

LET TER BOX

ISSUE 1 | AUTUMN 2016



YOUR TDS

*We look at the TDS manifesto
and what makes us so different.*

This is our story

ENTER

2016
TDS 2016
ANNUAL REVIEW
RELEASED

INSIDE

FOUR MONTHS
IN REVIEW

PAGE 4

THE CLEAN
ZONE

PAGE 10

TOP TIPS TO
AVOID DISPUTES

PAGE 14



ONE SCHEME TWO CHOICES

SWITCHING TO TDS IS EASY

@ switch@tenancydepositscheme.com

0300 037 1000

tenancydepositscheme.com

GETTING DEPOSIT PROTECTION RIGHT

- 1 Protect deposit with TDS within 30 days of receipt
- 2 Serve Prescribed Information on tenants and any relevant person (who has paid the deposit) within 30 days of receipt of the deposit
- 3 Sign the Prescribed Information and get the tenants to sign it
- 4 Give the tenants and any relevant person a copy of the TDS Deposit Protection Certificate and the TDS Scheme leaflet

Failure to do this may lead to:

- A return of the deposit
- A penalty of between 1 and 3 times the deposit
- An inability to serve a s21 notice

WELCOME TO LETTERBOX

We never sit still at TDS Towers and are delighted to deliver to you the first issue of our brand new magazine, Letterbox.

Why Letterbox? Well, we miss the old days where you received news through the door. Something you could hold in your hands, read on the train without worrying about your signal or battery power, and that didn't get lost in your email inbox.

So we're delivering this to you by traditional means – your front door. And we want you to get value from it whether you have time to read it cover-to-cover, or simply to pick up now and then when you have the time. Further inside you'll find out more about who we are, what drives us, and why we love doing what we do. You'll hopefully learn something. Maybe you'll laugh. We hope you won't cry. And three of you will be the lucky winners of our competition.

So please take a moment to sit back, relax, and enjoy what we hope will be a welcome addition to your mail.



Steve Harriott
Chief Executive

ISSUE 1 | AUTUMN 2016

SPECIAL FEATURES

- 6 **OUR JOURNEY**
Michael Morgan, Director of Dispute Resolution at TDS, reflects on his 10th anniversary
- 8 **OUR STORY**
We look at the unique approach TDS takes to make deposits easy

REGULAR FEATURES

- 4 **THE DELAYED READ**
Four months in review
- 5 **THE SHORT READ**
Ups and Downs – TDS Trends
- 10 **THE CLEAN ZONE**
Top 10 Cleaning Tips
- 12 **WHATS ON?**
- 13 **MEET THE TEAM**
John King
- 14 **THE LEGAL ZONE**
Getting it right in disputes...
- 16 **FROM THE ARCHIVES**
That was then... This is now
- 17 **DAY IN THE LIFE**
Michael Hill from TDS' Graduate Training Programme



TDS 2016 ANNUAL REVIEW AVAILABLE NOW

TDS NEWS 4 MONTHS IN REVIEW

**By the time you read this, it will be old news,
but we think it's still worth a mention...**

In the past four months, TDS has experienced a period of evolution and advances. Not one to rest on our laurels, we've launched a brand new Custodial scheme in England and Wales, launched the only tenancy deposit protection qualification in the industry with our partners NFOPP and MOL, and we have received further recognition of our service levels.

Here's a flavour of what you might have missed!

TDS CUSTODIAL LAUNCHES



TDS Custodial successfully launched on 1st April 2016: a scheme which blends our online deposit management system with our first-class customer service and provides agents and landlords with an outstanding alternative to what used to be the only custodial scheme. We have seen a flurry of interest from letting agents who simply did not have a choice previously; now the option is available, we are delighted to see so many choosing to use TDS. Service is not the only aspect we set out to excel at: there are many features of our custodial scheme which make us stand out from the others. Just one of those is the introduction of our tenant changeover facility, providing a seamless way to change the deposit details without repaying the entire deposit – which has been very warmly received.

Check out more of our features at <http://custodial.tenancydepositscheme.com/switch-to-us>



NEW NFOPP TECHNICAL AWARD

Another major accomplishment we have seen come to fruition in the past few months is the NFOPP Level 3 Technical Award in Residential Tenancy Deposit Protection Management, developed by TDS and the National Federation of Property Professionals Awarding Body.

The qualification is the first of its kind, allowing agents to gain specialist knowledge in tenancy deposit management and dispute resolution. The lucky first recipient of the course workbooks was picked at random during our attendance at the 2016 ARLA Conference. It's worth reminding you that if you have already fully completed the Technical Award in Residential Lettings and Property Management, you will already be half way there as you will get exemptions from two of the four modules.

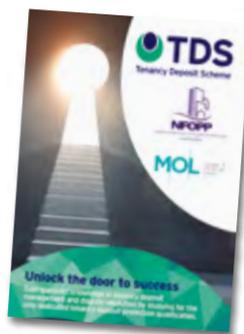
More details available at: www.nfopp-awardingbody.co.uk/qualifications/residential-tenancy-deposit



CUSTOMER SERVICE EXCELLENCE

We were successful in renewing our Customer Service Excellence accreditation in May of this year. As an organisation we are committed to continuous improvement and we see the CSE Standard not just as a 'badge' in itself but as a stimulus for innovation. The only issue we came up against when preparing for the assessment was having too much evidence! We relish the opportunity to showcase our outstanding customer service and the constant improvements we make to maintain and surpass this standard. As a result, not only did we achieve the award, we received 9 compliant plus points – 9 areas of customer service in which we are seen as going above and beyond. The feedback received echoed our ethos as it was declared, "TDS have not stood still."

If there is something you think we can do better, please let us know. We'd love to hear from you: customer.relations@tds.gb.com



TDS TRENDS

"Correlation does not imply causation" (except when it does)

MOVING UP

SLIDING DOWN

	Sending us dispute evidence via our online portal The quickest and cost-effective way of submitting your evidence is through our powerful online evidence portal, saving you money and time.		Postal dispute applications 10p
	Average deposit amount in London		Average deposit amount in Wales
	Volume of calls handled by our advisors We now handle all our calls in-house which means that you speak directly to us. During peak times, calls can now be handled by colleagues outside of our core customer advisor team which means you are straight through to us in less time.		Time taken to answer those calls
	Number of email addresses for tenants in TDS Custodial We need to be able to contact the tenant after they have moved out of the property so supplying an email address with your deposit registration is key. Trees are saved in the process!		Amount of paper used to send printed letters
	Number of deposits held		The upward trend of increasing deposit protection continues, likely a mixture of greater compliance and a larger PRS. Good news all round as the number of tenants without a protected deposit will be at an all-time low!
	Percentage of claims over redecoration Cleaning has always been the most common disputed claim but saw a slight drop recently. On the other hand redecoration claims are up.		Percentage of claims over cleaning
	Our expanding customer relations department has moved upstairs There are now more of us working hard to help you with your day-to-day queries, part of our commitment to deliver a great service. So much so that we ran out of room so our customer service has literally risen!		Noise levels downstairs! We miss them though

OUR JOURNEY

“When I joined TDS in September 2006, we had fewer than half a dozen employed colleagues and this reflected that in those days we operated the tenancy deposit scheme as a ‘pilot’ before legislation made such schemes mandatory in 2007 (and, in fact, had done so since 2003 with a surprisingly high number of agents joining the scheme on a voluntary basis). 10 years on, we have over 80 colleagues and have seen many significant milestones...”



Michael Morgan, Director of Dispute Resolution at TDS, reflects on his 10th anniversary

2007

- Mandatory deposit protection introduced – interesting times as we were prevented from invoicing or collecting any subscriptions prior to the launch date – yet under the Housing Act 2004, any new deposit collected after 6th April had to be protected within 14 days!
- We rapidly passed over 250,000 ‘live’ deposit protections and dispute numbers were, unsurprisingly, low

2008

- Over 500,000 ‘live’ deposit protections and over 500 disputes received
- Evidence sent to TDS for disputes was paper-based

2009

- Over 750,000 ‘live’ deposit protections and over 7000 disputes received
- Evidence received for disputes now being converted into electronic form for internal processing, but was posted to the agent/landlord and tenant

2010

- Over 900,000 ‘live’ deposit protections registered, with over 10,000 disputes received
- Introduced a new membership charging structure, offering discounts against annual membership subscriptions
- Launched our Members Forum – drawn from a wide spectrum of members, the Forum meets regularly to give feedback to TDS about day-to-day use, identify potential areas for improvement and help to find practical methods of strengthening communication with members

2011

- Almost a million ‘live’ deposit protections registered, protecting over £1 billion in deposits, and our website now regularly receiving over a million visits
- Rolled out a new website, including our first online evidence portal which allowed both parties to a dispute to view all evidence submitted online

2012

- Achieved the UK Government Standard for Customer Service Excellence and won the PropertyDrum award for Best Tenancy Deposit Service
- Launched new membership options for landlords, including the Tenancy Deposit Scheme for Landlords, and DepositGuard for members of the Residential Landlords Association
- Social media activity increased with TDS launching a Twitter Account and Linked In group
- Produced a joint scheme ‘Guide to Deposits Disputes and Damages’ to help landlords and tenants understand the process and to ensure consistency in adjudication decisions across all providers
- SafeDeposits Scotland launched by TDS with other partners. By March 2013 SafeDeposits Scotland was by far the largest of the three schemes operating in Scotland
- Launched TDS Academy, offering specialist training in deposit protection and dispute resolution

2013

- Membership reaches 2,500 letting agent members and over 14,000 landlord members
- TDS Northern Ireland launched, offering insured and custodial deposit protection with a new Belfast office opening to support customers
- Evidence portal further improved to allow agents, landlords and tenants to upload evidence directly rather than having to submit it by post or email

2014

- TDS Charitable Foundation launched, with a mission to raise the standards of private rented housing management by advancing education in rights and obligations for both tenants and landlords

2015

- Disputes submitted to TDS approach 15,000 per year
- TDS Northern Ireland awarded the Chartered Institute of Housing’s Chairman’s award for outstanding contribution to the private rented sector, after only two years in service
- After just one year, the TDS Charitable Foundation received funding of £375,000 and awarded almost £100,000 to projects, educating tenants and landlords in their rights and responsibilities
- Awarded Investor in People status
- Obtained accreditation from the British Standards Institute for our customer service and complaints handling

2016

- Launched TDS custodial, a brand new custodial scheme for England and Wales
- TDS Northern Ireland win best deposit scheme in the UK at the prestigious ESTAs awards
- TDS Northern Ireland win best customer service category in the Chartered Institute of Housing awards
- Landlord membership for TDS England and Wales breaks the 75,000th member landmark
- Launched Letterbox

Where are we now? We never stand still and are committed to improving and innovating to make TDS your scheme of choice. Watch this space!



OUR STORY

MAKING DEPOSITS EASY

TDS MANIFESTO

TDS is an industry owned and government approved tenancy deposit protection scheme for the residential lettings market.

We're here to make life easier for letting agents and landlords to meet their legal obligations to protect tenancy deposits, giving tenants the comfort that their deposit money is in safe hands.

Where tenancies end in dispute we can provide a free and high quality adjudication service to help resolve disputes between agents, landlords and tenants.

Our award winning service enables our agent and landlord customers to focus on their core business of letting homes successfully, safe in the knowledge that deposits are properly protected and disputes can be handled. Through our expert advice, education and training services we help them to minimise disputes, keep their customers happy and drive down the cost of deposit protection.

For tenants, we give them confidence that their deposit is properly protected and we provide them with guidance as to what they need to do in the event that they cannot agree the release of the deposit with their landlord.

We're also a third sector company which means we don't have shareholders and any surpluses we make can be put back into the business to improve the service for our customers.

OUR STORY

WHAT'S SO DIFFERENT ABOUT TDS?

1

We're committed to excellent customer service: our customers really matter to us and we work hard to deliver great customer service. And don't just take our word for it; take a look at the various external accreditations we have achieved:

- The UK Government's Customer Service Excellence Award every year since 2012;
- The British Standard Institute Accredited Standard for Customer Service in Complaints Handling since 2015;
- Investors in People since 2015;
- The Chartered Institute of Housing Northern Ireland Chairman's award for an outstanding contribution to the private rented sector 2015;
- The Chartered Institute of Housing Northern Ireland award for excellence in customer service 2016;
- The ESTA award for best deposit scheme in 2016 for the TDS Northern Ireland service.

2

We're specialists working just for you: protecting tenancy deposits is the main service we provide and we work really hard to make deposits easy for you. This means that we are focused on helping you understand both the law about tenancy deposit protection and dealing with any dispute you might have about a deposit.

3

We are your voice of authority: on all things to do with tenancy deposits. As the longest running Tenancy Deposit scheme (established in 2003) we know what we are doing and are in a great position to advise landlords, agents and tenants about tenancy deposit protection issues. Our website is packed full of advice and guidance to help agents and landlords comply with the law and minimise tenancy deposit disputes. And we provide similar advice and information to tenants whose deposits are protected by us. When we think there are changes to be made to the law we work hard to influence decision makers and others to make the necessary amendments.

4

We're raising standards in the sector: we're backed by RICS, ARLA, NAEA and RLA. Like them, we're passionate about raising standards in the private rented sector. We work with landlords and agents to ensure they comply with the law, and offer training directly to customers on how to improve compliance and run workshops on dealing with disputes. We support an NFOPP qualification in Tenancy Deposit Protection Management and fund our sister charity, the TDS Charitable Foundation, which gives grants to organisations promoting higher standards in the private rented sector which will benefit tenants, agents and landlords.

5

We're not just in it for profit: any surpluses we make are ploughed back into the business to improve our services. We don't have to pay our profits to shareholders and the surpluses we do make each year are either:

- Reinvested in the business to improve services to our customers and make things easier for our customers; or
- Invested in our sister charity, The TDS Charitable Foundation, to help raise standards in the private rented sector.



THE CLEAN ZONE

Disputes between tenants and landlords can sometimes get messy, so it's probably no surprise that the most common claim is for cleaning. More than half of the cases handled by our adjudicators include an element of cleaning. So we're dishing the dirt to help ensure the relationship with your tenants remains squeaky clean from the start.

TENANCY AGREEMENT
Does your tenancy agreement make the tenant responsible for cleaning? If not, your claim will have little chance of success.

CLAUSES
Make sure there is a clause which allows you to use the deposit for cleaning costs. If you are giving the tenant permission to keep a pet, consider including a specially negotiated clause about cleaning. This places an absolute obligation on the tenant and, although the claim still needs to be reasonable, the adjudicator's starting point will not be how clean it was at the beginning of the tenancy.

INVENTORY
Is there an inventory that accurately describes the cleanliness of each part of the property?

AGREED RECORD
Is there evidence the tenant has accepted the inventory as correct?

END OF TENANCY REPORT
Is there clear evidence, and perhaps photographs where appropriate, showing that the property is less clean at the end of the tenancy compared to at the start?

INVOICE/ESTIMATES
Is the cost to clean the property to its original condition reasonable?

Finding a property dirty at the end of a tenancy can be a landlord's worst nightmare, costing time and, more importantly, money as well as potentially delaying the start of a new tenancy. However, it is possible to spot warning signs during interim inspections of the property. Addressing issues with the tenant at the time can save a lot of trouble at the end of the tenancy.

What to watch out for:

- A build up of clutter and junk
- Mould in the bathroom
- Animal faeces not in a litter tray
- Rubbish in the house that looks more than a week old
- Potent smells coming from furniture, towels or bed linen
- Rotten food or dirty crockery that is never cleaned
- Appliances that are sticky to the touch

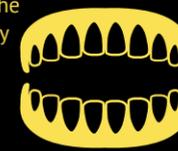


TOP 10 CLEANING TIPS

Okay bear with us here. What's coming isn't particularly pleasant but our adjudicators spend an unnatural amount of time looking at dirty appliances, carpets and unfortunately toilets. In compiling these tips, we here at TDS Towers have learned a lot too. Who knew that you can...

1 USE DENTURE TABLETS TO CLEAN YOUR TOILET BOWL

Dropping a couple of denture tablets into the loo will rid your toilet bowl of that unsightly build-up ring better than most standard cleaning products. Leave the tablets to dissolve for about 20 minutes, use a toilet brush to scrub any particularly stubborn stains and then simply flush the grime away.



6 REMOVE CARPET INDENTS WITH ICECUBES

The ice will slowly melt and then dry. Come back to find the carpet fibres have sprung back into position.



7 REMOVE CARPET STAINS WITH AN IRON

If you don't have a carpet cleaner to hand, treat spots and stains on rugs and carpets with an iron's steam setting. Place a damp cloth over the spot and press it with an iron set to high and watch as the steam releases the stain.



2 GET RID OF RINGS ON WOOD WITH OLIVE OIL AND SALT

A concoction of olive oil and salt will ease stains left by mugs and glasses out of wooden surfaces, returning the grain to its former ring-free glory.

3 CLEAN YOUR MICROWAVE WITHOUT SCRUBBING

Heat up some water and lemon juice or vinegar in a microwave safe bowl for five minutes and then wipe down the sides once you've let the mixture cool.



4 USE A WIRE CLOTHES HANGER AND CLOTH TO CLEAN BETWEEN OVEN GLASS

5 USE BABY OIL

Believe it or not baby oil is a much cleaner and quicker grease-buster than chemical sprays and won't leave any harsh scents in your kitchen. It cuts through grease and is a great way to buff metal appliances.



8 DO ALL SORTS OF THINGS WITH WD40

WD40 is your friend and should be part of every property manager's toolkit. It removes coffee stains from tabletops, removes chewing gum from linoleum and cleans shoe scuffmarks from floors. There's an entire website dedicated to it: <http://wd40.com/uses-tips>



9 USE VINEGAR TO CLEAN YOUR SHOWER

Fill a bag with vinegar and tie around the shower head. Leave overnight and return to find it sparkling clean.



10 USE VODKA TO REMOVE MOULD AND MILDEW FROM GROUT

Spray on, leave for 15 minutes and scrub with a brush. Or you could always use HG's excellent mould spray and treat yourself to a well-deserved vodka and tonic afterwards. That gets our vote!



Do you have any tips and tricks to share? Let us know at deposits@tds.gb.com

WHAT'S ON ?

Workshops, training and other resources



TDS Academy
16 November 2016 – Cardiff
1 February 2017 – London
8 March 2017 – Birmingham
£160 with a reduced rate of £140 for current TDS members. <i>(all prices include VAT)</i>

Adjudication Workshop (Half day)
17 November 2016 – Cardiff
8 February 2017 – London
9 March 2017 – Birmingham
£85 with a reduced rate of £75 for current TDS members. <i>(all prices include VAT)</i>

RESOURCES AT A GLANCE

TDS ACADEMY

In-depth training covering everything you need to know about deposit protection, including legislation, registration, preparation and adjudication, ensuring you are well prepared with a wealth of TDP knowledge so you can comply with the current legislation.

TDS ADJUDICATION WORKSHOP

Your chance to think and experience the role of a TDS adjudicator, review some typical TDP evidence and consider real case scenarios to decide who gets what and why.

NFOPP LEVEL 3 TECHNICAL AWARD IN RESIDENTIAL TENANCY DEPOSIT PROTECTION MANAGEMENT

Developed in partnership with NFOPP and MOL to give you and your team a recognised TDP qualification and so stand out in a competitive market.

TDS CONFERENCE AND EVENT PRESENTATIONS

We regularly appear at ARLA and NAEA regional events and branch meetings to offer personal and impartial advice.

TDS GUIDES AND PUBLICATIONS

We produce a wealth of free information on our website covering topics such as legislation, adjudication and top tips.
www.tenancydepositscheme.com/agents-and-landlords-documents-and-forms.html

TDS CHARITABLE FOUNDATION

Projects funded by our Foundation produce guides, training resources and reports all designed to raise standards of management in the private rented sector.

Please visit <https://www.tenancydepositscheme.com/academy.html> to make your booking

TDS ACADEMY

The TDS Academy launched in 2012, designed by the team here at TDS so that property professionals can benefit from our practical and helpful guidance covering tenancy deposit protection legislation, effective tenancy management and dispute resolution principles. It also takes an in-depth look at alternative dispute resolution.

“Having recently changed employment and previously used an alternative scheme, I've found the TDS training very thorough and informative.”

TDS Academy student, Manchester, May 2015

Thanks to popular demand, it's now in its third year and we have refreshed for 2016, allowing those participating to spend a day with senior staff, soaking up important, relevant and technical information; delegates also have an opportunity to ask questions for discussion about process and procedures and share those nightmare scenarios that all property managers experience!

“I found the case studies to be very useful at providing examples of good and poor cases.”

TDS Academy student, Exeter, May 2015

The full day course is ideal as a refresher for long serving (and suffering!) property professionals as well as those new to the letting and management functions of their business, and includes a light lunch and refreshments, giving delegates the opportunity to network.

“Very good delivery and I now feel confident we are doing everything in accordance with the guidelines.”

TDS Academy student, London, May 2015

ADJUDICATION WORKSHOPS

We launched our adjudication workshops based on feedback that customers wanted to understand how an adjudicator approached evidence in a dispute. Delegates can spend a half-day identifying the key markers in the evidence supplied in a tenancy deposit dispute and even get to be an adjudicator and review the evidence.

TDS have had great feedback from those attending and places do fill up quickly, with over a 1,000 participants having taken part since we launched.

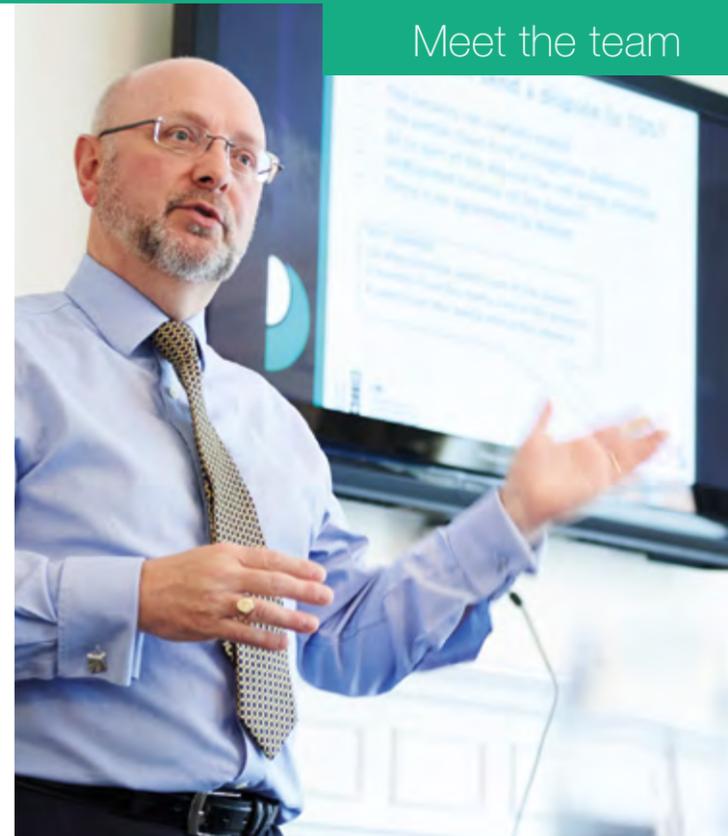
Delegates to our training have their attendance recognised with a certificate which can be used to confirm up to six hours of Continued Professional Development (CPD) with industry bodies.

Meet the team

MEET THE TEAM



JOHN KING
Deputy Director of Customer Relations



LETTERBOX: Tell us about your current role at TDS.

JK: I work with our customers. I help letting agents and landlords use our services and I also provide guidance and assistance to tenants, other industry users and local authorities.

It's about talking to customers, being accessible and keeping in touch. Ultimately, we want to make sure customers don't make errors in relation to tenancy deposit protection legislation. The Customer Relations team is here to help, assist and answer questions, point people in the right direction and improve standards in the private rented sector.

LB: Tell us a bit about your background.

JK: I've always been involved in Customer Relations. I worked for Fenwicks when I left college and my property life began in my early 20s. I've worked in small and large organisations and experienced many different markets and recessions through selling, lettings and property management. I joined TDS in 2009 and initially worked on adjudications. My role grew into a customer focused one within the Customer Relations team.

LB: What is your greatest professional achievement?

JK: That would be presenting the courses at TDS Academy because I feel like I am giving something back. Through the training I get to keep in touch with younger property professionals and give them the benefit of my experience, but it's a two-way exchange and I gain experience too. I also like to receive feedback, as it helps us design training and guidance and keep things relevant.

LB: Tell us about a project or solution to a problem that made things better, smarter, faster, more efficient or less expensive.

JK: In Customer Relations, we like to give people information to make them self-sufficient, if we can't answer their call, we try to point them in the right direction. Part of that is also making sure customers understand information given to them by TDS. With clear communication, there will be fewer questions and queries, which will in turn improve call-waiting times.

LB: What do you like about working for TDS?

JK: At TDS there is nice mixture of age groups and our colleagues bring support, relevant experience, energy and curiosity to keep things fresh. It makes an enjoyable change after working for 27 years in other offices and I am still able to use my skills and knowledge.

LB: Who is your role model and why?

JK: As a child of the 60s, it would probably be a combination of the Beatles and Bobby Moore. I have lots of interests, so not one person. I think the journey of life is not a tapestry but a puzzle.

LB: What would be your superpower?

JK: The most beneficial power to my day to day life would be flying – driving around takes time!

LB: Who would be your top 3 dream dinner guests (alive or dead)?

JK: David Bowie from the world of music, John F Kennedy, who has the same initials as me and Anita Roddick, who had a different idea of doing business. It would be a great balance of music, politics and business.

GETTING IT RIGHT IN DISPUTES...

TDS has been adjudicating tenancy deposit disputes for several years. Nevertheless, we are still surprised to see where things go wrong for landlords, agents and tenants.

Cleaning remains the most common cause of dispute, featuring in 57% of cases, closely followed by cases involving damage, redecoration and gardening. Rent arrears featured in only 19% of cases. Looking at this another way, the majority of disputes we deal with cover a change in the condition of the property or its contents. Proving their condition at the start and end of the tenancy is key. It's no surprise that cleaning claims top the league. They are often subjective – and frequently emotive, to say the least – and can generate heated argument between the parties.

Which brings us to the all-important issue of check-in and check-out reports and the fundamental requirement of good evidence for claims.



WHAT PROBLEMS DO WE SEE IN TENANCY DEPOSIT DISPUTES?

- No check-in or check-out (more on this below).
- Poor inventories, with the following problems typical:
 - use of abbreviations without an index or guide to what they stand for
 - a list of items or contents with no description of their condition
 - handwritten inventories that make it difficult to distinguish between check-in and check-out comments
 - inventories based solely on photographs (particularly thumbnail photographs)
 - no updated or fresh inventory when a tenancy is renewed, or where there has been a change of tenants
 - especially where a joint tenancy becomes a sole tenancy
 - unsigned and undated inventories
 - inventories that give vague or very general one-word descriptions of the condition of the property, such as 'awful', 'terrible', 'dirty', 'ruined', etc

WHY THE FUSS ABOUT INVENTORIES AND CHECK-IN /CHECK-OUT REPORTS?

These documents enable us to compare the condition of the property at the start and end of the tenancy. In their absence, we are usually unable to make any award to the landlord and could do so only if we had other compelling evidence, such as an admission by the tenant that damage claimed for did, in fact, take place.

Inadequate and poorly prepared inventories and check-in/check-out reports can also let landlords down. We often see inventories that make no mention of whether items are clean or damaged. We take the view that 'silence' does not mean that an item is clean or undamaged, unless there is an overall statement to the effect that all items are in good and clean condition in the absence of a note to the contrary.

PRAGMATIC APPROACH

We accept that we cannot insist on 'independent' reports and that independent inventory clerks may not be available in all parts of the country. When landlords produce their own inventories and reports, we consider them at face value.

In some cases we can accept evidence that substitutes for missing check-in/check-out reports. In one dispute, the tenancy had no check-in report, but TDS was supplied with a check-out report detailing damp/condensation problems. The evidence included a specialist's report stating that the problem was not damp, but condensation caused by the tenant's lifestyle. A check-out report from the previous tenancy, which had ended less than a month before the new tenancy started, made no mention of any problems with damp/mould etc. In that case, we accepted the evidence from the previous tenancy, because so little time had elapsed between the two, making it very unlikely that anything else could have happened to change the condition of the property.

TDS also takes a pragmatic approach when disputes involve inventories and

and the tenant failed to comply, silence may be taken as assent, depending on the circumstances.

MISSING REPORTS

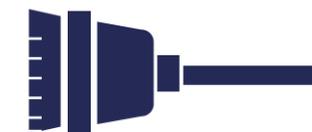
Some tenants will claim never to have received a check-in report and/or that they are not the signatory on the documents produced in evidence. TDS can accept at face value an agent's statement that a check-in inventory was given to the tenant, but a file copy of a letter showing that it was sent would reinforce this assumption. If a tenant disputes such a statement, TDS would expect to see a complaint in writing from the tenant at the start of the tenancy about the failure to provide this documentation.

We are often faced with a single document covering the condition of the property at both the start and the end of the tenancy.

This can be problematic, as TDS needs to ensure that records of condition are contemporaneous. If the document is an updated check-in report – i.e. prepared at the start of the tenancy and then updated at its end – it might be acceptable. But a check-out report with retrospective information added about the condition of the property at the start of the tenancy is unlikely to serve this purpose without other evidence.

As a general rule, then, we regard the inventory and check-in/check-out reports as

the primary evidence on which to rely, unless compelling evidence demonstrates otherwise. Experience shows that undated and/or unsigned photographs are of little evidential use. A photograph of, for example, a cracked sink could be of any sink, in any property, at any time. Photographs are more useful if they back up a written report to which we can cross refer, and can be undated if a tenant admits the damage but disputes the cost.



CLEANING REMAINS THE MOST COMMON CAUSE OF DISPUTE, FEATURING IN 57% OF CASES, CLOSELY FOLLOWED BY CASES INVOLVING DAMAGE, REDECORATION AND GARDENING

check-in reports that predate the tenancy by months or years, where tenancy agreements have been renewed at least once. It would be ideal if inventories and check-in reports were renewed at the same time, but we recognise that most tenants and landlords would rather avoid the cost and inconvenience. In such cases, we decide what is fair and reasonable based on the evidence presented. Of course, the value of any awards made has to reflect the extended tenancy and consequent wear and tear.

Signatures on documents are another desirable element of evidence that we cannot insist upon. In the absence of the tenant's signature on inventories and reports, we usually expect to see a clear audit trail demonstrating that the documents were sent to the tenant at the start of the tenancy. If a document was sent to the tenant to sign and return



Alison MacDougall is Director of Casework Operations at TDS

From the archives...

THAT WAS THEN...



AND THIS IS NOW...

In TDS' early days, we did not have anything as sophisticated as our current web-based portal for collecting and sharing evidence in disputes:

Most disputes, and their evidence, were sent to us on paper



...this meant that we had a case file for each deposit dispute



...this paper case file was reviewed by a caseworker when a dispute was first received



...we then had to ask the other party to submit their evidence in response – when they needed to see the evidence first, this could be arranged, in which case we had to send it to them



...once we got both parties' evidence, it was all added to the file



...which was then reviewed by another caseworker before it was – you guessed it – sent to the adjudicator



Now, our website includes an online evidence portal, which:

- allows the party raising the dispute to submit their evidence online rather than having to post or email it to us
- allows the party responding to the dispute to view, download and print evidence (as they prefer) so that they can be fully informed of the case before submitting their own evidence online
- gives lots of guidance about how to structure your evidence, and what to submit (or not).

The website feeds directly into the 'back-end' database giving us an electronic case file that is immediately accessible by our caseworker and adjudicators.



It's greener, quicker, reduces costs, and is more open and transparent. It does, however, mark the end of an era – we no longer have the prospect, as once happened, of a Transit van arriving at TDS Towers with an agent's archive files for a particular tenancy so that "the adjudicator won't miss anything".



Angela Dickens is Dispute Administration Manager at TDS

DAY IN THE LIFE



My name is Michael and I joined TDS in January 2015 after obtaining a law degree at university. I am currently over half way through the graduate training programme with a view to becoming an adjudicator in the dispute resolution team.



My day normally begins like I'm sure everyone else's does too: by snoozing the alarm before dealing with a dog eager to get out in the garden and chase his tail (my tenancy permits me to have a dog).



I normally get to the office just before 09:00, by which time I will have been allocated my new dispute cases for the day. Each case will vary in every detail from the claims made to the evidence provided. No two cases are the same and I always begin every case by reading through what the parties have said so I understand exactly what claims are being made against the deposit. Claims can vary from cleaning or damage to gardening, rent arrears or redecoration or, if I'm lucky – a mixture of all of them!

“ No two cases are the same and I always begin every case by reading through what the parties have said so I understand exactly what claims are being made against the deposit ”

consuming process depending on the volume and nature of the evidence provided which can range from the standard check-in/out reports or photographs to emails, text messages or even specialist reports on a matter.

Once I have reviewed the evidence and considered all aspects of the case, I am (hopefully) able to make my decision and I then begin writing the adjudication report. As part of the training programme, a senior manager checks all my draft reports before they are sent to the parties. There is no set amount of time that a case can take to complete – a lot will depend on how complex it is and how much evidence has been provided. My peer adjudicators and managers are always available to discuss certain claims to ensure that we reach the fairest decision on each case.



I would hope to complete one or two cases before I take a short break for my favourite part of the day – lunch.



The remainder of my day is spent in a similar fashion to the morning – completing the rest of my allocated cases for the day.



I know I have had a productive day in the office if I am 'decisioned-out' meaning that I am unable to make any more important decisions for the rest of the evening!

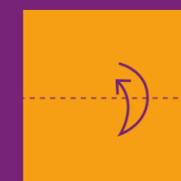
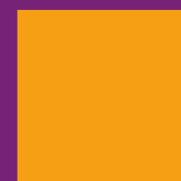
I believe that the role of an adjudicator is quite unique in that we carry out the same job repeatedly throughout each day, yet each case can be so different that the job remains engaging and interesting.

TIME TO GET CREATIVE!

Grab a coffee and get folding. This will take you less than 5 minutes...

Tweet your creation to [#letterboxmagazine](https://twitter.com/letterboxmagazine) for a chance to win one of three Hello Fresh recipe boxes!

- 1 Start with a square piece of paper 20x20cm
- 2 Fold the paper in half horizontally and then unfold.
- 3 Fold the paper in half vertically and then unfold.



For the next steps go to: www.tenancydepositscheme.com/TDSTreats

TDS TREATS

A CHANCE TO WIN A HELLO FRESH RECIPE BOX!





tenancydepositscheme.com