

RENTING HOMES (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Condition of Dwelling

Chapter 3 – Miscellaneous

274. This Chapter, unlike Chapter 2, applies to all occupation contracts. It addresses two separate issues which both concern the obligations of landlords and contract-holders in relation to the maintenance and repair of dwellings.

Section 100 - Specific performance

275. This section provides that, in any proceedings for a breach of obligations to repair, maintain, renew, construct or replace any property, or in proceedings for a breach of obligations to keep any dwelling fit for human habitation (including a breach of the landlord's obligations under a term of the contract that incorporates sections 91 and 92), the court may order a landlord to undertake repairs despite any rule in common law that might otherwise limit this.

Section 101 – Waste and tenant-like user

276. This section provides that the common law concepts of 'waste' and use of a dwelling in a 'tenant-like manner' do not apply in relation to occupation contracts. 'Waste' is damage or harm caused by actions or neglect on the part of the contract-holder, whilst 'tenant-like manner' means taking care of the property on a day to day level (for example unblocking a sink or replacing a fuse). It is envisaged that a supplementary provision will be made by regulations which, if incorporated as a term of the contract, will require a contract-holder to take care of the dwelling and of any fixtures and fittings.