

Code of Virginia

Title 55.1. Property and Conveyances

Chapter 12. Virginia Residential Landlord and Tenant Act

§ 55.1-1238. Failure to deliver possession.

If the landlord willfully fails to deliver possession of the dwelling unit to the tenant, then rent abates until possession is delivered, and the tenant may (i) terminate the rental agreement upon at least five days' written notice to the landlord, upon which termination the landlord shall return all prepaid rent and security deposits, or (ii) demand performance of the rental agreement by the landlord. If the tenant elects, he may file an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the damages sustained by him. If a person's failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person the actual damages sustained by him and reasonable attorney fees.

1974, c. 680, § 55-248.22; 2000, c. [760](#); 2019, c. [712](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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Virginia Law Library

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Constitution of Virginia,
Charters, Authorities, Compacts
and Uncodified Acts are now
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Helpful Resources

[Virginia Code Commission](#)

[Virginia Register of Regulations](#)

[U.S. Constitution](#)

For Developers

The Virginia Law website data is
available via a web service. 

