



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 3

### PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

#### CHAPTER 10

#### COMPENSATION

#### **87 Compensation for failures relating to provision of written statements etc.**

- (1) The following sections set out the circumstances in which a landlord may be liable to pay compensation under this section—
  - (a) section 35 (failure to provide a written statement under section 31);
  - (b) section 36 (providing an incomplete written statement);
  - (c) section 37 (providing an incorrect written statement);
  - (d) section 40 (failure to provide information under section 39);
  - (e) section 110 (failure to provide written statement of variation of secure contract);
  - (f) section 129 (failure to provide written statement of variation of periodic standard contract);
  - (g) section 137 (failure to provide written statement of variation of fixed term standard contract).
- (2) Where the landlord under an occupation contract is liable to pay compensation to the contract-holder under this section, the amount of compensation payable in respect of a particular day is equivalent to the amount of rent payable under the contract in respect of that day.
- (3) If the contract provides for rent to be paid in respect of periods other than a day, the amount of rent payable in respect of a single day is the appropriate proportion of the rent payable in respect of the period in which that day falls.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If compensation is payable because of section 35, 110, 129 or 137 (failure to provide statement), the contract-holder may apply to the court for an order increasing the amount of the compensation on the ground that the landlord's failure to provide a written statement was intentional.
- (5) If compensation is payable because of section 36 or 37 (incomplete or incorrect statement), the contract-holder may apply to the court for an order increasing the amount of the compensation.
- (6) On an application under subsection (4) or (5) the court may increase the amount of the compensation payable in respect of a particular day by such percentage, not exceeding 100 per cent, as it thinks fit.

## **88 Right of set off**

- (1) If the landlord under an occupation contract is liable to pay the contract-holder compensation under section 87, the contract-holder may set off that liability against rent.
- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts.