



## Key Documents



### Who should read this?



Tenants



Agents



Landlords

Insured

# 10 things to help you get it right

1. Make sure you give the tenant a detailed check-in inventory and schedule of condition at checkin and check-out.
2. You must register the deposit on a new tenancy created on or after 6 April 2013 within 30 days of the agent or landlord receiving it – or within 30 days of the tenancy becoming an assured shorthold tenancy, if this occurs after you receive the deposit.

If you don't meet the deposit protection requirements, then from 31 days after paying the deposit a tenant will be able to make a claim through the courts for the full deposit AND a penalty of between one and three times the deposit.

For more information please see our guidance document Some frequently asked questions on the changes introduced by the Localism Act 2011. It's on our website.

3. Print the Tenancy Deposit Protection Certificate and give it to the tenant(s).
4. Give the tenant the prescribed information within 30 days of receiving the deposit – or within 30 days of the tenancy becoming an assured shorthold tenancy, if this occurs after you receive the deposit.

You will find the prescribed information in our document Prescribed information and suggested clauses for tenancy agreements and terms of business. It's on our website.

5. Give the prescribed information to the tenant, getting them to sign it if possible.. If you don't give the tenant the prescribed information in time, they may start court action for compensation as outlined in 2 above.
6. If there are any changes during the tenancy, update all records and documents including the tenancy agreement. To notify us of changes in ownership or management, please phone our customer contact centre.
7. When the tenancy finishes, end it on the TDS deposits database. If there is no dispute, release the deposit within 10 working days. If the tenancy is renewed, please put that on the database too.

8. If there is a dispute, try to negotiate a settlement before submitting it to TDS – even if it was a 'let-only' tenancy. This means a tenancy that you arranged but you did not manage the property afterwards.
9. If there is a dispute, send all the evidence you want us to consider. We adjudicate based on information sent to us and do not ask for more. Make sure you include the check-in inventory and schedule of condition report and the check-out report.

If you are claiming for rent arrears, ensure that you send us a schedule of what's been paid and what hasn't – along with details of the dates the rent was due for. Without these documents, you may not be able to show that any property damage or rent arrears are the tenant's responsibility.

Remember, we will need to see written reports as well as photos. For photos to be useful as evidence, they should be dated and of reasonable quality.

10. Send us the total amount in dispute. If we make an award to the tenant, we will pay them first. If we are holding only part of the disputed amount, there may not be enough to pay the landlord as well.

We will advise landlords to contact their agents about any shortfall. If we don't have enough to pay the tenant, we will take legal action to recover the shortfall from the deposit holder.

The deposit holder (i.e. the landlord or agent) should return the undisputed amount, less any agreed deductions, to the tenant without delay.

This document is for guidance only. It is not meant to suggest that any adjudication we make on a dispute will give a particular outcome.

Each dispute is different and our award will depend on how we interpret the evidence we see.

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 **[www.tenancydepositscheme.com](http://www.tenancydepositscheme.com)**

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