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

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Landlords do not always follow their legislative obligations in bringing a tenancy to a close. In some cases, landlords resort to harassment and illegal eviction. This is a hugely damaging experience for tenants and can include months of abusive behaviour culminating in loss of home. This research used quantitative and qualitative data to explore the operation of the Protection from Eviction Act 1977 (PFEA 1977), which defines harassment and illegal eviction as criminal offences. The report concludes that the PFEA 1977 itself offers limited protection, and the responses of local authorities and police compounds the trauma of tenants' experience of the crime.

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- There is no statutory obligation to record the incidence of illegal eviction. Qualitative data from statutory agencies indicates the experience is likely to be endemic at the lowest end of the private rented sector.
- Tenants or other occupiers (the term 'tenant' in this report covers all types of occupiers) do not always recognise their experiences as harassment. Behaviours can include a landlord trespassing and interfering with property use by cutting utilities. It can also include stalking-type behaviours, interfering with tenant belongings and physical intimidation. This work recognises that illegal evictions take place in a number of ways and can include a failure to complete the required paperwork, through to coercive acts to bring a tenancy to a close and 'lock-change' eviction, preventing a tenant from entering their home.
- Tenants at highest risk of illegal eviction have difficulty in accessing the 'mainstream' market. Illegal eviction is common practice amongst slum and scam landlords, who prey on tenants who are economically marginal and often socially isolated.
- A tenant finding the locks have been changed suffers a triple trauma: they are made immediately homeless and lose all their possessions. Police attending the scene of the eviction and failing to support the tenant adds substantially to the shock.
- People with experience of illegal eviction report long-term mental health problems. Households with children reported that illegal eviction caused anxiety and behavioural problems.
- Local authority enforcement officers rarely used their powers in the PFEA 1977, and homelessness staff did not acknowledge the trauma of the tenant's experience.
- The PFEA 1977 is too complex to operate as an effective protection measure and requires levels of legal expertise local authorities do not always have.
- Limited legal aid or local authority support is given to tenants seeking to take civil action against landlords in cases of illegal eviction.
- The remedies in cases, whether as a criminal prosecution under PFEA 1977 or a civil action against the landlord, do not sufficiently recognise the harm in illegal evictions.

## Background

The private rented sector (PRS) is often posited as the most insecure sector, but illegal eviction has lacked detailed consideration. Recent legislative change has focused on amendments to s21 of the Housing Act, to remove 'no fault evictions'. However, many tenants at the lowest end of the market experience acute precarity and the incidence of sudden and sometimes violent illegal eviction. In these cases, landlords have no intention of operating within the law. This kind of illegal eviction often takes place after a strategy of harassment has failed to achieve the landlord's objective of ending the tenancy.

## Counting the incidence

No attempt has been made to establish the scale of the problem. No data are routinely collected on the incidence of illegal eviction. Data are collected on the ways in which PRS tenancies come to an end, but the questions asked do not make it possible to identify where an illegal eviction has taken place. Even within the specific context of applications to local authorities for homelessness relief, illegal eviction is rarely logged as a factor: in Q1, 2025, 84 percent of local authorities indicated that they had had no cases at all where illegal eviction was the reason why a household was owed a relief or prevention duty. The Homelessness Prevention Act incentivises local authorities to dismiss applicants presenting with an invalid notice to quit, since an invalid notice means that the landlord's claim for possession will not be upheld in court. However, authorities often overlook landlords whose notices are routinely invalid, despite the fact that this is a major signal of 'slum landlordism'.

## Defining harassment and illegal eviction

There are a number of strategies that landlords employ to coerce someone to leave a tenancy. Harassment can include:

- Trespass;
- Imposing arbitrary rules on use of the property;
- Disconnecting utilities;
- Sending unwanted texts or messages;
- Interfering with tenant possessions;
- Keeping documentation including passports;
- Physical intimidation;
- Coercion including threatening 'to tell the authorities' about a tenant;
- Misleading the tenant about their rights.

Illegal eviction also takes place a number of ways. Harassment can be successful in persuading a tenant to surrender their keys, not least because a property becomes unliveable. In one case, the landlord removed all internal doors and destroyed the bathroom.

This report concentrates on the incidence of 'lock-change' eviction, where a tenant is prevented from accessing their home when the landlord, without notice, changes the locks.

## Lived experience of lock-change eviction

There were common patterns in Safer Renting accounts of harassment and illegal eviction. The research found that tenants experiencing 'lock-change' evictions had shared characteristics (Box 1)

### Box 1: Risk factors for lock-change eviction

Marginalised and substandard housing  
Landlord creating uncertainty around the tenant's status  
Lack of clarity on who exactly the landlord is  
Tenant economically vulnerable – with low/fluctuating income  
Tenant emotionally vulnerable or socially isolated  
Tenant with non-UK origin and uncertain immigration status

The landlord might seek to terminate a tenancy because the tenant had complained or had problems paying the rent. Very often this termination was attempted via an invalid notice to quit. Tenants seeking advice on the notice were told that it was not valid and relayed this information to the landlord.

This was often the point at which harassment started. Many tenants who had experienced a lock-change eviction reported that they had endured weeks of abusive landlord behaviour beforehand. One couple in a shared property reported that the landlord moved a group of men into their home, and they would deliberately pick fights and play loud music to force people to leave. Harassing behaviour that fails to have the desired effect often culminates in the tenant returning home to find that the locks had been changed.

Tenants subject to a lock-change eviction suffer a **triple trauma**. The **first trauma** relates to the police response. Illegal eviction is a criminal offence. However, in many cases the police simply did not respond to a call for assistance. Where the police did come to the property, they often asserted - wrongly - that the landlord was within their rights to change the locks. Tenants reported shock in discovering that the police were prepared to walk away and do nothing to help (Box 2).

## Box 2

*Yes, I just think the police situation really shocked me because I didn't get any help whatsoever, I don't think I received help. I know they say the police can't really help, but you're seeing someone getting illegally evicted and you don't [...] literally they left and I was just standing outside the house, I had literally nothing to do. It wasn't like they didn't see the landlord and I've been outside with all my stuff and they can't get through to her, she was stood right there and I still couldn't get the help I need and I think it was quite poor actually, yes. [...] Yes, I didn't feel protected whatsoever, I'm not going to lie to you.*

Safer Renting Client BB

The **second trauma** was the tenant's realisation that they were homeless. This realisation could take some time to sink in. The tenant might stand outside their home for hours, uncertain what to do (Box 3). In some cases, the tenant had no recourse but to sleep in their car or on the street. One woman reported that a neighbour took pity, and let her sleep the night.

A **third trauma** was felt almost simultaneously and relates to loss of possessions.

Few references to illegal eviction make clear that this event involves loss, theft and/or damage to tenant property. In some instances, the landlord might pile belongings out on the street, leaving the tenant unable to move them to a more protected place. Loss and damage was inevitable. In other cases, the landlord simply prevented access to recover any belongings, leaving the tenant with nothing but what they were already wearing. Accounts from Safer Renting clients were particularly traumatic where the household included children, which meant the loss of baby equipment and toys.

Inability to access possessions also meant that tenants did not have identity documents or indeed any proof of tenancy, which meant problems in dealing with the authorities.

Tenants could face months of negotiation to try and recover their possessions. One Safer Renting client thought that the landlord had agreed to return his property, but when he arrived there he found all the windows and doors nailed shut. When access to the property was granted, valuable items were missing, and items with sentimental value were broken.

Many tenants were highly traumatised by this experience, and reported long-term mental health problems including anxiety and depression. The experience seriously impacted on young children in evicted households.

## Statutory responses

Most local authorities give little priority to tackling illegal eviction. In some cases, local authorities lack the required tenancy relations expertise to take offending landlords to court. It is notable that local authorities with stronger prosecutory records have defined tenancy relations teams.

Housing Options Teams are most likely to encounter people who have experienced a lock-change eviction. However, there was little evidence that these teams were aware of the traumatic nature of this experience. The Homelessness Reduction Act 2017 places a responsibility on local authorities to relieve homelessness. A first priority for many is to return a client who presents as homeless to their last settled accommodation. However, tenants who have been subject to a lock-change eviction after months of harassment are unlikely to want to return to an abusive environment.

## Box 3

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 No Recourse to Public Funds. 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 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 further nights on the street. Their son was able to send them some money for a hotel and subsequently they moved between the street and the hospital as the husband received a bowel cancer diagnosis. A local law centre forced a judicial review and the council finally moved them into temporary accommodation. The landlord proved awkward in allowing them access to their belongings. Safer Renting arranged that tradespeople working at the property would leave them outside, and the possessions were moved into storage.

Safer Renting client HS (age 65) and her husband (age 85).

There have been many attempts to train police officers on their responsibilities in cases of illegal eviction. Local authorities still report that a typical police response will be to misinform the tenant that the landlord is within their rights to change the locks (Box 4). One Safer Renting client said that the police actually helped the landlord remove his possessions and put them in a van. His belongings have still not been returned.

#### Box 4: Police response

*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"*

Housing Enforcement Officer, Yorkshire & the Humber.

#### Box 5: Local authority prosecution outcomes

*I've taken a few cases serious cases, two that have ended up in prosecution. We've had very little sympathy from Magistrates Court. We've disappointing outcomes, very low fines. I mean ridiculously low fines or just conditional discharges where they've gone, "Yes. Well, council your evidence is correct, but actually, you know, this landlord's telling us they haven't got any money and we believe them".*

Principal Housing Officer, Enforcement, Yorkshire & the Humber

### **Renters' Rights Act**

The Renters Rights Act passed in October 2025 potentially deals with the issue of the failure to prosecute, by creating a general duty to enforce housing legislation. The effects are difficult to predict. The Act also promotes Civil Penalty Notices as an alternative to prosecution, but these do not recompense the tenant. The Act does not address the limitations in the drafting of the PfEA 1977 itself, which are difficult to enforce and exclude many vulnerable tenants .

### **Conclusions**

The PfEA 1977 does not protect tenants in the most precarious kinds of rental, where landlords have no intention of complying with their legal requirements. Risk of lock-change eviction increases with the degree to which a tenant is marginalised from the mainstream rental market. This action often visits harm on people who are unable to call on family resources for support, and who simply do not have the money to pay for a hotel to deal with their immediate, crisis, homelessness.

This report demonstrates that illegal eviction is very often accompanied by a similarly instantaneous loss of belongings. Tenants in this situation face months of negotiation for the return of their possessions. Many items are lost, stolen or damaged in the process, with landlord culpability denied by the authorities.

Local authorities and the police have little incentive to deal with the most extreme forms of illegal eviction. A wholesale review of the operation of the PfEA 1977 is urgently required, with an emphasis on reframing the offences of harassment and illegal eviction to remove burdens of proof around intent; to operate a system that alerts enforcement officers to investigate where a landlord has served more than one unlawful notices to quit; to support tenants seeking rent repayment orders; and to ensure that the police response to a lock-change eviction recognises the severity of the crime, which in any other circumstances would be construed as criminal damage, trespass and theft.

### **Criminal prosecutions**

Prosecution rates for illegal eviction are markedly low; in some regions over a decade can pass between prosecutions. The PfEA 1977 is difficult to work with: harassment cannot be claimed unless it can be proven that the action was taken to end the tenancy. A tenancy can be construed by the landlord as 'excluded' from the regulation if it is claimed that the tenant is a lodger. The landlord might also argue that the tenant voluntarily surrendered the tenancy. Local authorities showed little willingness to take cases, and where there was a commitment to prosecution it was difficult to progress to court, and sentences could be derisory (Box 5). There could be frustration that tenants might not make credible witnesses. Tenants' experience of sometimes threatening behaviour might make them unwilling to give evidence. Often, they are too busy trying to resolve their housing problems to deal with a protracted court case.

### **Civil action**

Civil action offers a better chance of a tenant receiving damages commensurate with their experience and loss. However, few tenants in these circumstances have the resources to seek legal action against the landlord. According to the Law Society, 43 per cent of the population has no legal aid provider in their local authority area. Successful legal aid applications for harassment and unlawful eviction have fallen by 82 per cent since 2009-10.