



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 9

TERMINATION ETC. OF OCCUPATION CONTRACTS

CHAPTER 10

POSSESSION CLAIMS: POWERS OF COURT IN
RELATION TO DISCRETIONARY GROUNDS

(THIS CHAPTER APPLIES TO ALL OCCUPATION CONTRACTS)

209 Breach of contract ground

- (1) This section applies if the landlord under an occupation contract makes a possession claim on the ground in section 157 (breach of contract).
- (2) The court may not make an order for possession on that ground unless it considers it reasonable to do so.
- (3) The court is not prevented from making an order for possession on that ground merely because the contract-holder ceased to be in breach of the contract before the landlord made the possession claim.
- (4) Schedule 10 makes provision as regards the reasonableness of making an order for possession.

210 Estate management grounds

- (1) This section applies if the landlord under an occupation contract makes a possession claim under section 160 on one or more of the estate management grounds.
- (2) The court may not make an order for possession on that ground (or those grounds) unless—

- (a) it considers it reasonable to do so, and
 - (b) it is satisfied that suitable alternative accommodation is available to the contract-holder (or will be available to the contract-holder when the order takes effect).
- (3) Schedule 10 makes provision as regards the reasonableness of making an order for possession.
- (4) Whether suitable alternative accommodation is, or will be, available to the contract-holder is to be determined in accordance with Schedule 11.
- (5) If the landlord makes a possession claim on estate management Ground B and the redevelopment scheme is approved under Part 2 of Schedule 8 subject to conditions, the court may not make an order for possession unless it is satisfied that the conditions are or will be met.
- (6) If the court makes an order for possession and the landlord is required to pay the contract-holder a sum under section 160(4), the sum payable—
- (a) if not agreed between the landlord and contract-holder, is to be determined by the court, and
 - (b) is recoverable from the landlord as a civil debt.

211 Powers to adjourn proceedings and postpone giving up of possession

- (1) If a landlord's possession claim relies on the ground in section 157 (breach of contract) or on one or more of the estate management grounds, the court may adjourn proceedings on the claim for such period or periods as it considers reasonable.
- (2) If the court makes an order for possession under section 209 or 210, it may (on making the order or at any time before the order is executed) postpone the giving up of possession for such period or periods as it thinks fit.
- (3) The giving up of possession may be postponed by the order for possession, or by suspending or staying execution of the order for possession.
- (4) On an adjournment or postponement under this section, the court must impose conditions as regards—
- (a) payment by the contract-holder of arrears of rent (if any), and
 - (b) continued payment of rent (if any),
- unless it considers that to do so would cause exceptional hardship to the contract-holder or would otherwise be unreasonable.
- (5) The court may impose any other conditions it thinks fit.
- (6) If the contract-holder complies with the conditions, the court may discharge the order for possession.
- (7) Schedule 10 makes provision as regards the reasonableness of an adjournment or postponement.