

Dispute Resolution during lockdown

how the tenancy deposit schemes will deal with disputes

The current circumstances created by the Coronavirus pandemic present unique challenges to letting agents, landlords and tenants. To help provide some consistency and reassurance, the three tenancy deposit schemes have agreed a common approach to a number of scenarios relating to end of tenancy arrangements.

Before starting, just a quick reminder that the fastest way to resolve a dispute is for both parties to speak to each other and agree a settlement. It's important to keep the lines of communication open and try to reach an agreement about the deposit before resorting to using dispute resolution.

Is each scheme still operating a dispute resolution service?

Yes. If you've been unable to agree how the deposit is to be repaid, your scheme's free dispute resolution service is still available. To access your scheme's dispute resolution service, follow the instructions your scheme provides.

Can the timelines for the submission of evidence be extended?

If you're having difficulty meeting the normal deadlines for providing dispute evidence, let your scheme know as soon as possible. They will propose a reasonable extension to allow you to obtain your evidence. They'll also contact all parties to advise them that the timescales have changed. When considering a request for an extension, your scheme will weigh up the need to reach a fair outcome with the need to repay the deposit without excessive delay.

What happens if the tenancy ends during the lockdown and a normal check-out can't be completed?

If your tenant is still in the property, we suggest that you arrange a video walk round of the property with your tenant before they leave. This should allow you to check the general condition of the property and raise any specific areas of concern. If this isn't possible, your tenant may be able to provide a video or photographs to help your discussions about how the deposit should be shared.

If you still need to conduct a full check-out, you should try to do this as soon as you safely can, bearing in mind government guidance and your company's stance, or the requirements of an independent inventory provider. You should keep your tenant informed of the reasons for the delay in completing the deposit return process.

Adjudicators may be asked to deal with check-out reports which have been completed well after the end of the tenancy. Your scheme will deal with these on a case-by-case basis to reach a fair outcome. There are some claims where the passage of time from the end of the tenancy may make little practical difference - for example, a property which is very unclean at check-out is likely to have been in a similar condition at the end of the tenancy. On the other hand, a garden may look overgrown a month after the end of the tenancy, but is likely to have changed noticeably in that time.

The important thing to remember with your evidence where timing is unusual, is to keep an audit trail, recording clearly what has happened and when.