



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 12

##### POSSESSION CLAIMS: POWERS OF COURT IN RELATION TO ABSOLUTE GROUNDS

(THIS CHAPTER APPLIES ONLY TO STANDARD CONTRACTS)

*Absolute grounds for possession relating to standard contracts*

#### **215 Notice grounds**

- (1) Subsection (2) applies if—
  - (a) the landlord under a standard contract makes a possession claim on the ground in section 170 or 191 (contract-holder's notice) or section 186 (landlord's notice in connection with end of fixed term), and
  - (b) the court is satisfied that the ground is made out.
- (2) The court must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) Subsection (4) applies if—
  - (a) the landlord under a standard contract makes a possession claim on the ground in section 178 or 199 (landlord's notice), and
  - (b) the court is satisfied that the ground is made out.
- (4) The court must make an order for possession of the dwelling unless section 217 (retaliatory evictions) applies (and subject to any available defence based on the contract-holder's Convention rights).

(5) This section is subject to section 218 (review by the county court).

## **216 Serious rent arrears grounds**

- (1) This section applies if the landlord under a standard contract makes a possession claim on the ground in section 181 or 187 (serious rent arrears).
- (2) If the court is satisfied that the contract-holder—
  - (a) was seriously in arrears with his or her rent on the day on which the landlord gave the contract-holder a possession notice, and
  - (b) is seriously in arrears with his or her rent on the day on which the court hears the possession claim,it must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) Section 181(2) or (as the case may be) section 187(2) applies for determining whether a contract-holder is seriously in arrears with his or her rent.
- (4) This section is subject to section 218 (review by the county court).