

# **RENTING HOMES (WALES) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 - Occupation contracts and Landlords**

##### ***Chapter 2 - Nature of Contracts Which Can Be Made Etc. by Community Landlords and Private Landlords***

##### ***Section 11 – Contract made with community landlord***

75. Under the Act the default contract issued by a community landlord is the secure contract, expect where the following exceptions apply:
- The occupation contract is within Schedule 3 (see below) and the landlord gives notice under section 13 that it is to be a standard contract.
  - The contract is a prohibited conduct standard contract because of an order under section 116 (this is where a standard contract comes into force by order of the court as a result of prohibited conduct - see below).
  - A fixed term standard contract has come to an end and the contract-holder remains in the property. In such a situation (in the absence of any new fixed term contract being made) the parties are treated as having made a periodic standard contract. This exception also applies if a new contract is made at the end of a fixed term, which allows the contract-holder to occupy the same dwelling from a date falling immediately after the fixed term contract ends (see section 184(6)).
  - A trespasser is occupying the property as his or her home and makes payments which are accepted by the community landlord that owns the property (see section 238).