

Housing Advice & Information

Tenancy Deposits



Many private landlord and letting agents will ask you to pay a tenancy deposit. The tenancy deposit will often amount to around one month's worth of rent. It is important to be clear at the outset whether you are paying a tenancy deposit or rent in advance. This should be made clear in the tenancy agreement.



Tenancy deposits
(web page)

What is a deposit?

- A sum of money that a landlord/agent may ask you to pay when you sign the tenancy agreement (contract)
- The money is held in a deposit protection scheme
- It is returned to you when your tenancy finishes
- If you owe rent, left the property dirty or caused damage, the landlord can deduct the cost from your deposit.

The deposit should not be used by the landlord/agent to pay for reasonable, fair wear and tear to the property

Deposit protection schemes



Deposits taken by landlords/agents for Assured Periodic and Common Law Tenancies must be placed in a government authorised protection scheme. These protect the money and help to resolve disputes between tenants and landlords.

**30
DAYS**

The landlord must put your deposit in a scheme within 30 days of you giving it to them and supply you with the details of one of the three the schemes below.

If you are renting a room in a private hall, which is a member of the National Code and have a Common Law Tenancy, you will be able to raise a complaint with the Code if they fail to protect your deposit but you cannot sue them.

Beware of alternative deposit schemes, which may seem cheaper initially but the deposit may not be protected and you may have to pay to use the dispute resolution service. Check the small print!

Your landlord will choose one of these protection schemes:

Tenancy Deposit Scheme

www.tenancydepositscheme.com

Deposit Protection Service

www.depositprotection.com

MyDeposits

www.mydeposits.co.uk



Deposit details your landlord should supply:

- Confirmation of the amount of deposit paid
- Address of the property you are renting
- Landlord contact details
- Deposit scheme name and contact details
- A leaflet on how the scheme works
- The deposit return procedure
- The dispute procedure
- What happens if either party cannot be contacted
- Details of costs that the landlord can claim for from your deposit.

What if the landlord/agent does not put my deposit in a scheme?

If the landlord/agent fails to protect the deposit or does not provide you with the details of the scheme within 30 days of receiving the deposit, then you can apply to the County Court for the deposit to be protected or returned to you.

The court can also award you compensation of 1-3 times the amount of the deposit.

Getting your deposit back

At the end of your tenancy

Your accommodation provider will inform you how much deposit they think should be returned to you. You will then have a choice whether to accept this or dispute it through the deposit protection scheme. If your accommodation provider does not make contact with you then you should request the return of your deposit from them. If the deposit is not returned within 10 days of your request you can initiate a dispute through the scheme.



Getting your deposit back (web page)

Tips for getting your full deposit back

- ✓ **Inventory** - The accommodation provider may provide this at the beginning of the tenancy. Check it and note any damage or faults in the property. If you are not provided with one, then send an email detailing the damage/faults. At the end of the tenancy check the inventory again to make sure nothing is missing or broken. replace or fix as needed.
- ✓ **Report disrepair** - Always tell your provider straight away if there are any repairs needed or if there have been breakages, preferably in writing.
- ✓ **Check your contract** - For your responsibilities as a tenant and details about things you cannot do such as using Blu-Tac.
- ✓ **Clean!** - Keep the property clean throughout the time that you are renting it and have a proper deep clean at the end of the tenancy.

The property needs to be returned in the same condition as when you moved in, except for fair wear and tear.
- ✓ **Take final meter readings** - You don't want to be paying the next tenant's bills!
- ✓ **Take dated photos** - As proof that you've left the property in a good condition.
- ✓ **Return keys** - Follow the instructions on your tenancy agreement on how to return the keys to the landlord/agent and ask for a receipt as proof.

What can my accommodation provider claim for out of my deposit?

RENT ARREARS

If you owe rent at the end of the tenancy, they can deduct the amount from your deposit.

DAMAGE

If you have caused damage to the property and you have not fixed it. Check your tenancy agreement to understand what maintenance you are responsible for.

How long will it take to get my deposit back?

If you and the accommodation provider agree on the amount of deposit to be returned then you should get the deposit back within **10 days** of agreement.

If your accommodation provider has not started the return of your deposit with 10 days, ask them why. If you are not happy with the response then use the dispute procedure of the scheme where your deposit is protected. If there has been no agreement, you must start the dispute procedure within the time frame stipulated by the deposit scheme (normally within 3 months).

What do I do if I disagree with the deposit amount that the provider wants to return to me?

The tenancy deposit scheme has an Alternative Dispute Resolution (ADR) process for deposit disputes between tenants and accommodation providers. It considers evidence from both sides and will make a final decision on how much deposit will be returned. If the ADR process is not used, then the dispute may go to court.

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