

Possession & Eviction Policy

Policy Owner	Stuart Middleton, Head of Housing & Communities
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Next Review Date	September 2029
Version	Version 2
Approved by	Emma Morgan, Director for Customers, Support & Improvement

Version Control
Version 1 - December 2022
Version 2 - September 2026

Changes Made	Section	Date
New overarching policy and procedure	all	December 2022
New Introduction	Introduction	September 2026
New Scope of policy	Scope	September 2026
New Aims of policy	Aims	September 2026
Expanding definitions	Definitions	September 2026

Our Values

In applying this policy, we will be guided by our values. Our values determine how we behave towards our customers, our colleagues, our partners and our work:

Kind - We recognise that relationships are at the heart of everything we do, at the heart of good relationships is kindness.

Innovative - We continuously strive to be the best we can whilst seeking creative ideas to improve and grow.

Trusting - We trust people to do the right thing, because good relationships are built on mutual trust and respect.

Accountable - We accept the responsibilities of our role and are accountable for our actions and for doing what is right.

Introduction

Caredig is committed to sustaining tenancies and licences wherever possible through early intervention, advice, support, and partnership working. Possession and eviction are considered measures of last resort and will only be pursued when all reasonable options to resolve the issue have been explored.

This policy sets out the circumstances in which Caredig may seek possession of a property and, where necessary, end a tenancy or licence agreement. It ensures that decisions are fair, lawful, proportionate, and consistent with the requirements of the Renting Homes (Wales) Act 2016 and other relevant legislation.

The Scope

This policy applies to all tenants of Caredig and covers all circumstances where Caredig may seek possession of a property or take legal action to end a tenancy or licence agreement.

The policy applies to tenancy breaches including, but not limited to:

- Rent arrears.
- Anti-social behaviour.
- Criminal activity.
- Property damage or neglect.
- Breaches of tenancy conditions.
- Situations where possession is required under statutory grounds available to landlords.

This policy does not cover tenancy abandonment, succession or transfers which are covered by separate policies and procedures.

The Aims

The aims of this policy are to:

- Support tenants to sustain their tenancy or licence wherever possible.
- Ensure possession action is used fairly, consistently, and only when necessary.
- Comply with all relevant legislation, regulation, and tenancy requirements.
- Protect the wellbeing, safety, and rights of tenants, neighbours, staff, and the wider community.
- Ensure decisions to seek possession are proportionate and based on evidence.
- Make sure tenants are informed of their rights, responsibilities, and the support available to them.
- Minimise evictions through early intervention, prevention, and person-centred support.
- Provide a clear framework for staff when considering possession and eviction action.
- Ensure legal action is taken only after all appropriate alternatives have been considered, unless immediate action is required to protect people or property.

Definitions

- **'Tenant'** is used to describe the Contract Holder
- **'Tenancy'** is used to describe an Occupation Contract

Tenants' Rights and Responsibilities

Caredig will always try to help tenants keep their home and will only seek possession or eviction when all reasonable options have been considered.

Tenant Rights

Tenants have the right to:

- Be treated fairly and with respect.
- Be told why possession action is being considered.
- Receive advice and support to help you keep your tenancy or licence.
- Have your individual circumstances taken into account.
- Seek independent legal advice.
- Receive the correct legal notices before any court action is taken.
- Use Caredig's complaints process if you believe you have been treated unfairly.

Tenant Responsibilities

Tenants are responsible for:

- Keeping to the terms of the tenancy or licence.
- Paying your rent and other charges on time.
- Responding to letters, calls, and requests from Caredig.
- Working with us to resolve any tenancy issues.
- Ensuring your household and visitors do not breach the tenancy or licence agreement.
- Letting us know if your circumstances change and affect your tenancy.

If tenancy problems are not resolved, Caredig may take legal action to seek possession of the property. However, we will always aim to prevent eviction through early intervention, support, and reasonable adjustments where appropriate.

Roles and Responsibilities

- Operational Managers, Community Housing Officers, Service Coordinators, Team Leaders and Extra Care Managers are responsible for the decisions and actions.
- The Head of Housing & Communities, Head of Specialised Housing & Support, Operational Managers for Housing Management, Supported Living and Extra Care are responsible for the decisions, actions and overall performance management.
- The Head of Housing & Communities and Head of Specialised Housing & Support have overall responsibility for this area including review and monitoring.
- The Director for Customers, Support & Improvements has overall responsibility for the policy area.

Legal Framework

The policy will be implemented in line with relevant Welsh and UK legislation, including but not limited to the Renting Homes (Wales) Act 2016, Housing (Wales) Act 2014, Equality Act 2010, Human Rights Act 1998, and associated safeguarding and data protection legislation.

Equal Opportunities

Caredig is committed to ensuring that its policy and procedures are non-discriminatory and that all applicants can access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010. An Equality Impact Assessment has been undertaken and as a result, we will ensure we take account of individual circumstances both in term of how we communicate and manage tenancies and support provision.

References to other relevant policies and procedures

- Ending Contracts
- Joint Contract Holders

- Escalating issues Procedure
- Abandonment of properties
- Complaints and Concerns
- Anti-Social Behaviour & Community Safety
- Hate & Mate Crime
- Rent Account Management