

Two-month minimum notice period

An occupation contract may have a two-month minimum notice period because:

- a) it is a converted contract: immediately before the coming into force of the Renting Homes (Wales) Act 2016, the occupation contract was a tenancy or licence for a fixed term containing a landlord's break clause (paragraph 25D of Schedule 12 to that Act), or
- b) the occupation contract falls within Schedule 8A to the Renting Homes (Wales) Act (section 195A of that Act):

- | | |
|--|---|
| <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

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.

If the contract is a converted contract, it may only contain a landlord's break clause if immediately prior to the coming into force of that Act, the tenancy or licence also contained a landlord's break clause.

If the occupation contract was made after the coming into force of that Act, it 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:

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

First four/18 months of occupation

In accordance with section 196 of the Renting Homes (Wales) Act 2016, this notice may not be given within the first **18** months of the occupation date of the occupation contract.

If the occupation contract was a tenancy or licence for a fixed term containing a landlord's break clause immediately before the coming into force of that Act (a converted contract), this notice may not be given within the first **four** months of the occupation date of the contract.

In either case, this restriction does not apply if the occupation contract falls within Schedule 9 to that Act:

- | | |
|--|---|
| <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 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.