

FORM RHW24

NOTICE OF TERMINATION UNDER LANDLORD'S BREAK CLAUSE: FIXED TERM STANDARD CONTRACT WITH SIX-MONTH MINIMUM NOTICE PERIOD

*This form is for use by a landlord to give notice to a contract-holder of a fixed term standard contract entitled to a six-month minimum notice period, in accordance with the landlord's break clause and section 194(1) of the Renting Homes (Wales) Act 2016, that he or she must give up possession of the dwelling on a specified date. This form may only be given where the occupation contract contains a landlord's break clause **and** is either for a term of 2 years or more or is within Schedule 9C to the Renting Homes (Wales) Act 2016.*

Part A: Landlord	Part B: Contract-Holder(s)
Name: Address:	Name(s):

Part C: Dwelling
Address:

Part D: Notice to Give Up Possession
The landlord gives notice of the exercise of the landlord's break clause in the occupation contract of the above dwelling. The landlord requires you, the contract-holder(s), to give up possession of the dwelling on [date]
<i>Note: The specified date must not be less than six months after the day on which notice is given to the contract-holder(s) in accordance with the landlord's break clause.</i>

Part E: Signature	
Signed by, or on behalf of, the landlord: 	Date:

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.

Restrictions on giving this notice

Occupation contract must contain a landlord's break clause

In accordance with section 194 of the Renting Homes (Wales) Act 2016, this notice may only be given if the fixed term standard contract contains a landlord's break clause. The contract may only contain a landlord's break clause if it is for a term of two years or more **or** is listed in Schedule 9C to that Act:

1. *Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2 (to that Act)*
2. *Supported accommodation*
3. *Accommodation for asylum seekers, etc.*
4. *Accommodation for homeless persons*
5. *Service occupancy*
6. *Service occupancy: police*
7. *Service occupancy: fire and rescue services*
8. *Temporary accommodation: land acquired for development*
9. *Temporary accommodation: short-term arrangements*
10. *Temporary accommodation: accommodation during works*

First 18 months of occupation

In accordance with section 196 of the Renting Homes (Wales) Act 2016, this notice may not be given during the first 18 months of the occupation contract. This restriction does not apply if the occupation contract falls within Schedule 9 to that Act:

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

Breaches of statutory obligations

In accordance with section 197 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.

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 198 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 200 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.