

WHO SHOULD READ THIS?

- ✓ Tenants
- ✓ Agents
- ✓ Landlords

THE END OF A TENANCY



ONCE YOU KNOW THE TENANT(S) ARE LEAVING

Arrange a check-out inspection. Let the tenants know a final property inspection needs to take place before the deposit is refunded.

Remind them that the property must be ready for handover in accordance with the vacating instructions, at the date and time of the check-out inspection.

Advise the tenant(s) that the check-out report will show items for which a deduction from the deposit may be claimed (including any rent arrears).

INVENTORY AND CHECK-IN REPORT:

Remind the tenant(s) that they should refer to the tenancy agreement and the inventory, which will be checked to assess their deposit return.

VACATING REMINDERS:

Remind the tenant(s), where appropriate, about your end of tenancy guidelines for a smooth check-out and deposit refund. These may include some or all of the following depending on the property, its condition at the start of the tenancy, and the terms of the tenancy agreement.



Costs of making good

Remind the tenant(s) that where the terms of the tenancy agreement have been broken, deductions from the deposit will be claimed for the cost of reinstating the property including professional and other third party costs.



General condition

- Rubbish must be removed from the property, with bins emptied and cleaned
- Furniture and contents must be relocated as stated on original inventory
- Fridges and freezers must be emptied and defrosted, cleaned, and turned off
- Other appliances e.g. washing machines and dishwashers must be emptied and cleaned, with filters cleared.



Gardens

Gardens must be neat and tidy with lawns and borders weeded (unless the landlord has agreed to do this in the tenancy agreement).



Rent

Rent due must be paid in full before the end of the tenancy.



Cleaning

The property must be cleaned to the required standard, taking account of any special instructions already given.

Other important steps

- All door and window keys, fobs, and parking permits must be returned
- The tenant(s) must provide a forwarding address to facilitate the return of the deposit
- Standing orders must be cancelled
- Utility accounts must be paid in full and closed
- Remind the tenant(s) about any abortive check-out fees that apply.

BEFORE THE CHECK-OUT INSPECTION

- ✔ When the date and time of the check-out inspection is known, advise the tenant(s) and give them an opportunity to be present.
- ✔ Remind the tenant(s) that they must have removed all their belongings and cleaned the property (inside and out) before this inspection happens.
- ✔ Make sure that the person completing the check-out inspection has a copy of the check-in report and agreed inventory.

AFTER THE CHECK-OUT INSPECTION

Make sure your check-out report details the making good that is required (tenant's responsibility):



cleaning;



missing items;



gardening;



items left at the property;



decoration;



evidence of pets or smoking.



damaged items;

Send the landlord a copy of the check-out report as soon as possible requesting their instructions about making deductions from the deposit.

When instructions have been confirmed, send a copy of the check-out report to the tenant(s). Explain that estimates/invoices will be obtained as soon as possible and a detailed calculation of the amounts claimed will be produced once these have been received.

PREPARING YOUR CLAIM FOR DEDUCTIONS FROM THE DEPOSIT

Where instructed by the landlord (and at the landlord's cost) **complete any cleaning, gardening or urgent repairs needed to the property.**

Obtain quotes/estimates for making good items for which the tenant(s) are responsible.

Calculate the deposit deductions allowing for fair wear and tear based on:

- changes to the property's condition or its contents, during the course of the tenancy, which are the tenant(s) responsibility;
- other breaches of the tenancy agreement or other agreements with the landlord e.g. reinstating the property after redecoration.

Don't forget rent arrears.

Remember that the deductions claimed from the deposit **cannot provide betterment** to the landlord.


Use the **TDS Deposit Deductions template** to set out the claim to the tenant(s).


NEGOTIATING THE RETURN OF THE DEPOSIT

Once you have identified the deductions your landlord wants to make, discuss these with the tenant(s) before sending details by email or letter

- A conversation may make it easier to answer questions and clear up any misunderstandings. A personal approach at this stage can also make it easier to reach an agreement. Using the TDS Deposit Deductions template will help enormously!
- If you hold the deposit, any balance of it that is not being disputed must be returned within 10 days. Tenants sometimes argue that the undisputed balance of the deposit must be returned within 10 days of the end of the tenancy. This is not correct – it must be returned within 10 days of the undisputed amount being agreed. Make sure you advise the tenant(s) within 10 days of being asked for the return of the deposit, if you do not propose returning their deposit in full and what deductions they are likely to face. Sending them a copy of the check-out report detailing their responsibilities will help to do this.
- If agreement between landlord and tenant(s) cannot be reached, either party can raise a dispute with TDS. In the insurance scheme, disputes must be raised within 3 months of the end of the tenancy. In the custodial scheme, there is no time limit. Whichever scheme is used, TDS will want to see that you and the tenant(s) have made reasonable efforts to agree the return of the deposit first.
- If the claim for deductions from the tenant(s) comes to more than their deposit, the landlord may wish to take action in the county court.



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