



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 13

##### ABANDONMENT

(THIS CHAPTER APPLIES TO ALL OCCUPATION CONTRACTS)

#### **220 Possession of abandoned dwellings**

- (1) If the landlord under a relevant occupation contract believes that the contract-holder has abandoned the dwelling, the landlord may recover possession of the dwelling in accordance with this section.
- (2) An occupation contract is relevant if it is a term of the contract (however expressed) that the contract-holder must occupy the dwelling as his or her only or principal home.
- (3) The landlord must give the contract-holder notice—
  - (a) stating that the landlord believes that the contract-holder has abandoned the dwelling,
  - (b) requiring the contract-holder to inform the landlord in writing before the end of the warning period if the contract-holder has not abandoned the dwelling, and
  - (c) informing the contract-holder of the landlord's intention to end the contract if at the end of the warning period the landlord is satisfied that the contract-holder has abandoned the dwelling.
- (4) During the warning period the landlord must make such inquiries as are necessary to satisfy the landlord that the contract-holder has abandoned the dwelling.

- (5) At the end of the warning period the landlord may, if satisfied as described in subsection (4), end the contract by giving the contract-holder a notice.
- (6) The contract ends when the notice under subsection (5) is given to the contract-holder.
- (7) If an occupation contract is ended under this section the landlord may recover possession of the dwelling without court proceedings.
- (8) The warning period is the period of four weeks starting with the day on which a notice under subsection (3) is given to the contract-holder.
- (9) The landlord must give a copy of a notice under subsection (3) and a copy of a notice under subsection (5) to any lodger or sub-holder of the contract-holder.

## **221 Disposal of property**

- (1) The Welsh Ministers may by regulations make provision in connection with safeguarding property (other than the landlord's property) that is in the dwelling when a contract ends under section 220, and delivering it to its owner.
- (2) The regulations may, amongst other things—
  - (a) provide that delivery of property is conditional on payment of expenses incurred by the landlord;
  - (b) authorise the disposal of property after a prescribed period;
  - (c) allow the landlord to apply any proceeds from selling property in satisfaction of expenses incurred by the landlord and amounts due from the contract-holder under the contract.

## **222 Contract-holder's remedies**

- (1) A contract-holder may, before the end of the period of six months starting with the day on which he or she is given notice under section 220(5), apply to the court on a ground in subsection (2) for a declaration or order under subsection (3).
- (2) The grounds are—
  - (a) that the landlord failed to give notice under section 220(3) or failed to make the inquiries required by section 220(4);
  - (b) that the contract-holder had not abandoned the dwelling and there is a good reason for his or her failure to respond (or to respond adequately) to the notice under section 220(3);
  - (c) that when the landlord gave the notice to the contract-holder under section 220(5) the landlord did not have reasonable grounds for being satisfied that the contract-holder had abandoned the dwelling.
- (3) If the court finds that one or more of the grounds is made out it may—
  - (a) make a declaration that the notice under section 220(5) is of no effect and the occupation contract continues to have effect in relation to the dwelling,
  - (b) order the landlord to provide suitable alternative accommodation to the contract-holder, or
  - (c) make any other order it thinks fit.
- (4) If the court does either of the things mentioned in paragraph (a) or (b) of subsection (3), it may make such further order as it thinks fit.

- (5) The suitability of alternative accommodation is to be determined in accordance with Schedule 11.

### **223 Power to vary periods of time relating to abandonment**

The Welsh Ministers may by regulations—

- (a) amend section 220(8) by substituting a different period of time for the period for the time being referred to;
- (b) amend section 222(1) by substituting a different period of time for the period for the time being referred to.

### **224 Rights of entry**

- (1) Subsection (2) applies if the landlord under a relevant occupation contract reasonably believes that the contract-holder has abandoned the dwelling.
- (2) The landlord may enter the dwelling at any time in order to make it secure or to safeguard its contents and any fixtures or fittings, and may use reasonable force to do so.
- (3) An occupation contract is relevant if it is a term of the contract (however expressed) that the contract-holder must occupy the dwelling as his or her only or principal home.