

RENTING HOMES (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Termination Etc. of Occupation Contracts Chapter 13 – Abandonment

(This Chapter Applies to All Occupation Contracts)

Section 220 - Possession of abandoned dwellings

472. Where a landlord believes that a contract-holder has abandoned the dwelling, they may recover possession of the dwelling without the need for a court order. In such circumstances the landlord must give the contract-holder a notice stating the landlord believes the contract-holder has abandoned the dwelling. The notice must inform the contract-holder that he or she must contact the landlord in writing before the end of the ‘warning period’ to confirm the dwelling is not abandoned, and that if he or she does not do so, the landlord will end the contract. The warning period is four weeks from the day on which notice is given (as to which see section 237, which provides that notice can be ‘given’ to someone in a variety of ways, including by posting it to the dwelling in question).
473. The landlord must, during the warning period, carry out such inquiries as are necessary to satisfy themselves that the contract-holder has indeed abandoned the dwelling. If, at the end of the warning period, the landlord is satisfied that the contract-holder has abandoned the dwelling, the landlord may end the contract by means of giving the contract-holder a further notice, copies of which must be provided to any lodger or sub-holder who lives in the dwelling.

Section 221 – Disposal of property

474. The Welsh Ministers may make regulations about what should be done with any property found in a dwelling where the contract has ended under section 220.

Section 222 – Contract-holder’s remedies

475. Within six months of the notice ending the contract having been given, the contract-holder may apply to the court for a remedy on any of the grounds set out in subsection (2); for example, the ground that the landlord failed to make the necessary inquiries during the warning period.
476. A court can effectively overturn the landlord’s termination of the contract if it is satisfied that one of the grounds in subsection (2) is met. The court may reinstate the contract in relation to the dwelling, require the landlord to provide suitable alternative accommodation (the availability of which is determined in accordance with Schedule 11) or make any other order it thinks fit.

*These notes refer to the Renting Homes (Wales) Act 2016
(c.1) which received Royal Assent on 18 January 2016*

Section 223 – Power to vary periods of time relating to abandonment

477. The Welsh Ministers may make regulations varying the warning period under section 220(8) or the period allowed for the contract-holder to seek a remedy under section 222(1).

Section 224 – Rights of entry

478. Under this section a landlord is entitled to enter a dwelling at any time where they reasonably believe it has been abandoned, using reasonable force if necessary, in order to make the dwelling and its contents secure.