

Guidance notes for contract-holders

This notice is the first step requiring you to give up possession of the dwelling identified at Part C. You should read it very carefully. If you do not give up possession by the date given in Part D, your landlord may apply to the court for an order requiring you to give up possession.

If you are in any doubt or need advice about any aspect of this notice, you should first contact your landlord. Many problems can be resolved quickly by raising them when they first arise. If you are unable to reach an agreement with your landlord, you may wish to contact an advice agency (such as Citizens Advice Cymru or Shelter Cymru) or independent legal advisors. If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Minimum notice period

A prohibited conduct standard contract has a minimum notice period of two months. An introductory standard contract has a minimum notice period of six months, unless it falls within Schedule 8A to the Renting Homes (Wales) Act (see section 174A) in which case the minimum notice period is two months:

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| <i>1. Prohibited conduct standard contracts</i> | <i>7. Service occupancy</i> |
| <i>2. Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2</i> | <i>8. Service occupancy: police</i> |
| <i>3. Accommodation for students in higher education</i> | <i>9. Service occupancy: fire and rescue services</i> |
| <i>4. Supported accommodation</i> | <i>10. Temporary accommodation: land acquired for development</i> |
| <i>5. Accommodation for asylum seekers, etc.</i> | <i>11. Temporary accommodation: short-term arrangements</i> |
| <i>6. Accommodation for homeless persons</i> | <i>12. Temporary accommodation: accommodation during works</i> |

Restrictions on giving this notice

First six months of occupation (introductory standard contracts only)

In accordance with section 175 of the Renting Homes (Wales) Act 2016, this notice may not be given within the first six months of the occupation date of the introductory standard occupation contract. This restriction does not apply if the occupation contract falls within Schedule 9 to that Act:

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|--|---|
| <i>1. Prohibited conduct standard contracts</i> | <i>7. Service occupancy</i> |
| <i>2. Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2</i> | <i>8. Service occupancy: police</i> |
| <i>3. Supported accommodation</i> | <i>9. Service occupancy: fire and rescue services</i> |
| <i>4. Accommodation for asylum seekers, etc.</i> | <i>10. Temporary accommodation: land acquired for development</i> |
| <i>5. Repealed – not applicable</i> | <i>11. Temporary accommodation: short-term arrangements</i> |
| <i>6. Accommodation for homeless persons</i> | <i>12. Temporary accommodation: accommodation during works</i> |

Breaches of statutory obligations

In accordance with section 176 of the Renting Homes (Wales) Act 2016, this notice may not be given at a time when there is a breach of any statutory obligations listed in Schedule 9A to that Act:

- 1. Failure to provide written statement;*
- 2. Six month restriction following failure to provide written statement within the period specified in section 31 (of that Act);*
- 3. Failure to provide information;*
 - 3A. Failure to provide valid energy performance certificate;*
- 4. Breach of security and deposit requirements;*
- 5. Prohibited payments and holding deposits under the Renting Homes (Fees etc.) (Wales) Act 2019;*
 - 5A. Failure to ensure that working smoke alarms and carbon monoxide alarms are installed;*
 - 5B. Failure to supply electrical condition report etc.;*
 - 5C. Failure to provide gas safety report to contract-holder.*

This notice may not be given unless the requirements of section 44 of the Housing (Wales) Act 2014 have been complied with.

In accordance with section 75 of the Housing Act 2004, this notice may not be given in relation to an HMO which is unlicensed in accordance with that Act.

Withdrawal of previous notice

In accordance with section 177 of the Renting Homes (Wales) Act 2016, if the landlord has previously given a notice under section 173 of that Act and has subsequently withdrawn it, the landlord may not give the contract-holder(s) a further notice of termination under section 173 of that Act within six months of the date that the notice was withdrawn. This is subject to the exception that within 28 days of the first notice of termination under section 173 of that Act (which was subsequently withdrawn), the landlord can give the contract-holder(s) one further notice of termination.

Retaliatory possession claim

A contract-holder may enforce or rely upon the landlord's obligations in relation to fitness for human habitation and to keep the dwelling in repair under sections 91 and 92 of the Renting Homes (Wales) Act 2016. If the landlord issues this notice in response, a court may consider that the landlord is making a possession claim to avoid complying with those obligations (a retaliatory claim). In accordance with section 217 of that Act, the court may refuse to make an order for possession if it considers that the possession claim is a retaliatory claim.

In accordance with section 177A of the Renting Homes (Wales) Act 2016, this notice may not be given within six months of the court refusing to make an order for possession because it considered the claim to be a retaliatory claim.

Restrictions on bringing a possession claim

Time limits

In accordance with section 179 of the Renting Homes (Wales) Act 2016, the landlord may not make a possession claim before the date listed in Part D of this notice **or** after two months of that date.