



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 4

### CONDITION OF DWELLING

## CHAPTER 2

### CONDITION OF DWELLING

(THIS CHAPTER APPLIES TO ALL SECURE CONTRACTS, ALL PERIODIC STANDARD CONTRACTS, AND ALL FIXED TERM STANDARD CONTRACTS MADE FOR A TERM OF LESS THAN SEVEN YEARS)

*Limits on landlord's obligations under this Chapter*

#### **96 Limits on sections 91 and 92: contract-holder's fault**

- (1) Section 91(1) does not impose any liability on the landlord if the dwelling is unfit for human habitation wholly or mainly because of an act or omission (including an act or omission amounting to lack of care) of the contract-holder or a permitted occupier of the dwelling.
- (2) The landlord is not obliged by section 92(1) or (2) to carry out works or repairs if the disrepair, or the failure of a service installation to be in working order, is wholly or mainly attributable to lack of care by the contract-holder or a permitted occupier of the dwelling.
- (3) "Lack of care" means a failure to take proper care—
  - (a) of the dwelling, or
  - (b) if the dwelling forms part only of a building, of the common parts that the contract-holder is entitled to use under the occupation contract.

- (4) This section is a fundamental provision which is incorporated as a term of all secure contracts, all periodic standard contracts, and all fixed term standard contracts made for a term of less than seven years.