



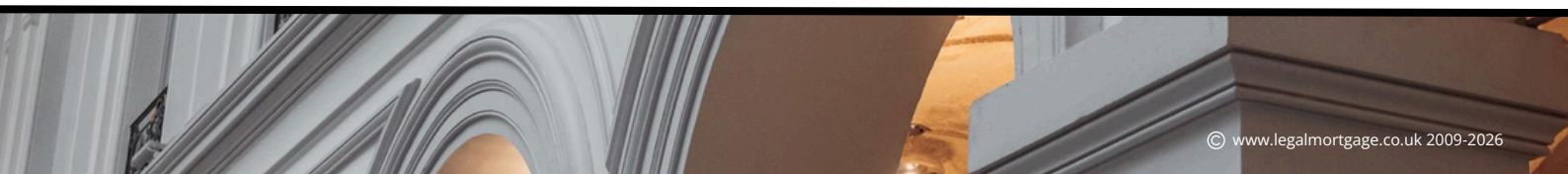
# Legal Mortgage Monthly Update

## July 2026

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| <b>Contents</b> | <p><b>Kensington Mortgage Company Ltd v Price and Others (with Shelter Cymru as Intervenor) [2026] EWHC 1577 (Ch)</b></p> <p>This is an interesting case looking at the inter-relationship between a mortgagee in possession and the status of landlord under the Renting Homes (Wales) Act 2016 and the Housing (Wales) Act 2014.</p> |
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| <b>Case name</b>        | Kensington Mortgage Company Ltd v Price and Others (with Shelter Cymru as Intervenor)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Neutral citation</b> | [2026] EWHC 1577 (Ch)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Summary</b>          | <p>This is an interesting case looking at the inter-relationship between a mortgagee in possession and the status of landlord under the Renting Homes (Wales) Act 2016 and the Housing (Wales) Act 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Facts</b>            | <p>The claimant mortgagee sought declarations to establish that a mortgagee in possession is a landlord under the Renting Homes (Wales) Act 2016 (the 2016 Act) (and so entitled in principle to give notice and take proceedings) but is not a landlord under the Housing (Wales) Act 2014 (the 2014 Act) and so did not have to be registered or licensed before serving relevant notices.</p> <p>The claimant had provided a buy-to-let mortgage to the first and second defendants (the owners), which was used to purchase a property.</p> <p>Mortgage arrears arose, and possession proceedings were commenced. Although an order was obtained, the claimant had not appreciated that the owners had sub-let the property and the Welsh mortgagee in possession was a landlord. As a result, the warrant was withdrawn.</p> <p>The claimant accepted that it was bound by the sub-letting as the loan advanced was on the shared understanding of a buy-to- let transaction.</p> |

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|                         | <p>In 2023, the claimant's solicitors served a Section 8 notice seeking possession under the Housing Act 1988 on the occupiers and then commenced fresh possession proceedings.</p> <p>These were withdrawn after a defence that the notice was invalid as a result of the 2016 Act. The claimant took no other action in respect of the property or asked for rent. On 10 November 2025 the claimant commenced the proceedings before the court.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>The Relevant Law</b> | <p>The 2014 Act regulates private rented housing in Wales. The letting and management of certain tenancies is regulated through a system of registration and licensing. Section 44 provides that various notices may not be given if the landlord is not registered or is unregistered and has not appointed a person who is licensed to carry out the property management works for the dwelling.</p> <p>The 2016 Act introduced "occupation contracts". The property was sub-let under a standard occupation contract. Section 244 defines landlord in relation to an occupation contract as being the person that is entitled to confer on an individual a right to occupy the dwelling. The court held that this would be the mortgagor until the mortgagee exercises its right to possession, and from then the landlord would be the mortgagee in possession.</p> <p>Accordingly, when section 173 provides that periodic standard contracts may be terminated by a landlord serving a notice, only when a mortgagee becomes a mortgagee in possession will the mortgagee be entitled to serve such a notice.</p> <p>Where a mortgagee in possession is bound by a domestic tenancy granted by the mortgagor, it will be subject to the requirements of registration and licensing of the 2014 Act.</p> <p>This requirement of registration does not unlawfully interfere with a mortgagee's rights under Article 1 of the First Protocol to the European Convention on Human Rights.</p> |
| <b>The Court Held</b>   | <p>In this case, the claimant had not yet become the mortgagee in possession because it had not demanded the occupiers pay rent directly to it. There had been no control or management of the property by the claimant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



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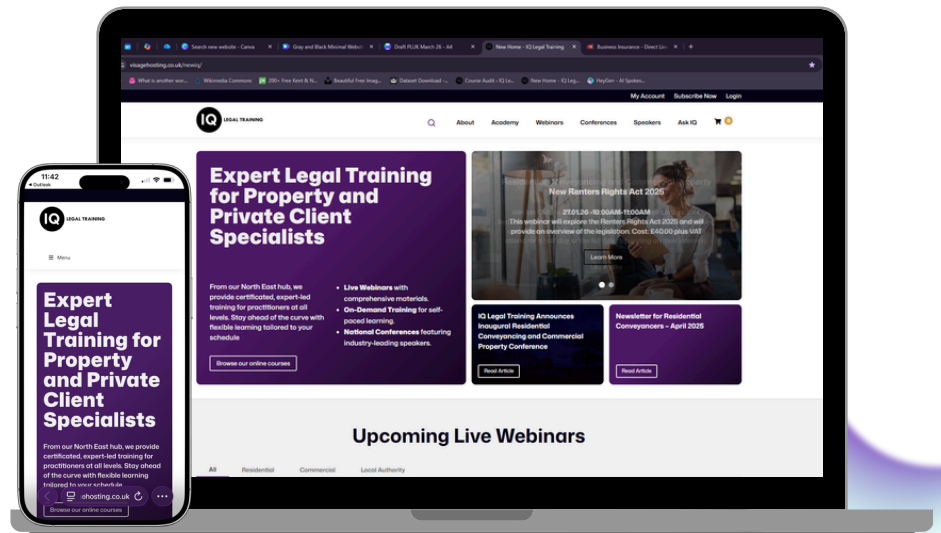




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