



**Who should read this?**

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Tenants	Agents	Landlords

**Insured / Custodial**

# I can see clearly now...

Adjudication Digest August 2018

This month's Adjudication Digest takes a recent decision by a TDS Adjudicator and sets out the reasoning behind the decision. The aim of these Digest reports is to help tenants, landlords and agents better understand how we make our adjudication decisions. The names of the landlords and tenants involved have been removed and this is only a brief summary of the dispute.

**Amount of deposit in dispute:** £285.60

**Dispute initiated by:** Tenant

<b>Award made:</b>	<b>£285.60</b>
<b>Tenant</b>	<b>£0.00</b>
<b>Landlord</b>	<b>£285.60</b>
<b>Agent</b>	<b>£0.00</b>

In this case, the agent made a claim for a number of items including cleaning, gardening, and a damaged armchair. The tenants disputed the claims because they did not understand the agents' reasoning for why they were responsible, or for how the amounts claimed had been calculated. One area of disagreement in particular was the lifespan of the sofa. The tenants and agents reached an impasse, and the dispute found its way to TDS.

When the agent submitted their claim and supporting evidence, they used the TDS deposit [deductions template](#) to set out what they wanted and why. It was quick and easy for the agent to complete this, and it helped them present their case in a logical manner. They provided an email address for the tenants, copies of the check-in and check-out reports, and accompanying invoices and estimates.

The agents' claim and evidence appeared in the TDS disputes evidence portal, which is visible to the tenants. TDS emailed the tenants to invite them to view this, with 10 working days for them to respond to the dispute. During the course of those 10 days, the tenants viewed the email correspondence received from TDS on a number of occasions, and also contacted TDS to seek guidance by telephone on accessing the portal and viewing the evidence. They also sought advice from the TDS contact centre about product lifespans. They were able to speak immediately with the caseworker assigned to their case who was able to explain the nature of the claim to the tenant, and signpost them to TDS' [product lifespan guide](#).

In due course, the tenants did not respond to the dispute and the amounts claimed were awarded to the agent and landlord.

## **So what are the key points here?**

We regularly see cases like this, where tenants ‘mull over’ the dispute but do not challenge it further. There is increasing evidence to show that when agents and landlords use the [deductions template](#) to set out their ‘story’ in a logical and concise manner, it is better understood by tenants. Our evidence portal is quick, easy and transparent – so much so that over 98% of disputes are dealt with online.

Agents and landlords can take this a step further by using the TDS deposit [deductions template](#) to set out their proposed deductions to tenants when negotiating. This template has been really well received, with great feedback from agents in particular telling us that using this early in the discussion makes agreeing deposit deductions much easier.

Quick and easy access to guidance is available from the [TDS website](#) and operations teams, both before and after disputes reach us. Disputes that are sent to us are assigned to a named TDS caseworker, who is responsible for the progress of the case. All caseworkers can be reached directly by telephone and email – and where possible, will help the parties to reach an agreement over the dispute. In this case, a well set out claim and reassurance to the tenant that this was based on the same principles that the adjudicator would consider, made all the difference.

Resolving disputes is not just about us making adjudication decisions, but is also about giving you the tools to make those end of tenancy negotiations easier.