



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 12

##### POSSESSION CLAIMS: POWERS OF COURT IN RELATION TO ABSOLUTE GROUNDS

(THIS CHAPTER APPLIES ONLY TO STANDARD CONTRACTS)

*Retaliatory eviction: absolute ground that becomes a discretionary ground*

#### **217 Retaliatory possession claims to avoid obligations to repair etc.**

- (1) This section applies if—
  - (a) a landlord under a standard contract makes a possession claim on the ground in section 178 or section 199 (landlord's notice), and
  - (b) the court considers that the claim is a retaliatory claim.
- (2) The court may refuse to make an order for possession.
- (3) A possession claim is a retaliatory claim if—
  - (a) the contract-holder has enforced or relied on the landlord's obligations under section 91 or 92, and
  - (b) the court is satisfied that the landlord has made the possession claim to avoid complying with those obligations.
- (4) The Welsh Ministers may by regulations amend this section for the purpose of providing for further descriptions of retaliatory claim.