

Deposits and tenancy deposit schemes

Union Advice Centre

Union House
University of East Anglia
Norwich
NR4 7TJ

Open:

Monday - Friday 9am - 5pm except Wednesday
11am - 5pm

Tel: 01603 593463

Fax: 01603 593281

Email: advicecentre@uea.ac.uk

ueastudent.com/advice

HOUSING ADVICE

A deposit (sometimes called a bond or a damage deposit) is a payment made by the tenant to the Landlord which is held as security against performance of obligations under the tenancy agreement including damage to the property and non-payment of rent. It can only be used to pay outstanding bills if this is specified in the Tenancy Agreement. If the Tenancy Agreement does not mention the deposit it is very important to get a written receipt for it, and ensure you know how it is protected, if applicable (see below).

If you are an Assured Shorthold Tenant (most students in shared rented accommodation are) any deposit you pay to a Landlord or Agent must be protected using a government authorised deposit scheme.

A deposit only qualifies as a deposit that needs to be protected when a Tenancy Agreement has been signed. Within 14 days of signing a Tenancy Agreement and paying your deposit your Landlord or Agent is required to give you details about how your deposit is protected including:

- The contact details of the Tenancy Deposit Protection scheme
- The contact details of the Landlord or agent
- How to apply for the release of the deposit
- What to do if there is a dispute about the deposit

If you do not get this information, ask your Landlord/agent the simple question, 'How is my deposit protected?'

The three Tenancy Deposit Schemes are:

- The Deposit Protection Service (DPS) -
www.depositprotection.com / 0844 472 7000
- mydeposits -
www.mydeposits.co.uk / 0844 980 0290
- The Tenancy Deposit Scheme (TDS)-
www.thedisputeservice.co.uk / 0845 226 7837

If your deposit is protected with mydeposits you will need to agree a lead tenant. If your deposit is protected with DPS and if

you have a joint tenancy agreement, your landlord can choose whether to protect each of your deposits individually or submit one deposit for the whole group. If your deposit is protected with TDS no lead tenant is required. If there is a lead tenant the relevant deposit protection scheme will only communicate with the lead tenant and the landlord.

At the beginning of your tenancy

Ask for an inventory and go through it. The inventory should list the furniture and contents and is a record of the condition of the property. It is vital to check the inventory thoroughly and to ensure that the condition of each item is accurately listed in order for an assessment of "fair wear and tear" and damage to be made at the end of your tenancy. If your Landlord fails to draw up an inventory you should draw one up yourself and ask him/her to sign it. Keep a copy yourself, and send a copy to your Landlord. It is also a good idea to take dated photographs or a video. These can then be used as evidence of the state of the property when you moved in should there be a dispute.

What should you do if your Landlord or agent has not protected your deposit?

After 6th April 2007 if you pay a deposit for an Assured Shorthold Tenancy and more than 14 days have passed since you paid the deposit to your Landlord/agent and they have not advised how your deposit is protected you can take court action by applying to the local County Court, (Norwich County Court - 01603 728200). The court must order the Landlord/agent to either repay the deposit to you or protect it in a Tenancy Deposit Protection scheme. If your Landlord/agent has not protected your deposit, they will also be ordered to repay three times the amount of the deposit to you.

At the end of your tenancy

It is worth asking your Landlord/agent for a preliminary inspection to be carried out approximately one month before your tenancy ends.

They should advise you of any obvious things that need to be done in order to return the property and its contents to the

condition in which it was let to you, allowing for “fair wear and tear”. This may include making good any minor damage or replacing lost or damaged items.

You should then arrange for a full inspection on the day you leave or as soon as possible thereafter. It is advisable to take further photos of the condition of the property when you leave and try to be present at the inspection. Then agree with the Landlord/agent how much of the deposit should be returned to you.

If your Landlord/agent intends to make deductions for damage to the property or withhold part or all of your deposit for other reasons they must show in detail a breakdown of costs incurred or estimates for work to be done. The Landlord must provide authentic receipts for any work done. If you disagree with this breakdown you should write back listing exactly which points you disagree with and why. This may include, for example, a dispute that the damage occurred, or that you believe an estimated cost of repair is excessively high. You should specify in detail an alternative breakdown of costs and negotiate an amount for deductions acceptable to both parties. You need to refer to the specific tenancy deposit protection scheme regarding procedure to release your deposit as they all have different rules and deadlines.

When you move out, if you and your Landlord/agent cannot agree how much of your deposit should be returned the free Alternative Dispute Resolution service (ADR) (see your scheme details) will get involved to help resolve your dispute.

If you paid your deposit and it is not protected in a scheme you should allow at least 14 days but no longer than 28 days before chasing it up. If you do not agree with the deductions your Landlord/agent has made you need to put this in writing. If you require assistance please contact an Advice Worker in the Union Advice Centre.

If your Landlord/agent still refuses to return some or all of your deposit you could make a claim in the Small Claims Court. This is not as complicated as some people think, although it would be a good idea to get advice if considering this course of action. There is a fee for initiating proceedings but this is recoverable if you are successful in your claim. Before taking this course of action you should write to your Landlord/agent advising them that this is your intention if they do not return your deposit. You should allow a reasonable time (14-21 days) for them to respond. The relevant forms for starting Small Claims Court proceedings can be obtained from the Union Advice Centre or from the County Court on 01603 728200.

Tenancy Agreement Advice

Understand what you are getting yourself into – get your agreement looked at and explained by an Advice Worker before signing.

Other Housing Services offered by the Union Advice Centre

Home Run - (Housing Bureau) -

A list of private sector accommodation. Properties are not inspected but we guarantee that each property has a current gas safety certificate (unless there is no gas supply to the property) and an electrical inspection report. Access this in the Union Advice Centre or on our website – ueastudent.com/housing

Message Board -

For sharers offering or wanting a room.

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