do attend and simply use the mantra that 'it's a civil matter' and not take any action.

   The police were called when the landlord was trying to evict a tenant and […] the police turned round and said, 'It's a civil matter. It's not a police matter'. I think that's generally their view in relation to these evictions [Criminal Lawyer 1].

3. The police attend and actively support the landlord

   [The landlord] called the police, and they then assisted to remove her from the property, after which she was street homeless [….] And despite their own updated guidance, it's you know, they're still they seem to just take the side of the landlord [Civil lawyer 5].

   They come along – we find out about this afterwards – half the tenant's stuff is in the street. The landlord's there, the tenant's there. The tenant's screaming "I've been illegally evicted" and the police are saying there's a breach of the peace. "Look, put everything in your car. Calm down […]. The landlord wants you out, it's best just to comply" [PSH-FGF01].

There was some evidence of better practice including correct advice on the law from a 101 operator, and the police arresting the landlord. More generally the police can act as a mediator between the parties and ensure the landlord was removed from the home:

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[43] R. Spencer *et al, Journeys,* 57.

[44] On the legal position of the police contrast *Cowan v Chief Constable of Avon and Somerset Police* [2001] EWCA Civ 1699 and *Case of Jansons v. Latvia* Application no. 1434/14.

> *The police spoke to both parties and said to the landlord and her associates, "we'll give you a couple of hours to get out of the property". So eventually, later that day the owner and members of her family did leave* (TRO-MNM07).

There were also cases where police action prevented effective prosecution. One officer mentioned a case where a landlord had threatened to come round to a tenant's home at a particular time, to change the locks. The landlord came with a 'heavy' and assaulted the tenant. The police were called to the scene but chose not to prosecute for assault. Furthermore, they failed to lodge evidence which created difficulties for the local authority pursuing an illegal eviction prosecution, since the police had attended the scene and chosen not to arrest the landlord (see also chapter 6).

The ESRC project interviewed over 40 police officers, operating at different levels, about criminal landlord behaviour and not one mentioned illegal eviction. Training on the PfEA is available to police officers in some areas. For example, South Yorkshire Police have received face-to-face training provided by the Sheffield Tenant Relations Service, and Avon and Somerset Police working with Bristol Council created a video for officers. In 2020 Safer Renting designed a training course for the Met Police on how to deal with harassment and illegal eviction. It was an online training course on their system called NCALT and mandatory for all new officers. Other interviewees also undertook training for the police. All the training emphasised that illegal eviction and harassment is not just 'a civil matter.' However, interviewees were sceptical on the effect of training.

> *We've done training with them and we you know we know the local neighbourhood Sergeant and I do encourage my tenancy relations officer to sort of do sort of semi-regular training with them. But the turnover of [police] officers means that it's all forgotten fairly quickly. But we do try….* (Criminal Lawyer 3 and team).

The view of Safer Renting on training was similar:

> *The last meeting we had to monitor progress was towards the end of 2023, and at that point over 8000 Met officers had done the course. We did a survey over six months of 49 of our cases where they called the police to an illegal eviction in progress, and the police refused to attend in something like 47 of them. It was way off the scale. The idea that that training worked is a bit slim.*

5.5 Blaming the victim, defending the landlord

One final theme that sits within statutory responses to illegal eviction, is the degree to which victims were blamed and landlord exonerated for illegal eviction. Victim-blaming becomes evident in several ways, often reinforcing landlords' justifications for acting illegally.

Tenant complicity

One housing officer commented that it was common for tenants to work with the landlord to engineer an illegal eviction. This complicity might extend to the tenant not cooperating with attempts to reinstate the tenancy. As one Housing Options interviewee commented:

> *They actually want to get an alternative for them, which is more stable and more suitable and more affordable for them, which is social housing properties. Often we'll find that the tenants are not really wanting to help us help them back into these properties* [HOP-GHG1-3].

Justifiable precipitating event

It was often the case that the tenant was blamed for the landlord resorting to illegal eviction, intimating the action was in some sense justifiable. It is deemed good practice for Housing Options officers to home in on the 'reason' for an illegal eviction, and this reason was often something that the tenant was thought to have done wrong. Acting to retain a tenancy often meant the local authority mediating with the landlord to resolve what was regarded as a problem the tenant had created.

One local authority framed this in terms of a team looking to understand '*why has the landlord decided that they needed to take this action and try to put support in to resolve any of those issues'* [HOP-BCB01]. This framing intimates that the landlord was justified in their 'need' to evict illegally, and the priority was resolving this root cause and not the landlord's illegality:

> *The tenant might be jiggling around with the rent payments, the tenants might be doing things in breach of their own tenancies, and the landlord's getting increasingly frustrated with everything that's going on. So whilst we can't condone it, we can sometimes see why the landlord is at the end of their tether* [HOP-OPO01].

This view was often expressed where a tenant may have caused other problems: *Where we run into particular problems is where the tenant behaviour isn't the greatest and may be challenging for the landlord to deal with* [TRO-MNM01]. This is particularly the case where a tenant might be causing disruption to other tenants in an HMO, and where the police might have even encouraged the landlord to move the tenant on to prevent further anti-social behaviour.

Landlords' rights

The police were particularly adept at underlining the 'landlord's right' defence for illegal eviction: that the landlord has a right to decide what happens in their property. It has been noted, above, that the police very often wrongly judge the correct response to an illegal eviction case. This also went so far as to accept that a landlord was within their rights to break other laws, in the context of a letting arrangement.

In the incident described, above, where police officers failed to arrest a landlord who had assaulted a tenant in his own home, the local authority officer commented that the perpetrator was absolved because he was a landlord and his actions were permissible.

> *The impression in that situation seems to be, that rather than that being the landlord who has done this thing, making it more serious because there's the added layer of*

> *offense in relation to the Protection from Eviction Act, tends to be seen as less serious than if a stranger from the street had come in. And I do still think that there's the psychological thing there with the police that ownership of the property gives them some…They don't understand what a tenancy is, they don't see a tenancy itself as ownership. They are very bound up in "Well, it's the landlord's house"* [TRO-MNM01].

Tenant failure to support prosecution

Finally, statutory officers were often of the view that problems with prosecuting for illegal eviction often reflected the failure of the tenant to support that prosecution. On PSH officer's comment was typical:

> *I think generally we get little in the way of enforcement against those kind of cases just from the pure lack of cooperation with the tenant to give a witness statement and be available to go to court and give their evidence* (PSH-DED04-06).

Officers engage in a circular argument, acknowledging that '*the people who are mainly illegally evicted are at the bottom of society'* but then concluding that tenants' failure to support a conviction reflects '*sometimes quite chaotic lives*' [PSH-MNM01]. The fact that a tenant might now be homeless because of the illegal eviction is not always acknowledged. If local authority accepts that it has a homelessness relief duty, the tenant has little control over where their temporary accommodation might be located: it is highly likely to be out of borough, again creating difficulties in maintaining contact. Asking a tenant to support an illegal prosecution is inviting that individual to revisit a highly traumatic event. None of the officers who were interviewed described ways in which they supported the tenant through the prosecution process.

5.6 Conclusion

This chapter has reviewed some of the evidence around local authority and police responses to illegal eviction. Local authority officers were constrained by the legal frameworks they were obliged to work within, and which often precluded effective engagement with the PfEA cases. What is notable about these accounts is a marked lack of interest in illegal eviction as a crime. Perpetrators are known to the police and to local authorities, but active measures are taken to evade responsibility for prosecution. Indeed, this chapter underscores conclusions drawn in the previous chapter, that statutory responses can often amount to secondary trauma.

6.Criminal prosecutions under the Protection from Eviction Act

6.1 Introduction

This chapter considers local authority actions under the PfEA and the use of Rent Repayment Orders (RROs) introduced by the Housing and Planning Act 2016. The first section of the chapter presents data on the number of prosecutions between 2011-23. The criminal offences in the PfEA 1977 are then set out. The chapter then examines the experience of local authorities who have prosecuted under the PfEA 1977 and then the data on outcomes from prosecutions. The chapter ends by looking at the use of RROs in illegal eviction and harassment cases. The qualitative and quantitative data in this and the following chapter are drawn from detailed analysis of five eviction and harassment cases pursued by one local authority within the Y&H region (cases MNM-A-E). The material was supplemented with interviews with the local authority's tenancy relations team (the Team). The chapter also draws on interviews with criminal lawyers and staff involved in prosecuting cases in other local authorities, civil lawyers, and advice organisations including a focus group with Safer Renting staff. The chapter also presents Ministry of Justice data on prosecutions.

6.2 Background context

Before focusing on the legal process, it is worth considering the victims of the crime. Chapter 4 explored the experience of tenants and the risk factors associated with a tenancy ending in the tenant being forcibly deprived of their home. Safer Renting and the Team cases had very similar profiles. Three of the five cases involved tenants who were non-native English speakers. The criminal lawyers interviewed also had experience of cases with East European victims. There were implications of this, discussed below. There was also evidence of cases of illegal eviction escalating from a complaint about a substandard property. For example, in case MNM-A the victim of illegal eviction first complained about a lack of heating. The landlord later entered the property to remove the council-provided heater in the tenant's room. The property was also an unlicensed HMO.

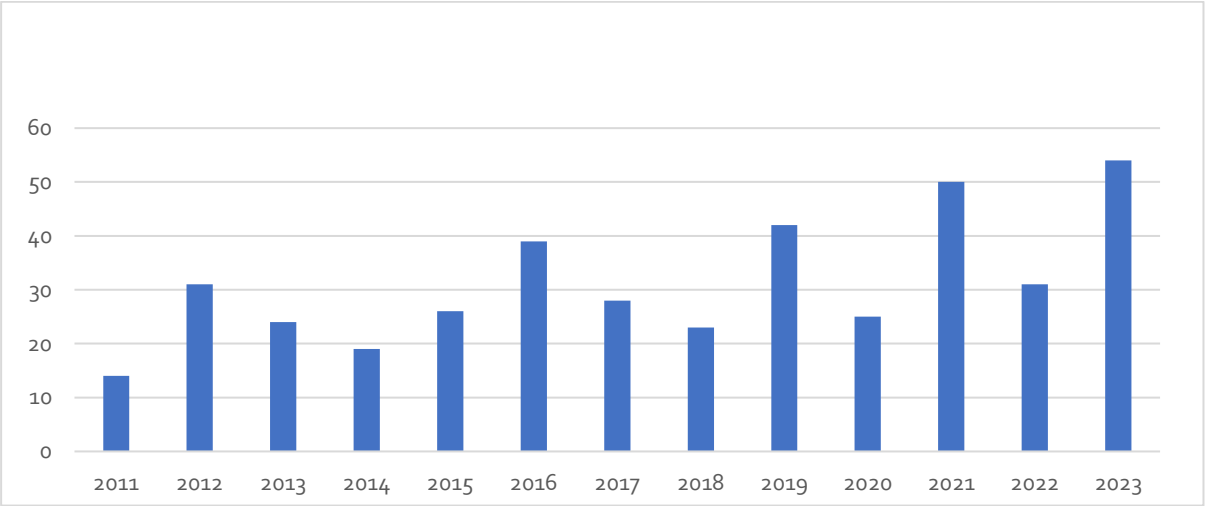
In terms of the vulnerability of victims, Criminal Lawyer 2 had prosecuted two cases that were sent to the local PRS team from the service social service department of the county council. Again, in one of these cases the victim was living in an unlicensed HMO. These cases supplement data in Chapter 3 that demonstrate a strong link between poor-quality property and illegal eviction.

6.3 Data on prosecutions

Section 6 of the PfEA provides local authorities with the power to prosecute but does not require them to take any action. Given the data in Chapter 2, and what is known about the

failure to take action, it is perhaps not surprising that the data from the MoJ [45] demonstrates that there are few prosecutions (Chart 6.1). A total of 406 cases were prosecuted under the PfEA in the data period spanning 2011 to March 2023.[46] Over the last twelve years prosecutions have been rising but with significant variation year-on-year.

Chart 6.1: Prosecutions under the Protection from Eviction Act, 2011-2023



Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35.[47]

Chapter 5 explored some of the reasons why local authorities do not prioritise investigation and prosecution of illegal eviction. Interviews with housing legal experts confirmed the general failure of local authorities to use the PfEA. One local authority solicitor noted on such prosecutions: '*I don't do any. No, never*'. One of the Civil Lawyers had asked the local authority to prosecute and threatened them with legal proceedings if they failed to take action: '*They wrote back and said that they don't have any policy, that it's not their role to get involved in lawful evictions, and they have no policies'* (Civil Lawyer 7). This stance is not lawful. In 2023, a Cardiff tenant whose locks had been changed while he was away sought a judicial review of the failure of Cardiff Council to take action under the Act. The High Court declared that the Council's failure to use its powers under the Act was

[45] Disclaimer: This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS data owners (e.g., HM Courts and Tribunals Service and the MoJ) in relation to the interpretation or analysis. This work uses research datasets which may not exactly reproduce Accredited Official Statistics aggregates. Accredited Official Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

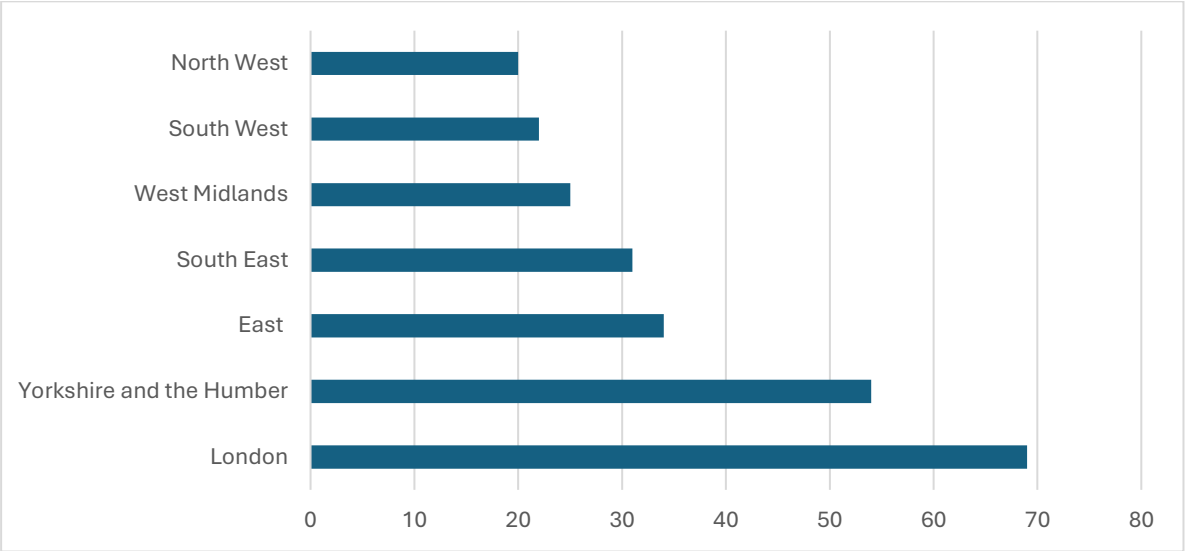
[46] Note: MoJ case numbers capture the offence with most serious disposal. Total offences may be higher. See Appendix 1 for further information.

[47] Note: The MoJ dataset is partial for 2023. Cases for 2023 are from the first quarter only.

unlawful. The fact that no cases had been prosecuted for over ten years displayed a systemic failure from 2012 to provide resources for cases.[48]

The data from the MoJ highlights the variable use of prosecutions. Table 6.2 shows the distribution of cases across the region of offender residence, calculated from data on the offender's local authority of residence. Although the local authority responsible for prosecuting PfEA offences was not recorded in the data, data was available for the police force area where the prosecution took place. Comparison of police force area and region of offender residence indicated very few cases were significantly 'out of area' i.e. prosecuted in a region that was not that of the offender's residence or a neighbouring region. As such, the region of offender residence can be viewed as a reasonable approximation of the region in which the offence took place.

Chart 6.2: English Region of offender residence for PfEA offences



Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35. Note: data for the North East and East Midlands regions are supressed in line with ONS and MoJ disclosure rules.

The region with the highest number of PfEA cases prosecuted was London, and the second highest was the Yorkshire & the Humber, possibly reflecting the degree of resource given to prosecution rather than the incidence of the problem. However, a Freedom of Information exercise collating data on enforcement in London Boroughs demonstrated a patchy response across the capital. One borough's response was similar to the unlawful response of Cardiff: '*Please note that [the Council] does not hold this information, as we do not deal with complaints relating to illegal evictions'.* It is notable that no prosecutions at all took place in either the North East or East Midlands regions.

6.4 Protection from Eviction Act 1977, s.1

[48] https://publiclawproject.org.uk/latest/cardiff-council-to-change-policy-on-prosecuting-rogue-landlords/, accessed 3 Sep 2025.

Residential occupiers

The offence is committed against 'residential occupiers', i.e.

> a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.

This broad definition avoids the issues of whether an occupier is a tenant or a licensee.[49] It would also cover those with a statutory right to reside in a property such as spouses and civil partners (under the Family Law Act 1996). Even if a tenancy or license falls outside the Housing Act 1988 protection, section 3 of PfEA prohibits eviction without a court order. Despite this, some occupiers are 'excluded' under s.3A from the protection of s.3 and this may lead to uncertainty. For instance, lodgers are 'excluded' under s.3A. The last exclusion was added via the Immigration Act 2016 to exclude persons occupying where the Secretary of State has written to the landlord saying their tenants do not have the right to rent, meaning that, like lodgers, they are not entitled to be evicted by court order.

For the lawyers prosecuting cases this was not an issue. For example, in MNM-C the occupier had a licence agreement with a supported accommodation company. However, it is clear from Chapter 4 that uncertainty on tenancy status is fostered by landlords and can lead to occupiers not seeking help.

The offence

The PfEA 1977 creates three separate offences. The first is the simplest, (s.1(2)) and occurs when anybody whether a landlord or agent or not: 'unlawfully deprives the residential occupier […] or attempts to do so […] of his occupation of the premises or part of it'. In the most recent case on s.1(2) – *Wu v. Chelmsford C.C.* [2023][50] - the Court of Appeal decided that:

> the actus reus of s.1(2) which requires that the resident occupier has been deprived of occupation of the premises does require actual physical deprivation of occupation, namely that the occupier has by the defendant's conduct been put and/or kept out of physical occupation of the property.

In *Wu* the landlord had changed the locks of the tenants' home, but following the intervention of the local authority, later that night the new keys were given to the tenants. The Court of Appeal found that although there was no actual unlawful deprivation under s.1(2), there was an attempt to do so. The Court concluded:

> Given both the jury's actual finding on the issue of intent and the undisputed conduct of changing the locks, the jury would inevitably have found the appellant guilty of the statutory alternative under sub-section (2). We add that Parliament's decision to take the unusual course of including the alternative of attempt within the s.1(2) offence rather suggests that its intent was to avoid debates on property law of the type which has arisen on this appeal. This case demonstrates the wisdom of including that alternative within an indictment under s.1(2).[51]

[49] See Arden *et al. Quiet Enjoyment,* paras. 1.207 – 1.244.
[50] [2023] EWCA Crim 338, para. [43].
[51] Para. [51].

Finally, it should be noted that there is a defence that the offender undertaking the illegal eviction believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.

The second and third offences deal with harassment and are complex and confusing. The second offence (s.1(3)) applies to anybody (whether a landlord or agent or not) harassing a residential occupier. There are two forms of harassment:

> a. acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or
> b. persistently withdrawing or withholding services reasonably required for the occupation of the premises in question as a residence.

To commit the offence, the offender must intend for the occupier to give up the occupation of the premises or to refrain from exercising any right or pursuing any remedy in respect of the premises.

The third offence (s.1(3A) and (3B)) only applies to landlords or agents. It applies to the same forms of harassment as the second offence. However, the intent is different: it has to be shown that offender knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises. There is a defence if withdrawing or withholding services can be justified on 'reasonable grounds'.

This final offence (added by the Housing Act 1988) attempted to ease the burden of proof but created a dual evidential test: if it is a landlord or agent, whatever they are doing must be 'likely' to cause the occupier to leave; it is any other person, then it must be proved that they had the 'intent' of causing the residential occupier to leave. This creates problems for prosecuting authorities having to define whether the perpetrator is a landlord, agent or another person before considering the standard of evidence required. As Carr *et al*. comment:

> Proving that it was a landlord or their agent who took the action is challenging. There is often deliberate obscurity about the identity of the landlord. Where it is not possible to establish it was the landlord or their agent, prosecutors must establish the higher threshold requiring proof of intent - a very high bar.[52]

Either way, the burden remains onerous. The court cannot infer intent of harassment by any person just because the occupier ended up leaving the property. The prosecution must show that the tenant leaving the property was the intention behind the harassment.[53] For the staff at Safer Renting the *mens rea* '*is really the defining thing, and that's a difficult thing to get over*'.

Chart 6.3 shows MoJ data indicating that most of the offences related to illegal evictions under s.1(2) (8701 offences) rather than landlord harassment. However, a slight decrease in the proportion of illegal evictions as a percentage of all cases over time does indicate growing interest in also prosecuting harassment offences.

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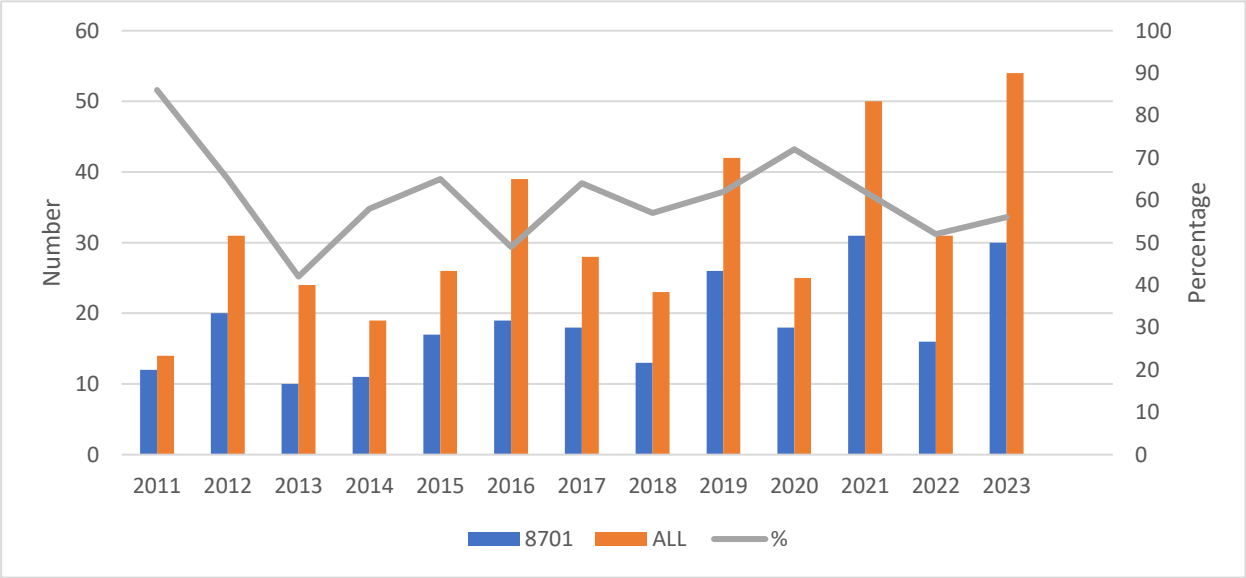
[52] H. Carr, C. Hunter & E. Kirton-Darling (2024) *Protecting vulnerable tenants: reforming the law on protection from eviction,* https://shorturl.at/H5u1Q, accessed 24 Sep. 2015.
[53] See *R v. Burke* [1991] 1 A.C. 135 and Arden *et al*. *Quiet Enjoyment,* para. 2.86.

Breakdowns of illegal eviction cases into further codes – which distinguish between illegal evictions and illegal eviction attempts – are not available year-by-year but the total number of prosecutions between 2011 and 2023 for the code to deprive residential occupiers of premises - s.1(2) attempt in the dataset – is 30. As such it can be inferred that the vast majority of cases relate to illegal evictions that have taken place, rather than attempts that have been unsuccessful and/or resulted in local authority intervention.

Chart 6.3 Home Office 8701 cases compared with all PfEA cases



Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35. Note: cases for 2023 are from the first quarter only.

6.5 The prosecution experience of local authorities

The approach to cases

Amongst the interviewees, those local authorities that did prosecute cases all had officers (usually known as Tenancy Relations Officers) whose work was to investigate cases. According to FoI data, while some London Boroughs did not have dedicated TROs, those taking significant action under the PfEA 1977 generally situated the work in private rented enforcement teams:

> *For Private Sector Housing, there is no specific staffing allocation solely for unlawful evictions. The investigation and prosecution of such cases are handled by all officers within the enforcement team. Staff responsibilities are generally assigned based on the operational needs and case load, rather than specific roles dedicated to unlawful evictions* (FoI response, Royal Borough of Greenwich).

Those councils that situated illegal eviction as a 'housing needs' issue investigated and/or prosecuted less often. For example, the London Borough of Sutton had no data on PfEA 1977 prosecutions. Its approach was to employ 'twelve Housing Advisers that deal with the

occasional issues of unlawful evictions in our area' (FoI response). The failure to focus on enforcement was a reason for non-prosecution.

> *I've watched a number of local authorities and you know certainty, you know that…if enforcement isn't … driven, it won't happen. And you know whether that be building control or planning enforcement or food or environmental health, whatever it is, across the enforcement roles… if there isn't the will it generally there's a reason to not. You know there'll be a reason found to not do it.* [Criminal Lawyer 3 and team].

For MNM local authority that had a specialised team this was the best approach:

> *…because we're lucky we have a well-staffed sort of tenancy relations team who deal with illegal evictions. Now when I've worked [in other] local authorities either we didn't provide any service or it was tacked on to EHOs to take illegal evictions which worked okay, but not particularly well. Specialised departments are better and we're very lucky that we've got, …now who only do harassment and potential eviction type work.* [HoS-MNM-].

The sources of cases for those local authorities also demonstrated that the disconnect from housing need/homelessness processes. Some local authorities had no clear pathway for cases coming for homelessness and housing options staff, for reasons explored in Chapter 5. In the legal case study local authority, the Team was not entirely typical in having a good relationship with the Housing Solutions team, routinely providing advice on the legality of notices and receiving cases to investigate. Safer Renting, which investigates cases for local authorities, receives cases from both homelessness teams and PRS enforcement teams. In their experience enforcement teams tend to be fairly neutral about what outcomes are expected but '*homelessness teams, on the other hand, very clearly, top of their agenda is housing sustainment, tenancy sustainment, and saving costs*'. In those cases, the local authorities are not looking to prosecute.

The investigation of cases

Even with local authorities that are willing to prosecute there is a large gap from receiving a complaint to the decision to prosecute. As one of the interviewees commented there is a '*very big funnel*' to prosecution. For the Team at MNM, once the tenant has been interviewed a letter is sent to the landlord.

> *…if someone's been illegally evicted, we'll try and speak to the landlord. First, try and get the tenant back into the property, and we do warn the landlord that we could prosecute them. So, we use that as a bargaining chip to try and get things resolved. Same with harassment. We will try and resolve the situation, try and stop the harassment, but if things can't be resolved then we will prosecute the landlords through the criminal courts* (TRO-MNM06).

This will include advice on whether notices are lawful and emphasising the need for a court order prior to an eviction. The landlord may be willing to let the tenant back into the property or provide reassurance that harassment will cease in which a prosecution will not be pursued. Landlords may also provide a credible response that suggests that different explanation for events. This will be put to the tenant. As case MNM-B demonstrates (Box 6.1), if the tenant does not respond the case will be closed.

Box 6.1: Case MNM-B

This originally seemed a very obvious illegal eviction. The tenant contacted the Housing Solutions advising that the landlord had changed the locks after expiry of a s.21 notice and the case was sent to the Illegal Eviction Team. The evidence seemed strong:

[Tenant had] got a voicemail and message from the landlord, saying, 'I've changed the locks'. She went back to the property. The landlord was there, locks were changed. All of this stuff was in the garden, including a little toddler girl's toys in the pouring rain. And so we actually have the landlord on a voicemail, saying that he changed locks. Then we've got a video of when the tenant went back to the house and got a video of the landlord saying she can't come in, I've changed the locks.

The case officer took the tenant's statement and wrote to the landlord. The landlord replied with a different explanation of events:

But then the landlord did come back with quite a credible account of his side of things. The landlord was saying that [he] went round to find that the tenant had already removed her belongings and surrendered the keys following the expiry of the notice.

Attempts were made to put this to the tenant, before the landlord was interviewed under caution. However, the response was never forthcoming and the case was closed. The officer understood the tenant's position:

This happened in November last year, and she's still [sofa] *surfing with her little girl because she hasn't been rehoused by the Council yet. She's not providing me with the evidence that I need, because she's so upset and stressed about not having anywhere to live that she can't concentrate on anything else.*

A number of the MNM cases did not proceed because of lack of witness statements from either the victims or other witnesses. In contrast, in MNM-7, the victims were '*very credible witnesses in terms of their reliability at getting back to me and keeping their appointments to speak to me*' (TRO-MNM07) and so it is much more likely that the case will make progress.

Another problem for the investigative team may be access to interpreters. As noted above, victims are often non-English speakers. If formal witness statements are not done through an authorised translator this may lead to problems later.

> *So quite often when we get involved, we might look at the evidence and go. 'Actually, how was the statement taken'? Was it taken properly in accordance with criminal procedure rules, i.e. taken in their native tongue and then properly translated* [Criminal lawyer 4].

Of course, this also adds to the cost of the prosecution, which may not be recovered in costs even if the prosecution is successful.

If the investigation officer is confident in victims and other witness evidence, the landlord will be invited to attend an interview under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE). It is not necessary to have all evidence when the PACE interview happens and there were delays in getting evidence from the police. While Log Books of incidents are generally provided quickly, is it often necessary to chase the police for statements although '*[w]e do normally get something in the end*' (TRO-MNM07). Evidence from the police that corroborates the victim's account is prized:

> *So, in the end that was very good, because I have the witness statement. It's right there. It's written, it's signed. It's from a police officer who was actually there. … So, the police officer is a really good witness in this case, if we ever need them* [TRO-MNM08].

The decision to prosecute

While legal advice may be provided through the investigation process (for example, on questions for the PACE interview), the final decision on whether to summons the landlord or agent is made by the lawyer for the local authority. In making that decision all the lawyers referred to the two-stage test in the Code for Crown Prosecutors.[54] The first stage is the evidential stage. Strength of evidence can be a problem. The lawyers will be looking at all the '*admissible evidence which demonstrates what's been happening*' [Criminal lawyer 4]. The lawyers are concerned whether witnesses will be reluctant or unlikely to '*stand interrogation by a defence barrister*' [Criminal lawyer 3]. They are looking for a 'robust' case. This may mean some 'back and forth' with the investigating officer. MNM-A is an example that passed the two-stage test (and led to a successful prosecution):

> *So, this one, for example, there were vulnerable students. The landlord had quite a lot of properties in the city. And the tenants in this particular case were very credible in what they were saying, and also because the Council, two council officers had actually witnessed some of the harassment* [TRO-MNM06].

However, many do not make it to the summons stage because the evidence is not 'watertight.'

The second stage is the public interest stage. For the lawyers, the second stage is not often a problem.

> *I can't imagine many cases involving an unlawful eviction, or, you know, harassment leading to an unlawful eviction where it wouldn't meet the public interest test. I think all of these cases generally would have to be in the public interest* [Criminal lawyer 4].

Outcomes of prosecutions

If a summons is issued that does not mean there will be a full trial and a finding on guilt. An offence under the PfEA 1977 is triable either way – this means the offender may choose whether the trial is heard in the magistrates' court or in the Crown Court with a jury. The PfEA 1977 cases are heard on the days set aside for local authority cases. A small number of cases move to the Crown Court if the landlord takes this option. However, the number were so small that the responses in the data were not counted.

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[54] The Code for Crown Prosecutors (2018) https://www.cps.gov.uk/publication/code-crown-prosecutors , accessed 13 Aug 2024.

Of those cases heard in full at the magistrates' court, 86 per cent result in a guilty verdict. This degree of success matched the experience of interviewees and possibly reflects the lawyers' decisions to prosecuting only the robust cases. However, most cases (56 per cent) are deferred or discontinued (see Table 6.1 below). It is likely that attrition plays a part in the loss of cases, linked to delays in hearings. [55]

> *The court system trudges very slowly. And unless there's a real danger, you know, to the life and limb of the actual victim, the courts tend to say, well, you know, they can wait for their …local authority slots… I mean, the cases that I dealt with, you know, they had a sort of three to four years before the actual hearing date and actually by that time, …witnesses have moved on, you know, psychologically they've moved on because they've had to. You cannot stand still* [Criminal lawyer 3].

Table 6.1: Findings from Protection from Eviction Act cases

Finding	Cases	Percentage
Guilty	151	37
Not guilty	24	6
Deferred or discontinued	225	56
All findings	400	*may not total 100 due to rounding

Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35.

Delay also means the officers in a case may also move on, making it more difficult to progress a case. The local authority might also choose to drop some of the charges in response to a guilty plea. This outcome was evidenced in a prosecution case that was witnessed as it unfolded in the magistrate's court by the research team [see Box 6.2].

Box 6.2 Prosecution vignette

In a recent case in Sheffield, a landlord company and its managing director were prosecuted under the Protection from Eviction Act 1977. The landlord company had been letting commercial and residential properties in the area for 20-30 years. Their residential property portfolio was targeted at the lower end of the private rental market. They had no previous convictions.

At the start of August 2023, an individual signed a tenancy for a one-bedroom flat with the landlord company and paid three months' rent in advance. Within the three-month

[55] Delay in the magistrates' court is not limited to local authority hearings. See F. Ratcliffe and P. Gibbs (2024) 'The wild west? Courtwatching in London magistrates' courts', *Transform Justice*, May. https://www.transformjustice.org.uk/wp-content/uploads/2024/05/The-Wild-West-Courtwatching-in-London-magistrates-courts.pdf, accessed 13 Aug 2025.

period, the tenant (who held British citizenship) travelled to his country of origin to stay with his wife, who was awaiting a spousal visa, and four young children. His wife's visa was approved during this time and the family arranged to travel to the UK together.

Upon arriving at the property in the middle of the night, the family found the locks had been changed and they were unable to gain entry. In communication with the local authority, the landlord stated that 'under no circumstances' were children allowed in his building. Following the illegal eviction, the tenant and his family had to stay in out-of-area temporary accommodation for over a month.

In a deal between the local authority and the landlord, it was agreed that the landlord company would plead guilty to unlawfully depriving a residential occupier of his occupation. In return, the local authority dropped one other charge against the landlord company and two charges against the landlord company's managing director.

Source: As case was presented in the magistrate's court.

6.6 Sentencing

If there is a guilty verdict or plea the court moves on to sentencing. If the court finds the offender guilty in magistrates' court, the sentence could be a fine up to £5,000 or a term of imprisonment not exceeding six months or both. In the Crown Court the fine is unlimited and the term of imprisonment is up to two years. Unlike many other offences there is no particular Sentencing Guidance from the Sentence Council.[56]

As shown in Table 6.2, the 'most serious disposal' (sentence) for people found guilty of a PfEA offence in the magistrates' court is usually a fine.

Table 6.2: Outcomes for guilty sentences for PfEA 1977 guilty cases

Result	Number
Committed to Crown Court for sentencing	*
Fine	93
Imprisonment (including suspended)	17
Community order or other activity	17

*Source: Ministry of Justice, released 21 May 2024, ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35 * Data supressed in compliance with ONS and MoJ disclosure rules.*

MoJ and ONS disclosure rules prevent the presentation of data for years where ten or fewer fines were issued. For the years where data are available, there is substantial variation: in 2016 the mean fine was £493, in 2017, £843; in 2019 £413; and in 2021, £1,512. Interviewees tended not to be satisfied with fines and felt it to be more appropriate if the outcome comprised a (suspended) prison sentence or community service. As one SPH officer

[56] The Sentencing Council is considering draft Guidance in 2025.

commented: '*We've had suspended prison sentences right down to next to nothing. That's soul-destroying when you've put all that work in'* [SPH-EFE01].

The court must consider making a compensation order in any case where personal injury, loss or damage has resulted from the offence. It can either be an ancillary order, or a sentence in its own right. The court must give reasons if it decides not to order compensation. In addition, the court must also add a 'victim surcharge' that funds victim services. The court also has a discretion to order such costs as it considers just and reasonable. For the interviewees, whether the costs were full or limited was very important: '*The costs awarded of £1,000, which wouldn't have touched the sides I shouldn't imagine*' [Criminal lawyer 3 and team].

Box 6.3: Case MNM-A

The council received a call from a tenant reporting lack of heating, which was confirmed on inspection. At the inspection visit, the landlord harassed both the tenant and council officer swearing at both of them. The property, it transpired, was an unlicensed HMO. The council took the landlord to court under the Protection from Eviction Act 1977 due to multiple instances of harassment, for example entering the property without permission, shouting at the tenants, pushing one of the tenant's friends, and stealing the tenant's heater.

The original complaint was in November 2022. The summons was taken out for two offences under the Protection from Eviction Act 1977 s.1(3A). The hearings were adjourned a couple of times, seemingly due to disruptive behaviour by the landlord, but the case went to trial in 2024. The defendant pleaded guilty on the day of trial. He was ordered to pay a £600 fine, plus compensation to each of the tenants, a victim surcharge and costs to the Council of just over £1,000, totalling £2,500.

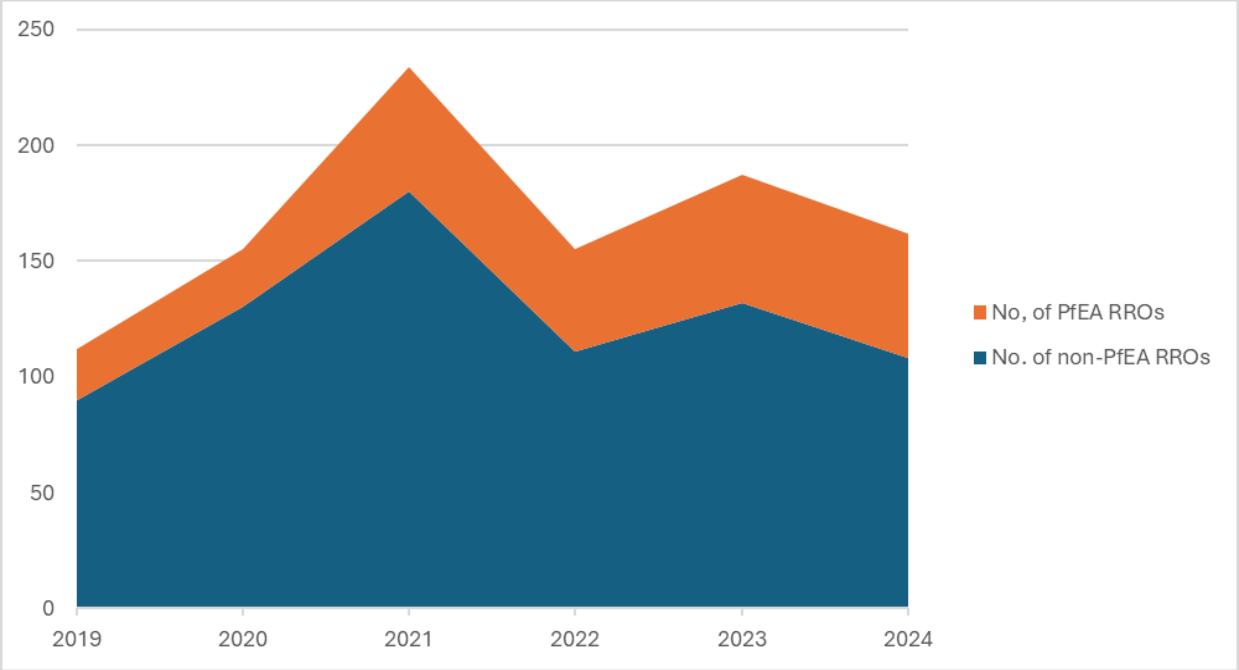
6.7 Rent Repayment Orders

The Rent Repayment Orders (RROs) for illegal evictions were introduced by the Housing and Planning Act 2016 (H&PA 2016). The RRO allows tenants to apply to the First Tier Tribunal (Property Chamber) when the landlord has committed a housing offence, including eviction or harassment under the PfEA 1977, s.1(2), (3), or (3A), for an order to repay an amount of rent (H&PA 2016, s.40). When the tenant is in receipt of universal credit a local authority can apply for an RRO.

To make an application the offence must relate to housing that at the time of the offence was let to the tenant and the offence must have happened in the last twelve months (s.41(2)). In order to make an order, the Tribunal must be satisfied beyond reasonable doubt that the landlord has committed the offence, whether or not the landlord has been convicted (s.43(1)). Accordingly, it is not necessary for a criminal trial to have happened. However, it can be difficult to meet the requirement of criminal standard of proof in illegal eviction and harassment cases.

This is demonstrated by the limited number of cases linked to the PfEA 1977 that were brought to the tribunal compared to other RRO applications (Chart 6.4). As a percentage of cases between 2019 and 2024 this has ranged from 16 per cent in 2020 to 33 per cent in 2024.

Chart 6.4: Non-PfEA and PfEA RRO cases 2019-2024



Source: Marks out of Tenancy (MOOT) data of Tribunal published decisions

For Safer Renting, failure to bring forward RRO cases reflected the fact that tenants often did not have English as their first language and that legal aid is not available (see below). The Tribunal judges had a similar view. Applications for RROs were typical made by students or professionals based on a failure to licence the property under the Housing Act 2004: '*the people going for the rent repayment orders tend to be, not always, but quite educated students, professionals that are aware of it'* [Tribunal Interview]. The vulnerable tenants at the '*bottom of the market*' are '*not conversant with, or confident with engaging with tribunals or making those sort of applications*' [Tribunal Focus Group 1].

When the Tribunal decides to make an RRO for a PfEA offence the rent to be considered is the amount for the period of twelve months ending with the date of the offence (s.44(2)). In cases where there has not been a conviction in criminal courts, the maximum is the full rent less any universal credit paid. The local authority may choose to apply to make an application for the universal credit (see s.45 for the amount of any order these cases). The Tribunal then must decide the amount of the RRO, taking into account the conduct of tenant and landlord; the financial circumstances of the landlord; and whether the landlord has at any time been convicted of a housing offence. If there has been a conviction, section 46 applies to set the RRO to the maximum rent, with no discretion on the amount.

However, the Tribunal can still decide not to make an order at all. This was the experience of the Team when they supported a tenant to bring an RRO:

> *The First Tier Tribunal made the decision not to make a RRO at all, considering that the landlord had 'suffered enough' having received a paltry fine of £2,000. And I thought this was a bad illegal eviction. We were appalled and thought that if this the sort of reaction we're going to get from the First Tier Tribunal, then we don't hold a lot of hope for it really. Since then we've had a lot of pretty good decisions in relation to the financial penalties for Housing Act stuff. But the reaction to PfEA stuff, our one experience of applying, not for a banning order but for a RRO, suggests to me that the FTT did not regard punishing landlords who illegally evict as an important thing at all* [TRO-MNM01].

Financial help to apply for RROs

There is no Legal Aid for tenants applying for RROs in the way there is for civil cases. Tenants generally represent themselves. The interviews with the civil lawyers indicated that their legal aid contracts did not include supporting applications for RROs. Tenants were either signposted to other support – for example, student clinics – or it was suggested that the tenant did it themselves. There was some scepticism about RROs, particularly for illegal eviction and harassment:

> *And in terms of you know an RRO for an unlicensed property that's fairly straightforward [but for] an RRO for harassment or an attempted illegal eviction, because the standard of proof is so so much higher…without it being covered by legal aid, it's almost like, well it's a useless tool* [Civil lawyer 5].

However, there are some organisations that will support tenants applying RROs. This may be as a pro bono service or as paid for service. Organisation such Justice for Tenants, Get Rent Back and Represent all take a percentage of the rent recovered for representing the tenant for RROs. The experience of Safer Renting is that even these firms will not take on RROs for PfEA cases because the risks are too high.

In addition, local authorities have the power in Housing and Planning Act 2016, s.49 to help a tenant to apply for a RRO. Some authorities have used the power to conduct RRO proceedings for tenants but there is little evidence that this a regular practice.

6.8 Conclusions

Prosecutions are not pursued by many local authorities. Some regions of England had not had any prosecutions at all between 2011 and the first quarter of 2023. Chapter 5 provided some of the reasons for this failure. Within the ESRC study, the local authorities that pursued cases had a team focused on prosecution. Even for these authorities there are barriers to getting cases to court, and problems posed by length of time within the court system. For those cases that are made all the way through, sentences do not reflect the long-term, detrimental impacts of illegal eviction and harassment on tenants, as described in Chapter 4. As will be seen in the next chapter, the alternative of seeking a civil remedy, via RROs, is not a viable one for most tenants.

7. Civil remedies for tenants subject to harassment and illegal eviction

7.1 Introduction

This chapter focuses on the actions that can be made in civil courts for illegal eviction and harassment, generally in the county court. This chapter draws primarily on the eleven interviews with civil legal practitioners. Most people who are victims of illegal eviction and harassment are not wealthy. The chapter begins with brief consideration of the types of cases where civil action was taken. The discussion moves on to consider the availability of legal aid for civil cases as legal aid was used in all the cases that were mentioned. The chapter also reviews the ways that lawyers manage cases through the two remedies: an injunction and damages. Amongst the interviewees there was consensus that illegal eviction work was '*niche'* and more difficult than other housing matters: *When they get going, they become the biggest cases we have because they're naturally contentious, litigious, and complicated and costly* [Civil lawyer 11].

7.2 Who seeks help?

Cases mentioned by the civil legal practitioners tended to match the general tenor of housing circumstances discussed in chapter 4. Tenants brought illegal eviction and harassment counterclaims against landlords who were either claiming rent arrears or seeking possession or both. Cases also had elements of disrepair.

> *I think a lot of these cases arise out of a flashpoint of there being disrepair in the property, and then the client isn't paying rent because there's disrepair in the property. It's a really common sort of starting position to be in* [Civil Lawyer 1].

Most cases mentioned assured shorthold tenancies, however the lawyers also had experience landlords claiming that clients were licensees and lodgers. One lawyer suggested that '*the majority are actually HMOs, so very vulnerable clients*' [Civil Lawyer 2] and many others had experiences of similar clients.

7.3 Paying for legal services - legal aid

It is not possible in this chapter to provide a detailed description how legal aid provision has changed since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). Denvir *et al* provide an insight to the challenges for legal aid practitioners, for a sector that has suffered from major austerity cuts since LASPO was enacted. [57] This section focuses on three issues: legal aid deserts and its effect of applications for legal aid; the application for

[57] See C. Denvir, J. Kinghan, J. Mant & Daniel Newman (2023) *Legal Aid and the Future of Access to Justice*, Hart.

legal aid by solicitors; and barriers to claims for illegal eviction and harassment as compared to other housing matters.

Legal aid desserts

The Law Society has been tracking access to legal aid to produce maps of 'legal aid deserts.' Using the Legal Aid Agency directory of providers (October 2023) and the Office of National Statistics (2022) they conclude that:

- 43.6 per cent of the population of England and Wales do not have a housing legal aid provider in their local authority area, a figure that has grown by around 6.6 per cent since 2019; and
- only 33.3% of the population have access to more than one provider in their local authority area.[58]

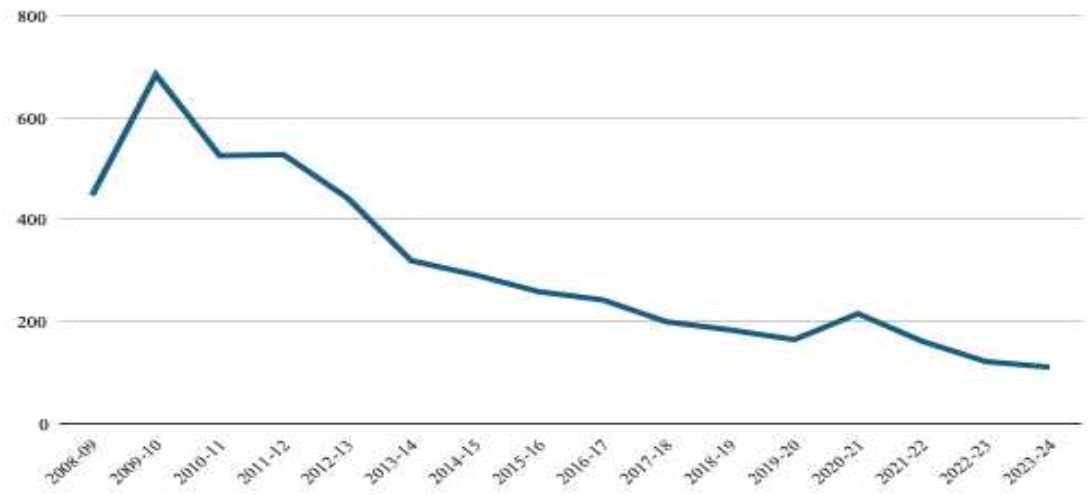
Cole Norton's unpublished report on Housing Advice in Blackpool is an example of an area with no legal aid providers. She concludes that 'in lieu of legal advice, and reliant on people that are not expert in housing, those providing support rely on non-legal strategies to improve the situation of people in housing difficulty'.[59]

Given this background it is perhaps not surprising that the number of legal aid applications for harassment or wrongful eviction has fallen substantially from 2008-09 to 2023-23 (Chart 7.1). The project interviewed lawyers that have undertaken claims funded by legal aid, but seeking legal redress is not a usual response for tenants.

Using legal aid

In principle, legal aid is available where the person's home is at risk or the person is homeless. Illegal eviction and harassment fall into this scope. Access to assistance is not easy to negotiate. First, there are two elements of eligibility financial and merits.

Chart 7.1: Legal aid applications for harassment and wrongful eviction



Source: Legal Aid Agency, Legal Aid Statistics.

[58] Law Society, *Housing – legal aid deserts*. This included an interactive map. https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts/housing, accessed 13 Aug 2025.

[59] F. C. Norton 'There's not enough': evaluating housing advice in Blackpool, March 2025, 4.

One of the aims of LASPO was to cut expenditure on legal aid and did this in part by cuts to financial eligibility. Under LASPO financial eligibility is assessed on three separate criteria: gross income, disposable income and disposable capital. All must be satisfied for an application to succeed.[60] According to the House of Commons Library, in 2016 the estimated percentage of the population eligible for civil legal aid was 25 per cent; by contrast it was 50 per cent in 2000 and 79 per cent in 1979.[61] In 2023 MoJ reviewed its financial eligibility criteria for legal aid, the financial thresholds for which had not increased in cash terms for over a decade. According to the National Audit Office:

> The impact of static thresholds, set against wage inflation, means that a smaller proportion of the population are now eligible for legal aid. Between 2012-13 and 2020-21, there was an 11 percentage point decrease in the proportion of UK income taxpayers who had an income below the gross income threshold for civil legal aid.[62]

Despite this updating in 2025, it is unlikely the changes will

> restore the legal aid means test to the point at which it truly captures the percentage of the population who cannot afford to pay for legal advice, which is almost everybody when you think about the cost of legal services.[63]

The merits test is more problematic for practitioners. The merits test asks whether the case is 'serious' enough to be funded. There are three core merits questions:

- how likely it would be to get a successful outcome at trial or other final hearing – the 'prospects of success test';
- the potential benefit to be gained from providing legal services and if that justifies the likely cost, such that a reasonable private paying person would be prepared to start and continue proceedings – the 'reasonable private paying individual test'; and
- the likely benefits to the individual of legal proceedings and if they justify the likely costs – the 'proportionality test'. [64]

Reflecting on the merits test for 'obvious' illegal evictions – where the client has a tenancy and has been physical removed from the property – does not seem a problem. However, in some cases the 'proportionality test' becomes in to play as the potential damages are limited. This may happen for two reasons:

- the case is 'harassment' only and therefore the damages are limited from the start of the claim;
- following a claim an injunction the client is allowed into the property, damages from the date of re-instatement are limited.

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[60] See further V. Ling, S. James and S. Mullings, *Legal Aid Handbook 2024-25* (LAG, 2024), chap. 2.
[61] D. Pyper, G. Sturge, S. Lipscombe & S. Holland (2020) *Spending of the Ministry of Justice on Legal Aid*, House of Commons Library, CDP 2020/0115.
[62] National Audit Office, (2024) *Government's management of legal aid* https://www.nao.org.uk/wp-content/uploads/2024/02/governments-management-of-legal-aid.pdf, accessed 30 Sep 2025.
[63] Chris Minnoch, Chief Executive Officer, Legal Aid Practitioners Group, evidence to House of Commons Justice Committee, *The Future of Legal Aid,* Third Report of Session 2021–22, para.113.
[64] See The Civil Legal Aid (Merits Criteria) Regulations 2013.

In the first of these case legal aid is refused from the outset. In the latter, the case ended when the client regained access to the property.

Mixed claims
Some claims where the landlord has for example assaulted the client lead to a separate claim in personal injury. Such claims are not eligible for legal aid and have to be funded through a conditional fee agreement (CFA). That may make the funding 'messy'.

> *So we've we recently had one where the client was actually assaulted and hospitalized for 3 days. Yeah, the difficult bit is that that's not covered under legal aid. And so then we're having like a part CFA and part legal aid. It does get really messy the way legal aid is set up for it* [Civil lawyer 2].

Barriers to claims
The previous sections demonstrate the barriers to getting legal aid for claims. Here we consider another barrier: whether providers with housing contract take on cases. As indicated in the start of this chapter, illegal eviction and harassment cases are more difficult than other housing matters. They often require urgent action. The lack of providers impacts of those left: 'A lack of providers can mean services are over-stretched, potentially denying timely advice to those with urgent legal issues'.[65] Cases are messy and expensive to run. So for housing providers:

> *There's not that much money in those cases. So therefore, we need to prioritize other work where we can, where we can more easily enforce. Even when there are providers they may not find illegal eviction cases cost effective* [Civil lawyer 5].

So even when there appears to be a legal aid housing provider that a tenant can access, the provider may not be willing to take the case on to trial.

7.4 First response

As discussed, some of the solicitors are reluctant to take in case to potential trial. However, all will start a claim under the Legal Help scheme[66] and write to the landlord.

> *We basically do some very limited pre action work where we try by all means to contact the landlord. If the client has their details, and we will say to them, we are going to see you, and we actually do usually serve even by text, will serve like a letter before claim, saying, 'You know, if you don't get this person re-entered by the end of the day we will sue you.' And if we have had cases where some landlords come back and be like 'oh, I didn't know. Oh, oh, I didn't realize that.' That's some cases where they've tried to pull a fast one, but then realize actually that someone's caught them out and they don't want*

[65] Law Society, *Housing – legal aid deserts.*
[66] Legal Help covers general advice on cases which are not (or are not yet) in court. See Ling *et al.*, *Legal Aid Handbook,* para. 1.16.

> *to have to spend a lot of money so they readmit them and then we close the legal help matter* [Civil Lawyer 2].

Even if the solicitor wants to continue the claim the interviewees recognised that clients may choose not to:

> *You know we can present legal options. But when those who are supposed to represent the law have failed you… Let's say they've talked to the Council. The council has done nothing. They've talked to the police, and the police have actively helped the landlord. They're not going to trust anyone, least of all someone who says they're trying to help … We could go for an injunction, and they go: 'Well, he doesn't give a monkeys about injunctions', or we can try and get you reinstated in the property, and they go: 'Well, it was crap, anyway. Why would I want to go back there?'. Or we could try and get you damages. But then, obviously, we have to advise of them. You know the process of actually getting the damages and enforcing a judgment. Well, a client's just going to go: 'What? So I have to be stressed for like 2 or 3 years. And at the end of it I might get a couple of grand.'* [Civil Lawyer 5].

7.5 Courses of action

For an individual to take a civil matter to court they must have a legal basis of complaint – 'a cause of action'. Generally, this is either a contractual claim based on a tenancy or other agreement between the landlord and the occupier or a tort (i.e. a civil wrong between individuals or corporations). The main legal text on illegal eviction and harassment lists nine possible causes of action for illegal eviction with some further causes for harassment. Because of differences in damages is it usual to claim under both contract and tort. The main causes in contract are:

- Breach of covenant for quiet enjoyment
- Implied obligation not to derogate from grant.
- Breach of contract

In tort the main causes of action are:

- Breach of the Housing Act 1988, s.27
- Breach of the Protection from Eviction 1977, s.3
- Trespass to land
- Trespass to goods - including under the Tort (Interference with Good) Act 1977
- Harassment under the Protection from Harassment Act 1997, s.3.

The following provides a short explanation. It is clear from the lawyer interviews that this complexity is not a problem for them. They will use whichever suits the circumstances and use them in the alternative, particularly given the different damages (see below). Cases are usually urgent so for Civil Lawyer 2 they '*just use that template*.'

Contract

If the occupier is a tenant, the covenant for quiet enjoyment will be either expressed written into the tenancy agreement or is implied by law. The covenant requires the landlord not to interfere with the tenant's lawful possession of the premises. It will be breached by an illegal eviction but also through other forms of harassment may be a breach including cutting off utilities.

Another element of a tenancy is the obligation not to derogate from grant. Simply put this means that if tenancy has a particular benefit linked to it, e.g. common parts to access a flat, it is a breach if that benefit is taken away. Whether a tenancy or licence agreement the express terms of the agreement may be breached by the landlord through an illegal eviction or harassment.

Tort

This section will not discuss all causes in tort but will briefly explain the two statutory torts that are most closely linked to illegal eviction.

Breach of the Housing Act 1988, s.27

Section 27 creates a statutory tort of unlawful eviction by landlords. It is modelled on PfEA 1977, s.1(2) and s.1(3A) and (3B) (see above). It applies if the behaviour leads to the residential occupier giving up their occupation. So if a landlord voluntarily or following an injunction allows the occupier to return there will be no breach of s.27.

Breach of the PfEA 1977, s.3.

Section 3(1) of the PfEA prevents an owners of residential property from recovering possession against some occupiers after the end of the tenancy or licence unless a court order is obtained. In the case of *Warder v Cooper*[67] it was decided that s.3 gives rise to a cause of action for breach of the statutory duty.

7.6 Defences raised by landlords

The lawyers had experience of landlords raising a range of defences to a claim. Chapter 3 has explored the justifications given by landlord for their behaviour. Similar behaviour and justifications were experienced in the defences used, generally unsuccessfully. As well the defences set out here it was common for landlord to make complaints about the tenant's behaviours, for example rent arrears, or that the illegal eviction was not the landlord's fault, blaming an agent.

The landlord moving in

One of the civil lawyers had been involved in two cases where the landlord claimed to be a resident landlord and therefore exempt for the requirement of notice and a court order.

> *I had one where the landlord moved herself in and then pretended she'd always lived there. In fact, I've had that twice and but if I'm honest, you know, usually the landlords they're so obviously lacking in credibility* [Civil Lawyer 1].

[67] [1970] Ch.495.

Tenants also reported this as a common tactic, with the landlord claiming to live in one room of an HMO even though they spent little time there.

Abandonment notices and claimed surrender

Another common claim is that the tenant has surrendered the tenancy, arguing therefore that the tenancy was ended by the tenant not the landlord. As an alternative the argument may that the property was abandoned the tenant. It is usually the same defence.

> *The most common defence is abandonment. Abandonment, which doesn't exist, actually, as a legal concept. There is no real definition of abandonment. … What they're really saying is surrender. So, a landlord, that's typically what will be said are, 'There's no unlawful eviction here. We agreed, either expressly or implied through your actions, that this tenancy was over. …"I changed the locks because you were giving the property back to me." Now, if a landlord can prove surrender, that's a complete defence to an unlawful eviction claim because the tenancy would have been lawfully ended. That's the best way to try and defend an unlawful eviction case if you can try and argue surrender* [Civil lawyer 11].

Civil Lawyer 1 had experienced landlords using a 'formal' notice of abandonment:

> *Abandonment notices. Have you come across this. It's not a legal thing at all. It's like, it's like the legal equivalent of pseudoscience. You know. It's just a thing that they I guess it's someone on some landlord forum has come up with this clever idea right in theory. It's not a bad idea. So in theory, the way it should work is if you are a landlord, and you suspect that your tenant might have left without telling you, and they might have abandoned it. What you do is you go in? You have a look around. If you think it's been abandoned, you change the locks, but you put a notice on the door, saying, we've changed the locks because we think the property is abandoned. But if we are wrong, please contact us on this phone number and we'll give you the keys. We'll give you the new keys. Right? So, in theory, it's a good thing, right? And if it takes them three months to phone you? Well, you know. Probably they had abandoned it. Loads of landlords are using [them]. This is like some sort of … some sort of get-out clause. So, they go in, and they unlawfully evict someone, and they say, 'Oh, but we put up an abandonment notice'. What do you think that does? It doesn't do anything.*

Claim the tenant did it to secure social housing

Sometimes the defence is that tenant did the behaviour themselves:

> *…here's another one cutting off the electricity and water themselves, pulling ceilings down themselves. They're sort of sabotaging their own tenancy, so landlords will often say: "Oh, the tenant is only doing this because they want to be housed by the Council, and so they've done all of this on purpose"* [Civil lawyer 1].

In addition, interviewees also had the experience of landlords simply not engaging the litigation. Poor defences were more likely if the landlord was in person.

> *The cases I've had, they tend to be against landlords who act as self-litigants who are just a complete waste of bloody time, but they've put in lots of applications to the court and just delay it, so they're putting in defences that aren't lawful* [Civil Lawyer 7].

7.7 Remedies

If a victim has a civil action the court can consider two remedies. First an injunction - i.e. an order requiring the defendant landlord to do something, e.g. let the occupier into premises or re-connect utilities. Secondly, damages, i.e. a monetary sum to compensate for the harms suffered. In appropriate cases, the court can award both remedies.

Injunctions

Both breach of contract and tortious action can lead to the court making an injunction. An injunction is an order requiring a party to a civil action to take particular action, e.g. requiring a landlord to allow a tenant to regain access to their home. If the injunction is not followed the court can send the party to prison.

Injunctions can be awarded on an interim basis if there is a serious dispute and the balance of justice between the parties is in favour of granting the injunction. In cases where there have been illegal evictions the tests are nearly always met.

Interim injunction

Generally, is it an interim injunction that is sought as an urgent remedy if the client does not have alterative. These can be made without notice to the landlord in urgent cases. In practice the interviewees attend to notify the landlord informally if not formally.

The experience of applying for interim injunction was mixed. Some of civil lawyers had issues with delays. '*We've had cases where it's been months*' until the injunction is dealt with [Civil Lawyer 2]. This is sometimes because of the administrative processes of the courts. However, experience varied between courts: '*…if you are seeking an urgent order, then I think the courts have actually been okay. I mean, they've been pretty like workable in terms of when we're seeking an urgent order'* [Civil Lawyer 3].

Once the case comes before the judge there were few issues provided the statement by the client is clear, and it was usual for the order to the issued. For Civil Lawyer 11, the system

> *…works well for clear-cut, serious cases where locks have been changed and people have been deprived of their homes. …So, if you get them into court, most district judges know exactly what they're doing. As long as it's all laid out properly, and they've got evidence of what appears to be going on, then they're quite happy to issue injunctions.*

The court will then set a return date to hear from the landlord and decide whether to continue the injunction. Serving the injunction could be problematic, and is dealt with below, in the section on enforcement.

Final injunctions

It was rare for case to have a final injunction made: by the time any cases have been heard (see below on delay) the client will have moved on.

They'll get an immediate injunction to sort of put a roof over their head. But in the course of the proceedings, they'll probably find somewhere else. So long term they don't want to stay there and so you're by the time you get to trial. You're usually not seeking a permanent injunction [Civil Lawyer 1].

Damages

There are various rules in terms of damages.[68] In broad terms damages are split into three types:

- General damages - these reflect the losses that cannot be quantified and generally can only arise in tort cases.[69] The practice of the lower court to award a 'daily rate' to compensate the tenant for the time spent staying in accommodation inferior to that from which he or she was evicted was supported by the Court of Appeal in *Smith v Khan.*[70] The Court of Appeal considered a summary of county court decisions that indicated awards ranging between £100 and £300 per night.
- Special damages. These are the costs that can be quantified - e.g. possessions that are missing after an illegal eviction or the cost of temporary accommodation.
- Exemplary and/or aggravated damages. These two heads of damages are quite similar. Neither are available in contract claims. Exemplary damages are limited: when the defendant's conduct has been calculated to make a profit which may well exceed the compensation payable to the tenant. Aggravated damages are awarded to compensate the claimant for injury to their feelings of dignity and pride and for aggravation generally.

One recent case shows that in some cases the damages may be large. *Venton v Zack-Williams*, reported in *Legal Action,* was awarded £86,786.52 (see Box 7.2).

Box 7.3: *Venton v Zack-Williams*

Ms Venton had lived in the flat for eleven months. After she was late with a rent payment, the Ms Venton's landlord began a programme of harassment including:

- attending the property, repeatedly and without notice, shouting at the claimant and telling her to move out;
- refusing to repair the boiler;
- removing the lock on the front door;
- making false allegations about the claimant;
- disconnecting the water supply to the washing machine; and
- moving into the spare room and installing locks on the doors of various rooms to prevent the claimant's access.

The local housing authority and a letter from Ms Venton's solicitors warned the landlord that his conduct was unlawful. His conduct exacerbated Ms Venton's pre-existing mental health difficulties and she was admitted to hospital. She was advised not to return to her

[68] For a fuller treatment, see Arden *et al. Quiet Enjoyment.*
[69] *Ibid,* para. 1.44.
[70] [2018] EWCA Civ 1137.

flat. She spent eighteen months in temporary accommodation before being rehoused permanently.

The claimant issued a claim against the defendant for damages for unlawful eviction (trespass) and harassment. The court awarded the following damages:

- £52,650 for unlawful eviction, being 351 nights from the date of eviction until the end of the annual period of the tenancy, at £150 per night. In particular: (a) the Claimant's decision to leave the flat as a result of the Defendant's harassment did not amount to a surrender of the remainder of the period and (b) the nightly rate was low in the range identified in *Smith v Khan* because of the length of the period of recovery and the overlap with harassment in relation to injury to feelings.
- £20,000 for harassment, being around the middle of the middle *Vento* band for injury to feelings.
- £5,000 in aggravated damages.
- £5,000 in exemplary damages.[71]

The position for claims under the Housing Act 1988, s.27 is different. The damages for those are limited by s.28 to the difference, as at the date when the residential occupier left the premises, between the value of the landlord's interest with the occupier still enjoying the right to occupy and the value of the landlord's interest without such a right. Furthermore, the damages may be reduced (section 27(7)):

a. on account of the behaviour of the tenant or other household members or
b. if the landlord has offered reinstatement and the tenant is unreasonably refused it.

Given the ease of evicting tenants legally through section 21 of the Housing Act 1988 the measure of damages in s.27 cases has not been very high – it is '*limited in its value'* [Civil Lawyer 4] – and claimants have preferred to claim under other causes of action. Under s.27(5) it is not possible to have double recovery. With the abolition of s.21 in the Renters' Rights Bill it will be interesting to see if the measure of damages raises as it becomes more difficult automatically to legally evict tenants in most cases.

Generally, interviewees were positive on the level of damages. Some had secured quite substantial awards made up of the range of types of damages: '*I think broadly act as adequate compensation for the loss of a home*' [Civil lawyer 11]. These payments were compared to the small fines awarded in magistrates' court (see chapter 6). However, there were some concerns about particular elements of damages:

- Recompense for family members;
- The daily rate. Although this may raised for very vulnerable clients, this does not happen enough; and
- Special damages where it can be difficult to prove the goods that have been lost.

[71] *Legal Action*, Feb 2025, 45.See also: https://www.hja.net/news-and-insights/hja-in-the-news/housing-help/securing-justice-for-a-victim-of-unlawful-eviction/

Lawyers were also very aware that damages – money – cannot provide an adequate recompense for the loss of the home: *You don't feel safe; you don't feel comfortable. I don't think that compensation can ever really give you that sense of safety* [Civil Lawyer 10].

Delays in the courts

The recent report by the Justice Committee has highlighted the problem of delays in the County Court .[72] Delays were par for the course for the Civil Lawyers, whether damages hearing or final injunctions:

> *I had a case that was particularly awful, I think we got an apology about it from the court, but it took about two and a half years to get it tried, let alone get her damages. Courts are overstretched across the board. If it's damages-only, they don't think of it as being that serious* [Civil lawyer 9].

Delays add to risk of the tenant pulling out of the process: '*So the idea that you could be in court for years and have this thing hanging over your head is also something that clients don't really want to pursue, very justifiably'* [Civil Lawyer 10]. The problem of delay and its link to the problem of enforcement was illustrated by one of Civil Lawyer 11's cases:

> *I had a case where - I had a really unfortunate case where it was - I think it was like nailed… Everything was in place. We had all the evidence, good video evidence, fantastic client who was just so patient. He'd lost loads of stuff. The locks had been [changed]… It was a classic unlawful eviction scenario.*
>
> *We got it into court, and then there was just a series of vacated trials because of judicial unavailability. We would turn up to court, and there was just no judge there to hear the case, and then it would be set back six months. I think that happened twice, and the opponent, which was a letting agency, they went under in that time, so there was no one to sue. That was it, and if it had all been dealt with at the start, we'd have had someone to go… It would have been difficult, I think because they were probably in financial difficulty, but at least we'd have had an opponent. Whereas, by the end, there was no one. There was no opponent. Technically, we could have gone after directors, but it was messy, and we just gave up.*

7.8 Enforcement of damages

Many of the interviewees talked about the difficult with enforcement. It was a major risk in any litigation. Injunctions have to be served on the defendant. Damages orders have to be enforced. The first issue in any case is to identify the landlord. This may be as simply as not knowing the name or detail. '*The last case I had was difficult because the person who'd signed the tenancy agreement turned out not to be the landlord'* [Civil Lawyer 7]. Ownership may be obscured though company ownership.

> *And it's difficult, because property now is, or many property ownership now is like layers upon layers of different people or companies. I'm seeing more companies now*

[72] Justice Committee, *Work of the County Court* (HC 677, Session 2024-25).

> *than I have at previous times of my career. So companies own the property. Then they might lease a part of the property to another company. But it's the same director, or it's just all very mind boggling, so I would say service of the documents on the right person* [Civil Lawyer 3].

In the case of companies, the directors may liquate the company to avoid liability.

A range of tactics were used to enforce both injunctions and damages. Interviewees had used process servers in injunction cases. For damages cases interviewees mentioned High Court bailiffs and placing statutory charges put on properties. However, these were not necessarily successful.

7.8 Conclusions

This chapter has examined the civil remedies available for illegal eviction and harassment. Civil remedies can offer an effective remedy for them in theory. However, while legal aid is limited whether by financial limits or the geography of providers it will have a minor role in any case that happens. Where cases are pursued, lawyers generally found interim injunctions a useful tool to put a tenant back into their home. However, as with criminal prosecutions, the time for damages to be heard makes it difficult for tenant to keep involved in the process. However, even a case for injunctions or damages is successful, enforcement can be problematic.

8. Conclusion and recommendations

8.1 Introduction

The Housing White Paper indicated that its primary objective for intervention was to create 'a fairer private rented sector'. The experience of tenants subject to illegal eviction indicates that this objective, although laudable, lacks sufficient ambition to tackle endemic exploitation by criminal landlords in the lowest part of the market. It could be argued that the shadow private rented sector operates outside the legal frameworks that set the parameters for good practice, and crime is not always easy to detect.

However, this report finds that harassment and illegal eviction hide in plain sight, in clear view of local authorities and the police. Tenants coming forward to report this crime are not treated fairly. Indeed, their experiences are trivialised and discounted to a degree that amounts to secondary victimisation. Tolerating a problem is unlikely to lead to change. This paper indicates that need for a radical reframing of police and local authority understanding of the harms visited by harassment and illegal eviction, the creation of legislation that offers meaningful protection, a court system that supports effective sanctions, and adequate recompense for victims.

This final section considers recommendations that can be implemented within existing frameworks. The Renters' Rights Act offers some measures that will improve the current situation but will not remedy the failings of the PfEA. Final sections outline principles that should underpin the framing of new legislation, and recommendations to ensure that any new legislation is effective.

8.2 Modes of criminality

This project has taken place in the context of a larger scale project exploring landlord-perpetrated criminality in the private rented sector. The project has distinguished three different modes of criminality: criminal landlords, criminal landlord behaviours and the shadow PRS, and using this framework helps to frame appropriate responses to harassment and illegal eviction taking place in different contexts.[73]

- All types of criminal landlord are likely to make frequent use of illegal eviction. Hard-core enforcement measures will lead to a reduction in the incidence of illegal eviction by removing from the market the slum landlords who are likely to use this strategy to control tenants.
- In some cases, landlords who are not drawn to landlordism because of its opportunity to benefit from crime nevertheless break the law by illegally evicting their tenant to resolve issues that they find intractable, or because of incompetence, inexperience or misinformation. In these cases, the landlord might resort to a 'bureaucratic' infringement but would be very unlikely to pursue a programme of harassment or resort to a 'lock-change' eviction. Better support should be available

[73] L'Hoiry *et al.*, *Criminal landlords.*

to landlords who find themselves in financial difficulties or are faced with a tenant situation they cannot manage. These are cases in which local authority mediation is entirely appropriate. However, monitoring should be in place to guard against repeated infraction.

- The shadow private rented sector exists because of structural failings in the housing market and benefit system. Extreme insecurity is commonplace, reflecting the marginalisation of certain groups of tenants who are unable to access the mainstream market. The shadow PRS is space where regulatory conventions do not apply, and where it cannot be presumed that housing consumers can be supported to make 'safe choices'.[74] A lack of alternatives forces tenants to endure predatory practices.

8.3 The failings of the PfEA as law

This review of the operation of PfEA has demonstrated that the legislation is not fit for purpose and fails to reflect the realities of harassment and illegal eviction. The current protection is inadequate on multiple fronts:

- the legislation offers limited protection from ongoing harassment, since it is necessary to evidence *mens rea*;
- 'illegal eviction' takes many forms, and is not always one single, definitive act;
- the legislation does not acknowledge one of the major elements of trauma relating to illegal eviction, which is landlord theft of or damage to belongings; and
- clauses exempting certain types of tenancy creates opportunities for landlords to sidestep the legislation.

In addition,

- local authorities often lack the legal expertise required to negotiate the complexities of landlord-tenant law;
- burdens of proof have to be presented to criminal level: landlords can ensure that it is not possible to demonstrate that an illegal eviction has taken place 'beyond reasonable doubt', by creating uncertainty around a tenant's behaviour;
- police actions frequently exacerbate the crime;
- the courts do not offer sentences that reflect the severity of harms caused by the crime; and
- tenants have no easy alternative civil justice pathway.

8.4 Recommendations

It is possible to deal with some of these failures through change to existing practices. This section offers recommendations that can be introduced within existing frameworks.

[74] National Audit Office, *Regulation of private renting,* 45.

Explore use of injunctions

The PfEA is not effective in bringing harassing behaviour to an end. The PfEA creates a burden of proof that the landlord or agent 'knows, or has reasonable cause to believe' that their conduct is likely to cause the residential occupier to give up their occupation. This approach suggests that the degree of harm experienced by the tenant is in some way dependent on the intention of the landlord or agent. The regulation also fails to protect tenants where harassment is not necessarily linked to the objective of ending the tenancy but might reflect a landlord responding unlawfully to rent arrears or to requests for property repair. An alternative approach is suggested by one local authority that has begun using anti-social behaviour legislation which makes no such distinction regarding intent (see Box 8.1).

Box 8.1 Use of injunctions

The City of Wolverhampton Council has taken a lead in use of the Anti-Social Behaviour Crime and Policing Act 2014, which grants powers to seek injunctions against people likely to engage in anti-social behaviour (ASB). The Council uses these powers against landlords whose behaviours are causing distress to tenants.

An injunction either prohibits an individual from taking a particular action or requires them to take the action described in the injunction.

Within the frame of the ASBCP legislation, ASB is defined as conduct:

- causing or likely to cause harassment, alarm or distress;
- causing nuisance to a person in relation to occupation of residential premises; or
- capable of causing housing-related nuisance.

It is a judge's decision to issue an injunction, based on the evidence that's produced.[75] Breach of an injunction can be punished with two years' imprisonment, unlimited fines or arrest without a warrant. The City of Wolverhampton's legal team were confident in their use of ASB injunctions, since they were often taken out against individuals in council housing stock.

The use of injunctions created an easier framework for engaging the police, since breaching an injunction was clearly a criminal act, and could not be construed as a civic matter.

Improve signposting to identify slum and scam landlords

Housing Options teams sit at the front line of poor landlord practice but are not incentivised to view slum landlords as a causal factor for some tenants' chronic homelessness. Indeed,

[75] Local authorities have the right to seek injunctions under the Local Government Act 1972, s222.

the Homelessness Reduction Act encourages local authorities to dismiss tenants presenting with unlawful notices to quit. It is evident that homelessness teams are aware of landlords who make frequent recourse to illegal eviction but choose not to act on that knowledge. One example of good practice is a local authority that deploys a combined 'soft' and 'hard' approach by accepting the first unlawful notice as an opportunity to educate the landlord on good eviction practice; a second unlawful notice triggered enforcement action.

This practice acknowledged that there was a difference between criminal slum and scam landlords, who will be making routine use of illegal eviction, and individual criminal acts perpetrated by landlords in response to a particular set of circumstances. Here it is suggested that good practice would include local authorities formally recording all illegal notices to quit, so that this information can be used as evidence to bolster a case for a banning order. Evidence of serial illegal notices demonstrates a landlord's disregard for compliance. It is possible that the proposed landlord database might be a suitable location for this information, which could log non-compliance across multiple local authority areas.

Improving the policing response

Poor policing responses, particularly to lock-change evictions, substantially increase the trauma experienced by the tenant. Multiple attempts have been made to train front-line police responding to incidents of illegal eviction but the evidence of this report demonstrates that the policing response favours the perpetrator.

Much of the issue relates to policing uncertainty about their role in relation to illegal eviction. Here it is suggested that training could perhaps shift focus to highlight the ongoing policing problems that are likely to follow failure to acknowledge the criminality of the act.

First, the broader research project has demonstrated that closer liaison between police operating at neighbourhood level and environmental health professionals often identifies prolific lawbreakers of interest to both parties. Police attending a lock-change eviction have the capacity to collect evidence that is sufficiently robust to support a criminal prosecution. It is very likely that the individual landlord involved is a slum landlord, in which case a criminal conviction – leading to a banning order – could constitute an effective crime prevention measure in a particular neighbourhood.

Second, highly marginalised tenants who have been subject to a lock-change eviction are likely to experience street homelessness and develop mental health problems. Forces across the country are engaging with the challenge of policing individuals with multiple aspects of vulnerability. Protecting a tenant from a lock-change eviction constitutes a cost-effective 'up- stream' intervention.

Third, training should aim to dismantle any presumption that the landlord perpetrating trespass, theft and assault are excusable within the landlord-tenant relationship. In this respect, drawing analogies to domestic abuse might create an alternative and more accurate way for officers to envisage an appropriate police response.

Supporting tenants to pursue remedies

Tenants are expected to seek civil remedies for harassment and illegal eviction. The NAO suggested that tenant awareness of their rights is low, 'and they are unaware of how to take a landlord to court'.[76] However, chapter 4 indicated that a tenant's awareness of rights could actually provoke a landlord to evict the tenant illegally, since a lock-change eviction often

[76] National Audit Office (2021) *Regulation of private renting,* 43.

happened after a tenant had been advised that a notice to quit was invalid. Knowledge of the law does not prevent a person becoming victim to illegality.

Very little support is available to tenants who might seek a civil remedy, although evidence indicate that this can result in an effective punitive and restorative outcome. Chapter 7 indicated that tenants pursuing civil actions against landlords increased the chance that the outcome would result in meaningful financial recompense for a tenants' experience. This is perhaps the only pathway that offers the tenant the opportunity to secure formal and remunerative recognition of their experience. Current housing legislation has increased the level of sanction open to local authorities via CPNs. Supporting tenants to bring a civil claim could also be an extremely effective sanction; indeed, the Housing and Planning Act 2016 requires local authorities to assist tenants seeking Rent Repayment Orders.

Trauma-informed approaches to support tenant victims

The evidence of harassment and illegal eviction behaviours in chapter 3 and lived tenant experiences in chapter 4 point towards the need for a more compassionate response to victims of abusive landlord behaviours. In any other circumstances where there has been a sudden, catastrophic loss of home and all belongings, emergency responders are unlikely to walk away and leave the victim to deal with the crisis alone. Tenant experiences indicate that the statutory failure to support created a deep sense of abandonment that contributed to later mental health problems.

A trauma-informed response would encourage housing options teams to work with tenants to repair an understandable distrust of statutory agencies generally, and of any suggested return to a privately rented property. It might be thought appropriate to institute higher safeguards to return an evicted tenant to another rental property. At present, local authorities are willing to use landlords whose practices are known to be poor, to meet homelessness relief need.

Local authorities find it difficult to 'sell' the PRS as an option to homeless families, without acknowledging that some tenants might equate renting with trauma. One housing officer admitted that there was a reputational problem, but hinted that tenants were to blame for poor outcomes:

> *Nobody wants the private rented because it has got this reputation I suppose and we're trying to change that reputation that some landlords are good and if you're a good tenant you'll keep getting your tenancy renewed* [ABA-01&02].

Trauma informed approaches are also more likely to result in the tenant engaging with local authority steps to prosecute the landlord.

8.5 The promise of the proposed Renters' Rights Act

Despite its name, the PfEA does not actually protect residential occupiers. Rather, the Act provides a definition of offences and mechanisms for lawful redress. The current government has not signaled any plans to redraft or update the law. The Renters' Rights Bill, which was passed at the time of writing, does attempt to address some of the shortcomings, but further intervention is necessary.

Changing use of the PfEA from a power to a statutory duty to enforce

Local authority austerity cuts to traditional tenancy relations officers' (TROs') posts have been justified by the fact that the PfEA is a power rather than a statutory duty. Tenancy relations functions – negotiating disputes between landlords and tenants, seeking redress, preventing breaches of the law and prosecuting offenders – tend to be delegated to environmental health professionals or homelessness officers who often lack the skills or knowledge to perform this function effectively. Poor prosecutorial performance is an obvious outcome.

The Renters' Rights Act contains provisions that would oblige local authorities to be proactive in performing enforcement tasks, including pursuing prosecutions under the PfEA. This would mean local authorities will have to review how they resource and operate tenancy relations functions. Decisions will still rest on there being sufficient evidence, and prosecution meeting the public interest test. This report has signaled that tensions often exist between enforcement and homelessness priorities. With sufficient attention paid to strategic coordination, traditional TRO work can effectively bridge these two functions. Increasing TRO resources contributes to homelessness prevention and alleviates the combined negative spiral of increasing temporary accommodation expenditure and heavy reliance on poor-quality landlords.

Allowing local authority entry without warrant in cases of illegal eviction

Granting local authority officers the right of entry without a warrant in cases of illegal eviction offers multiple advantages. Currently, tenants are required to secure a civil injunction to secure a return to the property. This generally means recourse to legal aid and finding a lawyer willing to take the case, a step that cannot be achieved within the window of opportunity for effective prevention.

In cases of illegal eviction, local authorities will have the power to enter the property without a warrant and with no obligation to notify the landlord. This means that the tenant can regain access to their home speedily, frustrating any attempt by the landlord to relet the property or remove evidence of the eviction. Similarly, where a residential occupier's possessions are locked inside the property, powers of entry without warrant means that the tenant can recover their belongings, resolving one of the primary causes of trauma in cases of illegal eviction. This power also frustrates instances of unlawful 'detinue'[77], where a landlord holds possessions to ransom in lieu of a debt they claim is owed, provided the circumstances are sufficient to qualify as harassment under the Act.

However, this requirement only extends to the new assured periodic tenancies and the very small number of tenancies regulated by the Rent Act 1977. This means that other forms of tenure lack similar protection, notably the large group of residential occupiers who are 'residential licensees', the rapidly growing population of renters in certain types of supported accommodation, and property guardians. These are all groups that lack tenure security and together comprise around 16 per cent of all renters.[78] There are, additionally, many households living in HMOs where landlords can claim their own residential occupancy

[77] s1 Torts (Interference with Goods) Act 1977.

[78] English Housing Survey 2022-24: Rented Sectors Report, Annex Table 2.9: Tenancy type of private renters, two-year analysis, 2022-24, https://www.gov.uk/government/statistics/english-housing-survey-2023-to-2024-rented-sectors, accessed 25 Sep 2025.

as proof that standard protections do not apply. The Renters' Rights Bill provisions, as they stand, promise to create a two-tier level of protection.

Changes to the mechanism of Rent Repayment Orders

The RRA also promises to make significant changes to the mechanism of Rent Repayment Orders. The Housing and Planning Act 2016 added harassment and illegal eviction to the range of offences for which an RRO can be claimed, but successful applications have been thwarted by the decision in Rakusen v. Jepson. This decision established that an RRO can only be made against an 'immediate landlord' and is relevant in cases where properties are being sublet by an intermediary, including an intermediary company that is controlled by the landlord. Where an RRO is successful, tenants rarely recover the money because the company will often dissolve without paying. In the experience of Safer Renting, tenants recovered an RRO in only 5 per cent of cases where a limited company was involved. Further, under Rakusen v. Jepson, if the perpetrator of harassment or illegal eviction is the superior landlord, no award can be made.

The Renters' Rights Act will lift the Rakusen v Jepson barrier, meaning that it will be possible to take cases against superior landlords. The Act also makes directors of limited companies personally liable, so where an offence was committed by someone working for a managing agency, the director could find themselves subject to an RRO.

The amount of rent that can be claimed has also been extended from twelve months to two years, making an RRO a significant penalty and deterrent. However, the proposed RRA does not resolve one of the principal inequities in the legislation. Where rent is paid wholly or partly via the housing element of Universal Credit, the recovered rent is repaid to the local authority and not the tenant. The logic of this policy is flawed. Universal Credit is a payment made to the tenant to help meet their essential expenses. The housing benefit element is part of that payment. In these circumstances, a RRO that is paid back to the local authority deprives a tenant of money that is rightfully theirs. This also means that the tenant has no interest in pursuing an award. Giving tenants in receipt of benefits a means to seek redress would substantially empower a sector of the market that has limited bargaining power.

Invalid notices to quit

The Renters' Rights Act seeks to remove landlords' ability to seek possession without specifying a reason on the possession notice. The Bill replaces s21 with a redefined list of mandatory grounds for possession. The Bill also aims to protect tenants from landlords seeking to evade the new requirements by serving invalid notices to quit. The emphasis here relates to landlords recklessly misusing possessions grounds. In addition, landlords are prohibited from using a false possession notice to misleading a tenant into leaving their home. A CPN of up to £7,000 can be charged for a first offence, increasing to £40,000 for subsequent offences. However, the RRA will also require landlords to use a prescribed form of notice (Form 8)

This requirement will make it easier for local authority officers to take action against landlords who frequently use invalid notices. The requirement to use a Form 8 will make it easier for local authority staff to determine the legality of the notice being given and offer a financial incentive for authorities to prosecute non-compliance. The offence extends to landlords who give oral notice to quit, although it might be anticipated that level of possible sanction will increase the burden of proof and trigger an increase in appeals.

Creation of a new civil penalty offence
Arguably of even more significance is the RRA creating a new civil penalty offence for harassment and illegal eviction, with an upper fine limit of £40,000. This is not a measure that protects tenants but does strengthen the deterrent and constitutes a threat local authorities could invoke in negotiations with perpetrators to allow tenants to regain access to their homes. The CPN route offers a more attractive alternative to resource-intensive prosecutions under the PfEA and promises a higher level of sanction than is typically the case in the magistrates' court. At present, there has been limited discussion of ways in which tenants who have been subject to illegal eviction might benefit from increased use of CPNs.

8.6 A new PfEA?

This report suggests that the government undertakes its own thorough review of the PfEA with a view to introducing new legislation that offers better protection for tenants experiencing harassment and illegal eviction. New legislation should incorporate learning from the failures of the PfEA and acknowledge the lived experience of tenants subject to this kind of crime. The following suggests some key principles for a revised approach.

No distinctions between tenancy types
Protections operating at different tiers means that landlords are free to deploy evasion tactics. It is essential to strip away the unhelpful ambiguity that sits within the current legislation as regards the type of occupation the law protects and where the burden of proof sits for legitimising lock change evictions. The protections need to apply to all residential occupiers, possibly excluding only lodgers where the landlord can provide evidence of occupation as their only address.

Broader definition of the offender
At present, the law allows for the offenders to hide behind proxies. The legislation should clearly state that the offender could be the owner of the property, letting agent, landlord as noted on tenancy agreement, or even head tenant.

Mens rea is not a consideration
Legislation should not include any distinctions regarding landlord intent. This means that the legislation could extend its protection to individuals who are subject to abusive behaviours, but where the landlord has no intention for the tenant to leave the property.[79]

Establish a duty to provide an in-person emergency response
Local authorities already have emergency homelessness contact numbers. However, it is suggested here that should be effective coordination of local authority and policing responses to offer immediate assistance and support prosecution. Local authorities should operate a 24-hour response number that police and the public can contact in cases of lock-

[79] O'Malley *et al., Landlord-perpetrated tenant abuse.*

change eviction, where the responder has an obligation to attend in person and has the power to secure immediate re-entry to the property.

At the same time, the police response could perhaps be supported with an app which encourages the collection of appropriate data including the name of the tenant, the name of the offending party, a police witness account, photographic evidence of restricted entry and any damage to tenant property, and photographic evidence of any documentation produced by the landlord including a tenancy agreement and any papers that 'prove' the legality of their action. All these data can be used to support prosecution. In cases where the tenant is unwilling to re-enter their property, the local authority should regard this as a priority homelessness case. It is notable that in some US states, measures are in place to authorise use of storage facilities to protect tenant belongings in these circumstances.

This mode of response offers a more straightforward option to police who might be uncertain about the legalities of an eviction situation and offers immediate support to the victim. It would be appropriate to use recovered CPN penalties that have been secured in cases of illegal eviction to offset the cost of this service. However, it should be noted that this model of emergency response also constitutes a highly cost-effective homelessness prevention measure. The possibility of landlords and tenants colluding to engineer an illegal eviction in order to secure temporary accommodation would be prevented by landlord prosecution being a likely outcome.

Penalties that aim to remove the offender from the market
In addition to civil penalties, a conviction for harassment or illegal eviction should immediately render a landlord being deemed 'not fit and proper' to operate as a landlord. This has consequence for their ability to operate as landlords of HMOs and should trigger local authority use of interim or final management orders.

Maintain a record of invalid notices to quit
Ensure that local authority homelessness units are required to register all invalid notices to quit that come to their attention. The introduction of the 'landlord database' under the Renters' Rights Act could absorb this function.

8.7 Supporting recommendations

Legislative enactment is one element of regulation. Commitment of resources to implementation is another key requirement. Additional recommendations follow.

Upskilling local authorities
Local authorities often lack legal expertise to pursue complex illegal eviction cases. The loss of tenancy relations officers reflects and in turn causes limited local authority unwillingness to prosecute this crime. Skills deficiencies are in evidence across all aspects of enforcement practice and cannot be remedied by individual local authorities. The government should strongly consider its role in subsidising adult training in technical and legal skills to support housing enforcement.

Clarity on responsibilities

Changing legislation does not necessarily pinpoint responsibility for local enforcement. Local authorities should be encouraged to review how enforcement and homelessness teams coordinate their activities in relation to the private rented sector. Good practice authorities ensure that all PRS properties and landlords used to discharge homelessness duties meet the required standards. Non-compliance that comes to the attention of homelessness teams is reported to enforcement teams. At the same time, enforcement teams work with homelessness officers to support tenants affected by actions such as prohibition and banning orders. Clarity on responsibilities includes defining the individual or team who will take a lead in prosecution, and on creating a role with responsibility for tenant support in prosecution cases.

Legal support

Local authorities need access to legal officers who are sufficiently confident in housing law to attend to landlord prosecutions. The government could take a lead in defining specialist regional teams that local authorities can draw on. This resource is particularly pertinent for local authorities with a relatively small PRS, and where prosecutions are infrequent.

Effective sanctions

A great deal of emphasis is being placed on local authority use of Rent Repayment Orders and CPNs. Good practice in recovering fines is currently being developed. A government commitment to recording enforcement action should include information on the recovery of penalties to identify issues / areas in recovery, and to identify local authorities that have demonstrably effective practices. It is likely that the prosecution landscape will change substantially with the imposition of higher penalties. This will increase the number of appeals, in turn increasing the pressure to provide robust evidence. In these circumstances, best practice should be subject to regular revision.

8.8 Conclusion

This chapter has offered recommendations that explore changes that can be implemented within existing frameworks and commented on ways that the Renters' Rights Act could carry beneficial impacts in reducing the incidence of illegal eviction and supporting prosecution. The report concludes that the Protection from Eviction Act does not provide effective protection for tenants, and this chapter has indicated some principles that should be encompassed in any new enactment that seeks to protect tenants and prosecute landlords.

The worst kinds of Illegal eviction instantaneously deprive individuals of their homes and their belongings, delivering a level of trauma that often carries severe long-term mental health consequences. The Safer Renting data indicate that criminal landlords are prepared to visit this crime on young families, on people with disabilities or long-term illnesses, and on elderly households. Local authorities face substantial obstacles in prosecuting offenders and, when cases come to court, sentences can be derisory. This report calls for a wide-ranging government review of local authority actions to protect tenants from harassment and illegal eviction, an investigation of options to improve policing practice, and revised guidance on sentencing of offenders.

Appendix 1: Research Methods

This project began in April 2023 and finished in December 2025. The project used Yorkshire and the Humber (Y&H) as a case study region. The fifteen constituent local authorities have varied economic and social demographics, with concentrations of high deprivation and low-demand housing. In 2023/4, Y&H had the highest crime rate of all English regions.[80] The local authorities varied in their degree of proactivity in terms of housing enforcement.

All qualitative respondents were sent a work package (WP)-specific information sheet, with consent secured in writing or in some cases verbally. Within the reports, all participants are identified with a unique code. Verbatim quotations are given in italics. All the four principal grey reports published in December 2025 draw on information from each WP.

This project was completed by a team of researchers, with Kit Colliver (York Law School) employed to deliver elements of WP3 and WP4, and Loren Parton (University of Sheffield) delivering elements of WP1, WP2 and WP4. Geoff Page (University of York) and Georgios Antonopoulos (Northumbria University) made substantial contributions to WP1. The research also drew on the expertise of Safer Renting staff Roz Spencer, Ben Reeve-Lewis, Isobel Langdale, David Scully and Joey Carr.

WP1: Criminal landlord behaviour and the policing response

(Lead: Xavier L'Hoiry, University of Sheffield)

WP1 focused on identifying the criminal behaviours that are associated with letting property. WP1 research involved qualitative data collection in the form of interviews. Interviews were analysed descriptively with NVivo 12 and further thematic analysis identified. Ethics approval for this WP was secured from the Department of Sociological Studies Ethics Committee, University of Sheffield.

Qualitative data

Interviews with law enforcement and other practitioners

Across the WP, 49 interviews were carried out with practitioners working in the Y&H region. A combination of purposive and snowball sampling was deployed to recruit participants. Purposive sampling was used to target practitioners with experience of intervening with criminality taking place in the PRS. The research team drew on existing professional networks with police forces in the first phase of participant recruitment. In the second phase of recruitment, snowball sampling was used to ask interview participants to connect the team with additional potential participants. This resulted in 37 interviews carried out with police practitioners across the four forces in Y&H. Of these, 28 were officers/staff working with local forces, seven were Regional Organised Crime Unit officers/staff and two interviewees held national roles. The WP sought to capture a range of police ranks (from Police Constable through to Detective Chief Inspector) and roles (frontline and management). Moreover, a further five interviews were carried out with heads of community safety partnerships in Y&H and seven interviews with representatives from local authorities in Y&H with a specific focus on criminality (e.g.: Serious and Organised Crime Coordinators). Interviews were conducted between July 2023 and March 2024.

Interviews with landlords

The WP also sought to gain insights into why landlords engage in criminality. A purposive sampling strategy was used to target landlords who were aware they had committed illegal or potentially illegal acts. Recruiting such participants proved to be very challenging and time consuming. The research team initially approached known contacts in law enforcement and local authorities for potential leads to participants. This yielded one participant. The research team also reviewed media reports of landlord prosecutions and contacted over 20 of these landlords via social media to invite them to interview. This was not successful and several of these individuals 'blocked' the research team online. The most successful recruitment method proved to be an open invitation posted on

[80] https://www.statista.com/statistics/866788/crime-rate-england-and-wales-by-region, accessed 23 Nov 2025.

social media groups dedicated to landlords as well as a specialist landlord website in the UK. These invitations yielded 24 responses, and once potential participants contacted the project team, pre-interview discussions were held to ensure that participants were fully aware the study was focused on landlords' illegal behaviours. In total, 17 interviews were carried out as seven potential participants did not respond following initial exchange of emails/messages. One interview was subsequently discounted as it was clear that the participant had not broken the law.

All but two interviews across the WP were audio recorded and transcripts were produced. For the two non-audio recorded interviews, detailed notes were made. Transcripts and notes were anonymised as per the ethical protocol of the WP, with further review to identify information that was then redacted to ensure anonymity.

WP2: Examining and learning from the most effective solutions

(Lead: Julie Rugg, University of York)

Dealing with criminal behaviour in the private rented sector is the responsibility of organisations including the police, environmental health professionals, trading standards officers and tenancy relations officers. This work package explored local authority perspectives on criminal landlord behaviour and sought to disseminate examples of best practice. All the interviews were transcribed, and analysis was undertaken using a thematic grid. Ethical approval for this WP was secured from the Social Policy and Social Work Ethics Committee at the University of York.

Qualitative data collection

This work package used qualitative data collection across all fifteen local authorities in Y&H, using existing contacts to secure a contact for each local authority. This resulted in interviews with 30 PSH professionals, sixteen homelessness team members, four trading standards officers (at local and regional levels) and three professionals from other agencies. These interviews were completed in stages, from the summer of 2023 to the winter of 2024. One further formal interview was conducted with a PSH professional working in an authority outside the region, to secure further information on innovation in its operational practice.

An attempt was made to complete formal interviews with other statutory agencies operating at national and regional levels including the Department for Work and Pensions, the Gangmaster Labour Abuse Authority, HMRC and the Immigration Agency but none of these agencies supplied a respondent.

RIAMS workshops

The WP used the RIAMS network which supports professionals working in environmental health to disseminate best practice via online workshops.[81] These workshops were recorded and made available via a dedicated section within the RIAMS website. Thirteen recordings were made available on subjects including local authority strategies for tackling criminal landlords; information sharing between trading standards and private housing environmental health teams; presenting evidence at residential property tribunals; use of banning orders; use of interim management orders; cuckooing; safeguarding and brothel closures; rent-to-rent scams; defending against CPN appeals; effective approaches to prosecution for illegal eviction; the Cannabis Grow Aware scheme; tackling modern-day slavery; and recovering rent and fines from criminal landlords including use of the Proceeds of Crime Act 2002 (POCA).

WP3: Housing justice

(Lead: Caroline Hunter, York Law School)

WP3 sought to explore how do local authorities decide to take legal action under their housing powers against criminal landlords and work the courts in those cases. The research involved a range of primarily qualitative data with a smaller element of quantitative data. The interviews for the case

[81] https://riams.org/, accessed 23 Nov 2025.

study authorities were analysed descriptively with NVivo 12 and further thematic analysis identified. All other interviews were analysed using thematic analysis.

Ethics approval for this WP was secured from the Economics, Law, Management, Politics and Sociology (ELMPS) Ethics Committee, University of York. All respondents were sent a WP information sheet, and consent was secured.

Qualitative data

Case study authorities - case tracking and interviews

For the research the Project followed four local authority private sector housing services within the Y&H region. The teams of three of the authorities (FGF, HIH, BCB) were primarily involved in housing standards work. The fourth team (MNM) was focused on illegal eviction and harassment. Activities included analysing current or recent case files of housing offences on the upper end of severity (n=29) [82], conducting longitudinal practice-level interviews with case leads over an 18-month period, and strategic-level interviews with heads of service (n=4) and local authority lawyers (n=3). The analysis identified commonalities and differences in enforcement strategy and practice and the factors that informed these choices.

Interviews with criminal lawyers and staff in other local authorities

In addition to the lawyers for the case study authorities, the Project team interviewed four criminal lawyers involved in prosecuting cases in other local authorities (Criminal lawyers 1 -4). The interviewees were purposefully identified either from contacts at Safer Renting or from newspaper reports of illegal eviction prosecutions. One of the interviews included not only the lawyer at the local authority but also two PSH officers involved in the prosecutions undertaken by that authority. The interviews explored the progress for illegal eviction and harassment cases, any obstacles to justice and reform of the Protection from Eviction Act 1977.

Interviews civil lawyers and staff at advice organisations

Eleven interviews were undertaken with civil lawyers (Civil Lawyers 1 - 11). Again, the interviewees were purposefully identified from: knowledge of the research team; contacts made through a presentation made a research team member for the Doughty Street Chambers' All Day Housing Conference 2025: 'Rogue Landlords'; and contacting solicitors with legal aid housing contracts in the Y&H region. Three were barristers (one employed in a tenant organisation), all in London. Three were solicitors in private practice firms that have legal aid contracts for housing cases; two were in London and one in Birmingham. The remaining worked in Law Centres or NGOs with legal aid contracts for housing cases either as solicitors or as housing advisors. One was out of London. None of the interviewees worked north of Birmingham. No responses were received from the solicitors in the Y&H region. The interviews asked about the interviews experience of clients who had been illegally evicted and/or harassed, and taking cases to the county court of the tribunal for rent repayment orders. In addition, three interviews were undertaken with advice organisations (Advice 1-3). A focus group also took place with four Safer Renting staff. These interviews were focused on the advice and support given to clients and working with other organisations.

Observation of three cases at Sheffield Magistrates' Court

One the research team observed a hearing day for local authority cases at Sheffield Magistrates' Court in June 2025. Three illegal eviction cases were heard. All were adjourned for trial or sentencing at a later date.

Focus groups with judges

The research team sought to interview both magistrates and judges of the First Tier Tribunal (Residential Property) (the FTT). In order to interview judges, it is necessary to seek permission from

[82] Local authorities were requested to choose cases on these criteria: the seriousness of behaviour by the landlord (most serious examples of criminality); the stage of action by the authority; whether legal action was ongoing; police involvement and/or other non-housing offences being involved.

the Judicial Office.[83] An application was made in November 2024. Permission to interview judges from the FTT was given in June 2025. Two focus groups and an individual interview with judges from the London and Northern region of the FTT took place in August 2025. The interviews explored the judges' experience of civil penalty appeals, rent repayment and banning orders and what factors informed their decision-making. Permission to interview magistrates was given on 13 August 2025, but it was not possible, within the timeframe of the project, to recruit any magistrates who had experience of housing offences.

Quantitative data

Data from FOI request to London boroughs

The research team were sent the responses to an FOI request to all London Boroughs for information on illegal eviction and harassment made by Gus Silverman, solicitor at Deighton Pierce Glynn in August 2024. The responses to the requests had limited quantitative data, but the qualitative data has been included in the analysis.

Banning Order decisions

Decisions on Banning Orders are published on the FTT website.[84] All the decisions published up to March 2024 (n=40) were analysed to explore what contributed to a successful banning order application. Note that this figure includes two appeal cases seen by the Upper Tribunal and one variation of a decision.

Ministry of Justice prosecution data

An application for data on housing offences (Protection from Eviction Act 1977 and Housing Act 2004) prosecuted between 2011-2023, was made to the MoJ. The data was released 21 May 2024.[85] Analysis was conducted using the data flat files for each year, which capture defendant cases at principal offence level. Where cases involve more than one offence, this dataset records information for the offence with the most serious disposal. As such, the data may underestimate the overall number of offences and less serious disposals (e.g. disposal orders and victim surcharges). However, as housing offence cases are prosecuted by the local authority, a significant discrepancy between actual and reported case figures is unlikely.

Data analysis involved identification of housing offence types using Home Office (HO) and Criminal Justice System (CJS) offence codes, associated outcomes including findings and disposal, and geographical and longitudinal trends.

Disclaimer: This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS data owners (e.g., HM Courts and Tribunals Service and the MoJ) in relation to the interpretation or analysis. This work uses research datasets which may not exactly reproduce Accredited Official Statistics aggregates. Accredited Official Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

Local authority civil penalty notice data

All local authorities in Y&H were asked for civil penalty notice (CPN) data: Data on offence, frequency and size of CPNs, and recovery rates. Data was collected from eight local authorities from the fifteen authorities in the region.

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[83] See https://www.judiciary.uk/guidance-and-resources/judicial-participation-in-research-projects/, accessed 18 Nov 2025.

[84] https://www.gov.uk/residential-property-tribunal-decisions, accessed 18 Nov 2025.

[85] ONS SRS Metadata Catalogue, dataset, Ministry of Justice Data First Magistrates Court Iteration 2 - England and Wales, https://doi.org/10.57906/1yrt-zd35.

Data from RRO applications and CPN appeals in the FTT
Toward the end of the project, data created by Marks out of Tenancy (MOOT) using text-mining to scrape all the published decisions on the category 'Housing Act 2004 and Housing and Planning Act 2016' was sent to the Research team. A very small part of the data, concerning CPN cases and Rent Repayment Orders, was analysed.

Data from legal aid
Quarterly statistics for legal aid are published publicly.[86] Using that data, the number of legal aid applications for harassment and wrongful eviction over time were identified.

WP4: Tenant experience

(Lead: Lisa O'Malley, University of York)

Developmental work
This work package aimed to explore tenant experience of landlord-perpetrated crime. In part, ESRC funding was used to employ a support worker at the Bradford housing charity Hope Housing, which works with tenants excluded from the mainstream housing market. Early development was conducted with tenants and support workers. This work indicated that tenants did not always recognise that they had lived in the 'private rented sector': their experience included often extremely precarious living arrangements where there was still an expectation that they should pay rent. This research collaboration ended as a consequence of internal management change at the charity.

Qualitative interviews and case studies
The WP then began work with Safer Renting, to pursue joint objectives for this WP and WP5. Safer Renting offers tenants relations expertise to London boroughs and works to secure beneficial outcomes for tenants who have been victimised by criminal landlords. Many tenants in their caseload will have experienced actual or attempted illegal eviction. Formal interviews with Safer Renting clients were conducted by Safer Renting caseworkers, using a topic guide agreed by the team and which focused on the tenants' rental experience. In total, fourteen depth interviews were completed and transcribed. These interviews were analysed using a thematic grid. Case workers were themselves interviewed to secure a further 33 case summaries. This method ensured that these clients remained anonymous. All these clients had agreed that their cases could be used for further research.

Attempts were made to contact other charities and agencies who support tenants who are likely to be marginalised in the private rented sector, with very limited success.

WP5: Illegal eviction

(Lead: Julie Rugg, University of York)
This WP, which was not anticipated in the initial objectives for the project, was completed in collaboration with Safer Renting and staff working across the other WPs. This element of the project aimed to assess the degree to which the Protection from Eviction Act 1977 could be regarded as fit for purpose. This WP included multiple elements.

Qualitative data

Safer Renting interviews
Interviews were conducted with fourteen Safer Renting clients who had been subjected to illegal eviction or attempted illegal eviction. The interviews were completed by Safer Renting staff. The interviews focused on the rental experience of the tenant from the start of the tenancy, including reasons why the tenant moved into the property, experiences through the course of the tenancy and events leading up to the attempted or actual illegal eviction.

[86] https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2025-data-files,

Safer Renting cases
Safer Renting casework staff were asked to select four or five cases to discuss. All had been referred to Safer Renting between December 2023 and April 2025. The case workers were asked for basic demographic information about the client, the circumstances in which the case came to the attention of Safer Renting, and a summary of the problems with the landlord as reported by tenant including a narrative of the attempted or actual illegal eviction.

WP2 interviews
All the respondents who were interviewed in WP2 were asked about the incidence of illegal eviction and about the local authority responses in tackling this problem. Interviews with housing options staff were strongly focused on procedures in response to illegal eviction.

WP3 qualitative data
A number of the elements from WP3 qualitative data was used for this WP. This included:

- The case study of local authority MNM;
- Interviews with criminal lawyers and staff in other local authorities;
- Interviews civil lawyers and staff at advice organisations;
- Observation of three cases at Sheffield Magistrates' Court.

Quantitative data

WP3 quantitative data
This WP also drew on the following quantitative data from WP3:

- MoJ data, reporting on the incidence of illegal eviction, sentencing and outcomes;
- Data from FOI request to London boroughs;
- Data from RRO applications and CPN appeals in the FTT;
- Data from legal aid.

Appendix 2: Respondent demographics

The cases all came to Safer Renting in the period between November 2021 and April 2025. Households often comprised individuals with mixed heritage, and questions relating to ethnicity were not always asked or answered.

Table A1 Safer Renting cases: household types

	Cases	Qualitative interviews
Single women	6	2
Single mother with one or more children	6	3
Multi-generation household headed by single mother	1	
Couple	9	
Couple with children		3
Two co-habiting friends	1	
A group of eight women in supported accommodation	[1][1]	
Single men	9	4
Single man, separated from family in temporary accommodation		1
	33	13
[1] This case is discussed from the perspective of one member of this group only.		

Table A2: Age of presenting individual

	Cases	Qualitative interviews
18-30	8	3
31-39	9	3
40-49	8	3
50-59	3	0
60+	3	0
Not disclosed	2	4
	33	13

Table A3 Housing situation

	Cases	Qualitative interviews
Self-contained property	8	6
Room in a shared house or flat	15	6
Room in a property with resident landlord	3	
Supported accommodation	1	
Rent-to-rent arrangement	1	1
'Non-traditional' arrangement (including cases where the property was not suitable for human habitation – shed in the garden, cupboard conversion) or where the property was annexed to the landlord's property	4	
'Hotel'	1	
	33	13

Appendix 3: Additional cases

BG, female, 70s (£500 a month for a single room)

BG, who is registered blind, had been living in a single room in a two-bedroomed property since November 2020. The landlord indicated that he wanted the property for himself and asked her to leave. He moved his brother into the other bedroom in the house and began sending her text messages. BG was referred to Safer Renting in August 24, and the landlord was informed that he had to follow due process to effect eviction. BG was then given a S21 by the landlord, since she had no rent arrears. Safer Renting was told by the landlord that he respected the tenant, and treated her as a family member, 'almost a mother figure'. But BG did not immediately move out in response to the S21, and 'it turned sour quite quickly'. The landlord continued his campaign of harassment – constant messaging – and employed a law firm to write to her. He claimed that she was an excluded occupier and had no right to remain in the property, and that a notice to quit was sufficient. This was not the case, since the landlords' brother would have had to be in the property when she moved in. the landlord changed the locks unexpectedly when she was at an appointment with Citizens Advice. The police showed up but offered no assistance – they said it was a civil matter. The landlord put all her possessions out on the street. She was able to put some of her possessions into storage. A friend from church is currently looking after her whilst she looks for somewhere else to live. She's now receiving help from the council but is finding it difficult to secure a suitable property because of her disability.

EB and partner, evicted from a room in an HMO

EB moved into a room in an HMO (latterly with his wife and then baby). EB commented that the landlord was from a similar background and was 'like family' – it was almost like an emotional manipulation. Other people in the house were friends of his landlord, who all came from Bulgaria. EB complained to the landlord about disrepair in the property, and these complaints were ignored. He'd also had disputes with other tenants in the property but because they were friends with the landlord, he made no attempt to resolve the situation. As a consequence, EB felt 'targeted' by the landlord, who signalled that he was increasing the rent. His partner fell pregnant, and the couple returned to Bulgaria because EB's father had fallen ill. They were away for around a month. He had been wary about leaving the room and set up a camera. On the day that he was due to return, he could see the landlord and another individual breaking into his room and putting belongings into bin bags. On their return to the UK, they could not get into the property. He contacted the police, who told him that this was a civil dispute. He contacted the landlord, who told him that he would not be allowed to re-enter the property. EB lost most of his belongings. There was little point in going to small claims court later, since there was no evidence that the landlord had stolen his property. He contacted the council who referred the case to Safer Renting. He was finally granted TA but this was after a week of sleeping rough, mostly in a car. Friends were unable to offer accommodation because they were a couple. Safer Renting found it difficult to keep in touch with EB during this period. He is now living somewhere more permanent following time in TA, and Safer Renting has supported his application for a RRO. This was successful, and the client was granted £7,000 although it's proving difficult to enforce. In talking to the landlord at the tribunal, Safer Renting got the impression that the landlord was not at all aware of his landlording obligations and did know what a RRO was. He was aiming to build a portfolio of properties with Eastern European tenants to 'avoid any repercussions' in terms of complains relating to poor landlord practice.

HS (65) and her husband (85).

The couple had been living in an HMO, which was in a highly unsanitary condition. All the tenants were served a notice to quit, but the couple had nowhere to go. They had been told that they would not receive assistance from the local authority because HS was not in a priority group and her husband was NRPF. They had complained to the landlord about a cockroach infestation, and he told them to leave for a few hours because the fumigators were coming. When they returned, the locks had been changed. All their belongings were inside. They sat outside the house for some hours, uncertain about what to do. The husband collapsed and was admitted to hospital. They tried to stay there as long as they could, but by the third night were told to leave and spent two nights on the street. Their son was able to give them some money for a hotel and subsequently they moved between the street and the hospital as the husband received a bowel cancer diagnosis. Safer Renting forced a judicial review so that the council would accept the couple as homeless. The landlord proved awkward in allowing them access to their belongings, but Safer Renting arranged that tradespeople working at the property would leave them outside, and they were moved into storage.

ZI – living in a room in a HMO (£960 a month)

ZI had moved into a five-bed HMO in October 24 via an agency, which gave her a sham tenancy agreement. This agreement included illegal clauses, for example prohibiting the tenant for applying for HB and applying a fee of £20 for each day that rent is due but not paid. A client not paying the rent had two weeks' notice to leave. The accommodation was presented as a form of serviced apartment, but no cleaner

ever appeared. This justified ZI being given a licence rather than a property tenancy agreement. The property was in poor condition, with a rat infestation. The landlord turned up one day and said that the relationship with the agency had broken down, and ZI would have to sign a new contract. She refused, and he turned up without notice in the property and changed the locks on her room door when she was in the shower. She had to sign a new contract to get back into her room. The landlord also required her to pay rent in cash at that point. She had already paid the agent that amount. The lock to the main door was also changed. Four days later, someone from the agency arrived and changed the main door lock again.

She called the police who told her that it was a civil matter but suggested that she could report it as a robbery since some furniture had been taken. It was not suggested that she report it as an illegal eviction. She also contacted the landlord. The landlord changed the lock to the main door yet again, and at that point that ZI discovered that the agent had entered her room and taken all the furniture, the fridge from the communal kitchen, and the toilet from the bathroom. She had to sleep in another room in the property, but this had no lock at all initially. During this time, the agent continued to charge rent including late fees. She had to move out, leaving all her possessions are in the property. The property had no HMO licence, and the agency has been reported to Trading Standards. The case has been forwarded to Justice for Tenants who are assisting with an RRO. Client was able to recover some of her possessions but has not yet determined if anything is missing.

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