

The Adjudicator takes a recent decision by a [Tenancy Deposit Scheme \(TDS\)](#) Adjudicator and sets out the reasoning behind the decision. The aim of these case studies 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.

## Missing Keys

### The Landlords claim/Tenants Response

This case study is concerned with the return of the keys to a property. The agents and tenants had carried out a pre-check out inspection, in which the tenant was advised that all was well with the property. The agent advised the tenant, on the last day of the tenancy, they would be able to get their deposit back without deductions.

On the last day of the tenancy, the tenant wrote to the agents to confirm they had handed back the property in the same condition but stated that they would return the keys when their deposit was returned. Some days after the tenancy had ended the tenant had still not done this. The agents chased the tenant and advised them of a final deadline for returning the keys. They also advised the tenant that if they did not return the keys a claim would be made for £100.00 to change the locks at the property.

### The Adjudication process

The adjudicator agreed that the deposit is held as security for the tenant's obligations under the tenancy agreement. The deposit is not able to be repaid until after the last day of the tenancy itself because the agent would not be able to assess the final condition of the property until after the tenant had vacated. The tenancy agreement made clear the tenant was required to return all keys to the property on the last day of the tenancy and made provision that where any keys were not returned, a landlord could seek the reasonable costs of replacing the lock.

### The Adjudicator's decision

The tenant was obliged to return all keys to the property as part of handing it back – until they did so, the landlord could not secure the property. The landlord was therefore entitled to the reasonable cost of the lock change from the tenant's deposit which the evidence demonstrated was £100.00.

## Key points to take away?

- Pre-check out inspections are a useful way of managing a tenant's expectations before the last day of the tenancy. In this case, the tenant had already moved out a couple of days before the last tenancy day, and the property was in the condition the landlord expected it to be.
- The difficulty arose in this case, in part, because the agent's advice appeared to promise the return of the deposit with 'no strings attached' – when in fact the return of the keys was a fundamental part of handing back the property.
- If conducting pre-check out inspections make it clear in writing what is expected on the last tenancy day and who needs to do what. This could have avoided the parties reaching an impasse when in truth there was no dispute.