

# Service Instructions for Fault-Based Breach Notice

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**Property:** 16 Waterloo Road Pudsey LS28 7PW

**Contract-Holder:** Sonia Shezadi

**Notice Type:** Fault-Based Breach Notice

**Service Date:** 25 January 2026

## IMPORTANT: WALES-SPECIFIC NOTICE

This guidance is for serving fault-based breach notices under the **Renting Homes (Wales) Act 2016**. Wales has different laws from England. Do not use English guidance or forms.

**CRITICAL: You must serve this notice correctly or it will be invalid. Incorrect service is the most common reason for court rejection.**

## Before You Serve - Compliance Requirements

You **MUST** have complied with all legal requirements before serving any notice:

### Rent Smart Wales Registration

- All landlords and letting agents in Wales must be registered with Rent Smart Wales
- Check: [www.rentsma...](http://www.rentsma...)
- Penalty: Serving a notice while unregistered may invalidate the notice

### Deposit Protection (if deposit taken)

- Must be protected in a Welsh government-approved scheme:
  - Deposit Protection Service Wales
  - MyDeposits Wales
  - Tenancy Deposit Scheme Wales

- Must have provided prescribed information within 30 days
- Penalty: May affect validity of breach notice

## **Written Statement of Contract**

- Must have provided contract-holder with written statement within 14 days of occupation
- Penalty: Cannot serve possession notice until provided

## **Gas Safety (if applicable)**

- Annual gas safety check by Gas Safe engineer
- Copy given to contract-holder

## **Electrical Safety**

- Electrical Installation Condition Report (EICR) within last 5 years
- Copy given to contract-holder

## **Smoke and Carbon Monoxide Alarms**

- Working smoke alarms on each storey
- Carbon monoxide alarms in rooms with solid fuel appliances
- Tested at start of contract

## **Retaliatory Eviction Protection**

- Cannot serve notice within 6 months of contract-holder making a legitimate complaint
- Cannot serve notice if local authority is investigating the property

## **Evidence of Breach**

- Must have clear evidence of the breach you're claiming
- Document everything: dates, times, witnesses, photos, correspondence
- For rent arrears: Keep detailed rent payment records
- For anti-social behaviour: Police reports, witness statements, complaint logs

## **How to Serve This Notice**

Under Welsh law, you can serve a notice by:

## RECOMMENDED METHOD: Personal Service

- Hand the notice directly to the contract-holder
- Get them to sign a copy confirming receipt
- If they refuse to sign, have a witness present
- Take a photo of the handover

**Why this is best:** Clear proof that the contract-holder received the notice. If they dispute service, you have witness testimony and photographic evidence.

### Alternative Method 1: Leaving at the Dwelling

- Leave the notice at the dwelling in a sealed envelope
- Address it to the contract-holder
- Put it through the letterbox or hand it to an adult at the property
- Take a photo as evidence

### Alternative Method 2: Postal Service

- Send by First Class post to the dwelling address
- **RECOMMENDED:** Use Royal Mail Signed For or Special Delivery
- Keep proof of postage (certificate of posting or tracking number)
- Notice is deemed served when it would be delivered in ordinary course of post (usually 2 working days)

**Note:** If using postal service, add extra days to be safe. The contract-holder can claim non-receipt.

### Alternative Method 3: Email (Only If Agreed in Contract)

- Can only use email if the contract specifically allows it
- Keep a copy of the sent email and any read receipts
- Follow up with postal or personal service to be safe

**Risk:** Most contracts do NOT allow email service. Check your contract carefully before using this method.

# Evidence You Must Keep

**CRITICAL:** You will need to prove service when applying to court.

## Service Evidence Checklist:

- Original copy of the notice (for your records)
- Copy showing date of service
- Proof of service:
  - Personal service: Signed acknowledgment or witness statement
  - Postal service: Certificate of posting or tracking receipt
  - Email: Sent email with timestamp and read receipt
- Evidence of breach:
  - Rent arrears: Full rent payment history
  - Anti-social behaviour: Police reports, witness statements
  - Property damage: Photos, repair quotes
  - Other breaches: Relevant documentation

## Certificate of Service Template:

### CERTIFICATE OF SERVICE

Property: 16 Waterloo Road Pudsey LS28 7PW

Contract-Holder(s): Sonia Shezadi

I certify that on [DATE], I served the Fault-Based Breach Notice dated [NOTICE DATE] by:

- Personal service - handed to contract-holder at [TIME] on [DATE]  
 Left at dwelling - left in sealed envelope at [TIME] on [DATE]  
 Postal service - sent by [METHOD] on [DATE], tracking/reference: [REF]  
 Email - sent to [EMAIL] at [TIME] on [DATE]

Served by: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness (if applicable):

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## What Happens After Service?

### Waiting Period

#### Breach Notice Period:

- Rent arrears: Minimum 14 days
- Other breaches: 14 days to 1 month depending on severity

You cannot apply to court before this date expires.

### If Breach is Remedied

If the contract-holder fixes the breach during the notice period:

- For rent arrears: They pay all outstanding rent
- For other breaches: They stop the behaviour or fix the problem
- The notice may no longer be valid - consult a solicitor before proceeding

### If Contract-Holder Does Not Leave

You **CANNOT**:

- Change the locks
- Remove their belongings
- Cut off utilities
- Harass or threaten them
- Enter without permission

**These are criminal offences in Wales**

You **MUST**:

- Apply to the county court for a possession order
- Provide evidence of the breach
- Wait for the court hearing

- Only evict with a court order and bailiff

## Common Mistakes to Avoid

- Wrong notice period - check minimum period for your breach type
- Not registered with Rent Smart Wales
- Insufficient breach evidence - document everything thoroughly
- Retaliatory eviction - cannot serve within 6 months of legitimate complaint
- Poor proof of service - always get evidence
- Self-help eviction - never change locks without court order

## Useful Contacts

### Rent Smart Wales:

- Website: [www.rentsma...](http://www.rentsma...)
- Phone: 03000 133 344

### HM Courts & Tribunals Service:

- Website: [www.gov.uk/government/organisations/hm-courts-and-tribunals-service](http://www.gov.uk/government/organisations/hm-courts-and-tribunals-service)
- Phone: 0300 123 1372

### Shelter Cymru:

- Website: [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)
- Phone: 0345 075 5005

## Legal Basis

**Service Requirements:** Renting Homes (Wales) Act 2016

**Deposit Protection:** Renting Homes (Wales) Act 2016

**Illegal Eviction:** Protection from Eviction Act 1977

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**Important:** This is guidance only and does not constitute legal advice. If you're unsure about any step, consult a solicitor or legal advisor.

