

SERVICE INSTRUCTIONS

Fault-Based Notice (Wales)

Property: 2 High Street, London, SW2 2AA
Contract-Holder: Mrs Smith
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.

1 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.rentsmart.gov.wales
Serving a notice while unregistered may invalidate the notice

Deposit Protection (if deposit taken)

Must be protected in a Welsh government-approved scheme (DPS Wales, MyDeposits Wales, or TDS Wales)
Must have provided prescribed information within 30 days
Non-compliance may affect validity of breach notice

Written Statement of Contract

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

Property Safety Requirements

Annual gas safety check by Gas Safe engineer (copy given to contract-holder)
Electrical Installation Condition Report (EICR) within last 5 years
Working smoke alarms on each storey
Carbon monoxide alarms in rooms with solid fuel appliances

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

2 How to Serve This Notice

Under Welsh law, you can serve a notice by the following methods:

RECOMMENDED: 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: 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: 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.

NOT RECOMMENDED: Email

- Can only use email if the contract specifically allows it
- Keep a copy of the sent email and any read receipts
- Most contracts do NOT allow email service - check your contract carefully
- Follow up with postal or personal service to be safe

3 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

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 the breach (rent arrears records, ASB reports, photos, etc.)

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: _____

4 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

Do NOT

- 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

5 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

6 Useful Contacts

Rent Smart Wales: www.rentsmart.gov.wales | Phone: 03000 133 344

HM Courts & Tribunals Service: www.gov.uk/government/organisations/hm-courts-and-tribunals-service |
Phone: 0300 123 1372

Shelter Cymru: www.sheltercymru.org.uk | Phone: 0345 075 5005

Service Requirements: Renting Homes (Wales) Act 2016

Deposit Protection: Renting Homes (Wales) Act 2016

Illegal Eviction: Protection from Eviction Act 1977

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

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