



Llywodraeth Cymru
Welsh Government

GUIDANCE

Understanding the possession action process: guidance for tenants (contract holders)

Guidance if your landlord or letting agent has served you with a notice requiring possession or intends to make a possession claim to the court.

First published: 27 January 2023

Last updated: 2 August 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Contents

Who is this guide for?

An overview of the possession action process

If you are worried about rent arrears

Stages of the possession process

Stage 1: What to do when you are served with a notice seeking or requiring possession

Stage 2: If you stay in your home after the notice expires

Stage 3: What you need to do before the hearing

Stage 4: Attending a hearing

Stage 5: Warrant for possession and bailiffs

Further advice and Information

Annex A

Who is this guide for?

This guidance is for contract-holders who are renting a house, flat or any part thereof from a private landlord under a **Renting Homes** standard occupation contract.

This guide is designed to assist contract-holders whose landlord or letting agent has served them with a notice requiring possession (forms **RHW16**, **RHW17**, **RHW22**, **RHW24**, **RHW25** and **RHW38**) or notice that the landlord intends to make a possession claim to the court (forms **RHW20** and **RHW23**). These notices start the possession action process, through which you may legally be evicted from your home. See the **overview of the possession process**.

This guidance also provides practical advice for tenants who are in rent arrears or who otherwise feel that they may be at risk of being served a notice by their landlord.

Being served with a notice seeking or requiring possession can be a worrying or stressful experience. This guide will help you to understand your rights, and the options which are available to you. However, this guidance is intended as information rather than legal advice. It is important that you access legal and money advice and support tailored to your individual circumstances as early as possible. The housing charity **Shelter Cymru** and **Citizens Advice** can provide assistance with housing issues, and **Money Helper** can provide free and impartial help with money.

The Housing Loss Prevention Advice Service provides government funded legal advice and representation (legal aid). The housing charity **Shelter Cymru** and **Citizens Advice** can also provide assistance with housing issues, and **Money Helper** can provide free and impartial help with money.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Housing Loss Prevention Advice Service

Seeking advice could prevent the loss of your home.

Government funded legal advice and representation (legal aid) is available to anyone facing the loss of their home through the Housing Loss Prevention Advice Service. This is a free service.

Help is available from the moment you receive written notice that someone is seeking the possession of your home. This might be an email from your landlord or a letter from a creditor.

A housing solicitor (funded by the government) will work with you to identify what may be causing someone to seek possession of your home and they will recommend potential solutions. For example, they may be able to provide legal advice on matters such as illegal eviction, housing disrepair, rent arrears, welfare benefits payments and debt.

Visit [Housing Loss Prevention Advice Service on GOV.UK](#)

Government funded legal advice is also available for other housing and debt problems you may have. You can have an initial discussion with an adviser to find out about the support available to you by contacting [Civil Legal Advice \(CLA\)](#):

- **Phone** 0345 345 4345 - Monday to Friday, from 9am to 8pm and Saturday from 9am to 12:30pm;
- **Text** 'legalaid' and your name to 80010 to ask CLA to call you back. It costs the same as a normal text message.

CLA may be able to put you in touch with a solicitor, local law centre or advice

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

agency that can help you.

Alternatively, you can contact a housing expert directly. You can find a list of housing solicitors by typing in your postcode and ticking the box 'Housing' at: find-legal-advice.justice.gov.uk.

An overview of the possession action process

If there is a change in your circumstances which will make it difficult for you to keep to the terms of your occupation contract (such as your ability to pay rent) you should let your landlord know as soon as possible. You and your landlord should try to resolve these matters outside of court in order to sustain your occupation of your home. See [If you are worried about rent arrears](#).

Your landlord may suggest using a third-party dispute resolution or mediation service. You should engage with this process to avoid formal possession proceedings in the courts and increase the chance that you can stay in your home.

Stage 1: [Notice seeking or requiring possession](#)

Your landlord will give you a relevant notice under [Part 9 of the Renting Homes \(Wales\) Act 2016](#), specifying the date by which you are being asked to leave your home and after which possession proceedings may be started in the county court.

A complete list of the relevant notices and notice periods is at [Annex A](#).

Stage 2: [If you stay in your home after notice expires](#)

If you do not leave by the date specified in the notice, your landlord can issue a claim for possession in the county court. You will be sent a copy of the landlord's

claim documents. You will also receive information on where to obtain legal advice to help you with your case.

You can file a defence against a notice that is not mandatory (see Annex A) and you can challenge the validity of the notice whichever process has been used. You can include details about your circumstances. If you are likely to suffer extreme hardship as a result of having to leave your home, you can ask the court to postpone possession for up to a maximum of 6 weeks.

Stage 3: **Before the Hearing**

You will be notified by the court of the date of the hearing and the court will provide you with any further directions as necessary. Before the hearing, you and your landlord should attempt to reach a settlement, for example agreeing a plan to repay rent arrears. A legal adviser may be able to help you to reach a settlement with your landlord. Your landlord should inform the court if a settlement has been reached and a hearing is no longer required.

Stage 4: **Attending the hearing**

If a settlement cannot be agreed there will be a possession hearing, at which a judge will decide whether to make a possession order.

If your landlord's claim is based on a section 171, 173, 186, 192 or 194 notice (see **Annex A**) and they have used the court's 'accelerated procedure', the court can consider the claim documents, and any defence received, and make a possession order without a hearing taking place

Stage 5: **Warrant for possession and bailiffs**

If a possession order was granted and you do not leave by the date specified in the order, your landlord can apply to the court for a Warrant of Possession. This enables a county court bailiff or High Court Enforcement Officer to evict you from your home. Bailiffs and High Court Enforcement Officers must provide at least

14 days' notice of an eviction.

In some circumstances, you can apply to suspend the warrant. If successful, this will result in the eviction being postponed or the warrant being set aside, allowing you to remain in your home. You must follow the instructions on the eviction notice if you wish to make an application to suspend the warrant. However, if you do not make an application or if the court does not agree to suspend the warrant, a county court bailiff will enforce the warrant and evict you from your home. You should ensure that your application to suspend is filed at court before the date and time of the eviction.

If you are worried about rent arrears

Financial support

If you fall into financial difficulties due to a change in your employment or earnings you may qualify for Universal Credit. Find more information about [Universal Credit](#).

Local authorities can provide support for contract-holders to stay in their homes. Ask your local authority about Discretionary Housing Payments.

What you might do

It is important that you contact your landlord or agent as soon as possible if you are worried that you may not be able to meet your rental payments. An early conversation with your landlord can help you to agree a plan if you are struggling to pay the rent. This can include agreeing that your landlord does not seek possession action for a period of time and instead accepts a lower level of rent from you. You may also reach an agreement to pay off arrears at a later date.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

If you have suffered a loss of income or other changes to your financial circumstances, you should write to your landlord to set out your circumstances and what you are doing to address the issues, in as much detail as you feel able to. You should set out a payment proposal and make clear that you are willing to engage in regular contact with your landlord to resolve the situation.

The housing charity **Shelter Cymru** has more information on its website about negotiating rent with your landlord, including template letters which you can use if you want to propose a rent reduction or a rent repayment plan to pay off arrears.

When discussing your options with your landlord, a consumer advice service, your local authority or a legal advisor, they may offer a mediation service. Mediation allows an independent third party to assist those involved to reach a mutually acceptable agreement to resolve their dispute, without the matter needing to progress through court. This may include agreeing to a rent repayment plan. Settling a dispute early could help you to avoid a breakdown in relations with your landlord and let you move forward with the contract. You don't have to talk to a mediator if you don't want to, although it is likely to be preferable to court action. It may also prevent additional costs for your landlord and increase the chance you can remain in your home.

Where mediation is provided privately, the landlord typically pays, but this does not mean that the mediator is not able to help you both, and it is generally in your interests to engage with a mediator and see if they can help you to agree a mutually agreeable solution. It is usually in the mutual interest of both landlord and contract-holder for the contract to continue.

If mediation has not been offered, but you feel that it would be suitable for your circumstances, you may wish to find a suitable scheme in your area and ask your landlord to consider using it. There are several services, as well as individual mediators, available in the market who specialise in resolving disputes. There is no single list of organisations or schemes offering dispute

resolution in specific areas, but you can check by:

- asking **your local authority**: some local authorities offer free of charge specialist support for landlords who are considering serving a notice of possession
- searching online
- asking a consumer advice service such as **Citizens Advice**
- consulting a legal professional.

If you do agree a plan to pay off arrears at a later date, it is important you stick to this plan. Talk to your landlord immediately if you are unable to do so.

If your landlord refuses to communicate with you or refuses to enter into a payment plan, you must pay what you can afford. The fact that some amount has been paid regularly may help you to keep your home when the case is heard at court.

Stages of the possession process

Stage 1: What to do when you are served with a notice seeking or requiring possession

It is important that you read the notice carefully. You should act quickly and calmly and seek advice about your circumstances as soon as possible.

You should think about whether you have a good case to stay in your home if you go to court, but also about what your options are if you decide to leave.

You can ask your local authority for help as soon as you get a notice seeking possession. They may help you to stay in your home, including supporting negotiations between you and your landlord, or to find alternative

accommodation. You can find out more on [your local authority's website](#).

If there is a risk you will become homeless, you should contact your local authority's homelessness prevention team for advice and assistance before agreeing to leave the property.

You could seek advice from [Citizens Advice](#) or [Shelter Cymru](#). Talking to an adviser face to face or over the phone may help to put your mind at ease and going through the case in detail with them could result in a better outcome. For example, you may be able to stay in your home or have more time to seek out alternative accommodation.

You should also talk to your landlord or letting agent. They may decide to permit you to stay if you can prove that you can repay any rent arrears.

Some types of notice can only be given if your landlord has a reason which corresponds with a specific ground for possession. These grounds for possession together with the minimum notice periods, are summarised in [Annex A](#). They include serious rent arrears and breaches of contract (including anti-social behaviour and other prohibited conduct).

Notices given under section 173, 186 and 194 can be given without specifying a ground for possession. These are often called no-fault notices. However, the types of contract in relation to which such notices can be given is limited. The minimum notice periods for these notices are set out in [Annex A](#).

If you are unsure which type of occupation contract you have, [Shelter Cymru's website](#) may be able to help you.

What to check

When you receive a notice, you can check that the notice is valid. You can seek

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

help from [Shelter Cymru](#) or [Citizens Advice](#) if you are unsure.

You can also check if you think that any grounds that are used are justified.

A notice will only be valid if:

- it is served using the ‘the relevant form’. The relevant form for each type of notice is set out in [Annex A](#).
- it has been completed properly and gives you the right amount of notice, counting from the date on which the notice was served.
- (unless it is a no-fault notice under sections 173, 186 or 194) it provides a valid reason for seeking possession. In these cases, the notice should explain on what grounds your landlord is possession. If you think that the ground your landlord is using doesn’t apply, you will be able to state this in your defence. You could, for example, explain that you have paid off rent arrears that you previously owed.
- the landlord is registered with and, as necessary, has obtained a licence from Rent Smart Wales (see the Rent Smart Wales [Public Register \(gov.wales\)](#)).

In addition, notices under sections 173, 186 and 194 (no-fault notices) will only be valid if:

- in the case of a section 173 notice, at least six months has elapsed since the start of the original occupation date (this is usually the date you moved your home) before giving notice.
- your deposit is protected in a [government-approved deposit protection scheme](#) and you have been given information about how the deposit is held. Your landlord must provide you with certain details about the deposit known as ‘prescribed information’. This includes details of the deposit protection scheme, confirmation of the amount held, the landlord’s contact details and information on how you can get your deposit back when you leave.
- you have been provided with a written statement of your occupation contract

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

in accordance with the 2016 Act, together with other prescribed information and documents such as a valid gas safety certificate if there is a gas installation in the property and an energy performance certificate.

- your landlord has complied with the requirements of the [Renting Homes \(Fitness for Human Habitation\) \(Wales\) Regulations 2022](#) – see [Fitness for human habitation: guidance for tenants \(contract holders\) | GOV.WALES](#).
- your landlord has obtained other licences from the local authority, if the property needed one, such as in HMO accommodation.
- if you have been repaid (or they have otherwise been properly accounted for) any prohibited payments that you may have been charged. The law says that your landlord is only allowed to take certain permitted payments. The list of prohibited or allowable payments is set out in the Renting Homes (Fees Etc.) (Wales) Act 2019 [Guidance](#) for landlords and agents.

Unlawful discrimination

It is an act of unlawful discrimination for a landlord to base their decision to end your occupation contract on any one of the following nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In some circumstances, it may be possible to prevent an eviction if you feel that

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

the landlord has discriminated against you based on the protected characteristics listed above (for example because of your gender, or if they have refused to make changes for a disability you may have), or if you feel that you are being evicted because you complained about discrimination before (this is known as victimisation). You may also be able to challenge a notice if you feel that it is connected to your disability.

More information about discrimination is available from the Citizens Advice website:

- [Check if your housing problem is discrimination](#)
- [Preparing to challenge your eviction if you've been discriminated against](#)

However, you should always seek legal advice before challenging a notice based on disability and/or discrimination.

Leaving the property

You cannot be made to leave the property without an order from the court. Where a court grants possession to a landlord it may still suspend the possession date to give you an opportunity to pay off any rent arrears or modify your behaviour in cases of prohibited conduct.

Before moving out, always:

- obtain [legal advice](#) so that you are clear about the legal position
- contact your local authority for advice about your housing options, especially if you are struggling to find somewhere to live
- inform your landlord when you are leaving / that you have left, and;
- return the keys.

Stage 2: If you stay in your home after the notice expires

If you do not agree to bring your occupation contract to an end and do not move out of your home, your landlord must make a Claim for Possession to the court to regain possession of it.

Your landlord must not harass you into leaving. If they do, they will be acting unlawfully. Examples of unlawful eviction and harassment are:

- making threats
- violence towards you, your household members or property
- entering your home without your permission
- changing the locks when you are out
- turning off essential services

If you are subjected to unlawful behaviour, you should contact a solicitor, **Shelter Cymru** and/or the police.

If your landlord wishes to start possession proceedings, they must apply to court within a specified period of time. In the case of no-fault notices, this is normally within two months of the date by which you have been asked to leave your home. For most other notices, it is within six months of the date on which you were given the notice. If the landlord does not apply to the court in the relevant time period, the notice will expire and the landlord cannot use it.

Once the landlord has made a Claim for Possession, you will be able to provide reasons for contesting the claim, if there are any, in your defence (see below). However, you should think carefully before doing this because you may have to pay court costs. It is important to get legal advice about this. You will be able to contest the Claim at a court hearing, if there is one.

The type of ground(s) on which the landlord is seeking possession will affect how much discretion the court has as to whether to grant possession. Some grounds are mandatory. This means that the court must grant possession if the grounds can be proven. Other grounds are discretionary. This means that the court is not bound to give possession even if the ground is met. The court will decide whether they agree that is reasonable for the eviction to proceed. The mandatory and discretionary grounds are identified in [Annex A](#).

Your landlord can use both mandatory and discretionary grounds. The court will look first at whether the mandatory grounds which your landlord has listed are valid. If these cannot be proven, the court will then look at the discretionary grounds to make a decision.

If your landlord wishes to proceed with court action to evict you, the court will send you:

- copies of the landlord's claim documents.
- a defence form for you to complete.

Standard possession procedure

The landlord can apply to the court using the standard possession procedure, in which a court hearing will take place. If this is the case, you will receive information about the address of the court where the case will be heard and date of the court hearing.

You can find the contact details for the court at which your hearing is being held at on the [Courts and tribunal finder website](#).

The court will also send you details about how to obtain free advice on your circumstances, if you have not already done so. You should take advantage of this opportunity to obtain advice and assistance.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Court hearings for possessions are usually held in the county court that covers the area where your home is. You should let the court know as soon as possible if you have any special requirements, for example if you need extra assistance to access the building or take part in the hearing.

You or your landlord can ask the judge to consider whether the hearing takes place remotely, by putting a request in writing and sending it to the court. Both parties will need to agree that the hearing can take place remotely, however it will be the judge who makes the final decision as to how the hearing proceeds.

Before attending court, it is important that you check the website on [what to expect when coming to a court or tribunal](#).

Accelerated possession procedure

The landlord can apply to the court using the accelerated possession procedure that does not require a court hearing, if they issued a section 171, 173, 186, 192 or 194 notice and they are not claiming rent arrears.

It is particularly important that you file a defence (see 'The defence form' section below) if you feel that there is a legal reason why your landlord may not be entitled to possession or if you want possession to be postponed due to extreme hardship. For accelerated possession claims, there will only be a hearing if the judge considers that the legal position requires clarification, or if the judge considers that you may need extra time (up to a maximum of 6 weeks) to move out due to extreme hardship. The defence form may therefore be your only opportunity to contest the landlord's claim for possession.

The defence form

The court will provide you with instructions on how you can get advice about

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

defending the possession claim.

The defence form enables you to contest the landlord's claim for possession because they have not followed the correct procedures and/or the reasons the landlord provides for the eviction (where applicable) are not valid, for example, if you have paid off any rent arrears which you previously owed. You may also contest the claim on the basis that it is a retaliatory claim – that is you believe that the landlord has made the possession claim to avoid complying with their fitness for human habitation and repairing obligations.

If you have difficulty filling in the form which has been sent to you, you can send the court a short statement explaining your circumstances and why a possession order should not be made. You should only indicate that you have experienced difficulties if these have affected you in a way which is relevant to your landlord's possession claim – for example, if this has affected your ability to pay your rent.

The possession process which the landlord uses will affect how you can defend your case, based on your circumstances. If the landlord is using the accelerated procedure, they do not have to provide a reason to evict you.

Some of the situations in which you may wish to challenge a possession claim are set out above (**What to do if you are served with notice seeking or requiring possession**). Your personal circumstances may have changed since the notice was first issued, for example, and you may now be in a position to pay off rent arrears. If this is the case, you may wish to describe on the defence form how your circumstances have changed and why you feel that the landlord should no longer be able to obtain possession of your home.

In some circumstances, where your landlord is using the standard possession procedure, you may consider making a counterclaim. For example, a claim for compensation if your tenancy deposit wasn't protected or if repairs needed at the property were not carried out.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

You need to return the defence form to the court as soon as possible. You can return your defence at the email or postal addresses provided, or via [Possession Claims Online](#) if your landlord used the online process.

It is important that you seek advice and return the defence form, or a statement outlining your circumstances, to the court. This is because you may have to pay extra court fees if you do not provide information in the defence form and this results in a delay to your court case.

Important: If your landlord is using the accelerated possession process, the defence form may be your only opportunity to contest the landlord's claim for possession.

How to seek advice on filling out your defence form

When you receive your defence form, you will also receive a leaflet from the court with further information on how to apply for legal aid to help you to complete and file a defence.

You may qualify for legal aid to assist you in your case. Legal aid can help meet the costs of legal advice, and representation in a court or tribunal. Legal aid may also protect you from paying your landlord's court costs if you lose the case. You can check your eligibility for legal aid at the [Civil Legal Advice](#) website

You can also seek advice from [Citizens Advice](#) or [Shelter Cymru](#).

Stage 3: What you need to do before the hearing

It is important that you follow the instructions provided in the papers sent to you

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

by the court as there may be further directions.

Before the possession hearing, you should take the opportunity to seek legal advice on your case. Where possible and appropriate, you and your landlord should try to reach a settlement before the hearing; for example, you may wish to reach an agreement under which you can stay in your home as long as you repay any outstanding rent arrears through a monthly repayment plan. A legal adviser may be able to help you to reach a settlement with your landlord ahead of the court hearing.

Before the court hearing, you should receive a copy of all the documents relating to the case, including the landlord's claim form. The landlord is required to submit this information when they make a claim. If you have not received these documents, you should let the duty advisor, or the judge, know on the day of the hearing.

Stage 4: Attending a hearing

Attending a hearing

Before attending court, it is important that you check the website on [what to expect when coming to a court or tribunal](#).

If you have not previously done so, it is important you take independent legal advice on your circumstances before you attend the full possession hearing. A housing solicitor (funded by the government) can provide legal advice to help you resolve matters before a court hearing. This is a free service. For more information please visit [Legal Aid on GOV.UK](#)

You can also receive independent legal advice from [Shelter Cymru](#) or [Citizens Advice](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

In the event you are unable to resolve matters before a court hearing, you will also have the opportunity to get advice and representation from a government funded housing solicitor. Please arrive at least 30 minutes before your hearing and a court staff member will direct you to the solicitor. For more information please visit [Legal Aid on GOV.UK](#)

At a county court possession hearing, a judge decides whether the landlord should be granted possession of the property.

It is important that you attend the court hearing wherever possible. This will enable the judge to hear from both you and your landlord. The hearing is for 15 minutes.

If you are attending the hearing in person, you should bring your hearing letter with your case number, which will help you to find where you need to go in the building. You should also bring any evidence you have to the hearing. This could include:

- bank statements showing money in your bank account
- a letter about a new job or an increase in the hours you work
- a copy of the written statement of your occupation contract

You and your landlord can both bring people to help represent you, such as a solicitor or adviser. If you do not attend your court hearing, it is very likely the judge will decide to award possession to the landlord.

Your case is heard by a judge who will make a decision based on the evidence provided by you and your landlord and on what the law says. Whilst they will consider all of the evidence which has been submitted, if the landlord has made a claim for possession using the mandatory grounds the judge may have no or limited discretion to dismiss or adjourn the case if the claim has been made correctly.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

When you go into the hearing room you will be told who will speak and when. You will be given time to ask any questions that you have and give evidence to support your case. If you have a solicitor or barrister, they will ask questions for you. The judge may also ask you or your landlord questions. You can take notes to help you, but you must not take photos or videos.

Stage 5: Warrant for possession and bailiffs

Do not wait until you are about to be evicted by bailiffs before seeking advice. The sooner you seek to resolve the situation, the more likely you are to get help and/or be able to remain in your home.

If you remain in the property after the date specified in an outright possession order has passed, or if you have breached the conditions of a suspended possession order, the landlord can apply for a warrant for possession.

You will receive an eviction notice from the court or the High Court enforcement Officer, giving a date by when you must leave. You will be given at least 14 days' notice. The bailiff will attend at the date and time shown on the eviction notice. This means that, if you do not leave, you will be evicted by a county court bailiff or High Court Enforcement Officer at that date and time.

Applying to suspend the warrant

You can apply to suspend the warrant in certain circumstances, which, if successful, will mean that the eviction is delayed or will not proceed. However, a judge will not automatically agree to suspend the warrant. You should take advice on whether an application to suspend the warrant is likely to succeed and is the best option to resolve your case. For example, you could contact [Shelter Cymru](#) or [Citizens Advice](#).

The circumstances in which a warrant for possession may be suspended include:

- If you received a section 171, 173, 186, 192 or 194 notice but there was no court hearing

The court may set aside a possession order if the landlord used accelerated possession proceedings and served an invalid section 171, 173, 186, 192 or 194 notice.

- If you couldn't attend the original court hearing

You can apply for the court decision to be set aside if you:

- a. had a good reason for missing the court hearing
- b. applied to have the order set aside as soon as you knew that the court had made a possession order, and
- c. would have had a good chance of persuading the court not to make the possession order if you had attended.

- If suspending the bailiff's warrant is reasonable

If you are being evicted on a discretionary ground, the court can suspend the bailiff's warrant if they decide it is reasonable to do so.

- If your landlord agrees to let you stay

If, after discussion with your landlord they decide not to pursue the eviction and let you stay in your home, you can ask them to withdraw their application for a warrant of possession.

You can apply to suspend a warrant of possession by filling in [Form N244](#). This

will cost £14, unless you qualify for help. You should ensure that your application to suspend is filed at court before the date and time of the eviction.

There will be a new hearing, at which the judge may- if one or more of the circumstances above applies in your case - decide to delay the eviction or let you stay in your home if you can make payments again. Remember, if your application fails and is not agreed by the Judge, the eviction will proceed.

Further advice and Information

- [Check if you are eligible for legal aid](#)
- [Get legal advice through legal aid, if you are eligible](#)
- [Find a solicitor through the Law Society](#)
- [Locate the court at which your possession case is being heard](#)
- [Shelter Cymru](#)
- [Citizens Advice](#)
- [Money Advice Service](#)
- Further information about [Renting Home](#)
- If you are worried about becoming homeless, you can [contact your local authority](#)

Annex A

Possession notices and grounds for possession claims

Ground on which claim may be made	Mandatory or discretionary	Section under which notice is served	Length of notice period	Form relevant to notice
Breach of contract (section 157) Includes making a false statement inducing landlord to make contract (see section 158) and anti-social behaviour and other prohibited conduct	Discretionary	Section 159	None where anti-social behaviour or other prohibited conduct is involved One month in all other cases.	RHW23
Estate management grounds (section 160)	Discretionary	Section 161	One month	RHW23
Failure to give up possession on date	Mandatory (subject to any available defence based on	Section 171	None	RHW23

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Ground on which claim may be made	Mandatory or discretionary	Section under which notice is served	Length of notice period	Form relevant to notice
specified in contract-holder's notice (170)	contract-holder's Convention rights)			
Landlord's notice given in relation to periodic standard contract (section 178)	Mandatory (unless retaliatory eviction: and subject to any available defence based on contract-holder's Convention rights)	Section 173	Six months (or until 1 June 2023, two months for converted contract)	RHW16 (RHW17)
Contract-holder under a periodic standard contract seriously in arrears with rent (section 181)	Mandatory providing court is satisfied contract-holder— (a) was seriously in arrears with rent on day on which landlord gave notice, and (b) is seriously in arrears with rent on the day on which court hears possession claim (subject to any available defence based on contract-holder's Convention rights)	Section 182	Fourteen days	RHW20

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Ground on which claim may be made	Mandatory or discretionary	Section under which notice is served	Length of notice period	Form relevant to notice
Landlord's notice in connection with end of fixed term given (section 186). Applies to contracts under Schedule 9B.	Mandatory (subject to any available defence based on contract-holder's Convention rights)	Section 186	Two months	RHW22
Contract-holder under a fixed term standard contract seriously in arrears with rent (section 187)	Mandatory providing court is satisfied contract-holder— (a) was seriously in arrears with rent on day on which landlord gave notice, and (b) is seriously in arrears with rent on the day on which court hears possession claim (subject to any available defence based on contract-holder's Convention rights)	Section 188	Fourteen days	RHW20
Failure to give up possession on date specified in contract-	Mandatory (subject to any available defence based on contract-holder's	Section 192	None	RHW23

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).

Ground on which claim may be made	Mandatory or discretionary	Section under which notice is served	Length of notice period	Form relevant to notice
holder's break clause notice (section 191)	Convention rights)			
Notice given under a landlord's break clause (section 199)	Mandatory (unless retaliatory eviction: and subject to any available defence based on contract-holder's Convention rights)	Section 194	Six months (two months for fixed term standard contract within Schedule 8A)	RHW24 (RHW25)
Notice given in relation to end of converted fixed term standard contract (para 25B(2) of Schedule 12)	Mandatory	Paragraph 25B(6) of Schedule 12	Two months	RHW38

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/understanding-possession-action-process-guidance-tenants-contract-holders-html> for the latest version.

Get [information on copyright](#).