

RENTING HOMES (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Termination Etc. of Occupation Contracts

Chapter 1 - Overview and Introductory Provisions

Section 149 – Possession claims and Section 150 – Possession notices

354. **Section 149** provides that a possession claim (i.e. a claim made to the court by the landlord to obtain possession of their property) may only be made in the circumstances set out in Chapters 3 to 5 and 7. Section 20 provides that section 149 must be incorporated without modification as a term of all occupation contracts.
355. A landlord wishing to make a possession claim must first issue the contract-holder with a ‘possession notice’, but this requirement does not apply where-
- a. a landlord gives notice under the contract term incorporating section 173 (the landlord’s right to end a periodic standard contract simply by giving notice),
 - b. a landlord gives notice under a ‘landlord’s break clause’ in a fixed term standard contract (see section 194), or
 - c. a landlord gives notice under the contract term incorporating section 186 (notice given in connection with the end of the fixed term of a fixed term standard contract).
356. This is because the termination of the tenancy arises in the above circumstances purely because the landlord has given a notice, and not for any other reason.
357. A possession notice will notify the contract-holder that the landlord is seeking to regain possession of the dwelling. Section 150 details what a possession notice must set out; that is, the details of the ground under which the notice has been given (the reason the landlord is seeking possession), the landlord’s intention to make a possession claim to the court, and the date after which the landlord can make this claim.