



Preparing your dispute evidence

A checklist for Landlords

Since April 2007 my|deposits has helped resolve around 13,000 deposit disputes* between our members and their tenants. The most common reasons for disputes are for cleaning charges, damages and unpaid rent.

The majority of deposit issues are overcome by landlords speaking directly to their tenants, however as a last resort my|deposits offer a free dispute resolution service to resolve deposit disputes. In the unlikely event of a formal dispute, you will need to provide **evidence** to support your claim of withholding any amount of the deposit.

The adjudicators are only able to consider the evidence you submit. In some cases landlords are losing disputes because of poor quality evidence. That's why my|deposits has put together a checklist to highlight the key documents and evidence that you will need to support your claims in a dispute.

It's important to remember that preparing for a dispute starts at the beginning of the tenancy:

* Figures correct from October 2011. Source my|deposits.

At the beginning of the tenancy:

1. Tenancy agreement

- a) This is the legal contract between you and your tenant, therefore ensure that it is fair, clear, concise and well worded. Make sure that your tenant knows what is required of them. Badly worded tenancy agreements are a leading cause of landlords and agents losing disputes.
- b) Include thorough details such as deposit amount, rent payments, payment dates, check out fee, garden maintenance.

2. Inventory reports

The inventory provides a complete record of fixtures, fittings and decor allowing you to record the standard of the property before your tenant moves in.

- a) At check in we recommend that both you and your tenants are in attendance to sign and date the inventory.
- b) Besides an accurate list of contents, a good inventory will thoroughly describe the condition and cleanliness of the contents and the property itself.
- c) Be sure to compile the inventory after the previous tenants have left and removed their own possessions.
- d) The written word is key, however photographic evidence should be used to support your inventory. Digitally dated photographs can be incorporated in the main inventory along with indexed video evidence. Any images which are not included within the main inventory should be signed and dated by you and your tenant. Remember to keep copies.
- e) It is advisable to use a professional inventory service to do an inventory on your behalf.

3. Invoices and receipts

- a) Keep receipts for proof of purchase for anything you buy at the beginning of the tenancy in the event of any damage. Receipts may be used to show the original value and your calculation in withholding the deposit.
- b) Where relevant, remember to provide instruction manuals or special conditions regarding treatment to the tenant.

4. Deposit protection certificate

- a) Every time you issue a new AST, remember to protect the deposit, and pass the certificate on to your tenants along with the 'Information for Tenants' leaflet. Don't forget that this must be done within 14 days of receiving the deposit from your tenant, and should be signed by you and your tenant.



During the tenancy:



5. Rent Account Statements

- a) Keep accurate records of rent received from tenants and any unpaid rent.
- b) Have an arrears procedure and ensure that you inform the tenant in writing of any lapses. Any penalties should be fair and proportionate.

6. Invoices, receipts, utility bills for charges incurred during the tenancy

- a) Document payments such as cleaning charges, damages, repairs etc with invoices and receipts.
- b) Costs for changes made to the property.
- c) Keep bank statements as evidence of costs incurred.

7. Other evidence

- a) Keep copies of any correspondence such as emails and letters between you and your tenant.
- b) Record any witness statements in writing.

8. Reminder to the tenant

- a) Remind the tenant of their obligations under the tenancy agreement before it ends, preferably in writing.

At the end of the tenancy:



9. Check out report

The check out report compares damage and cleanliness of the overall condition of the property at the end of the tenancy with the inventory and check in reports from the start of the tenancy.

- a) Ensure both you and your tenants attend the check out, the tenant should be packed and ready to leave.
- b) This is a good time to highlight any concerns. Use the check in as a reference and ensure tenant's comments are noted. If you annotate this by hand, ensure that it is legible.
- c) Use the same descriptions in the report as in check in eg. Good fair, poor. If you use an Inventory Clerk for check in, use the same person for check out.
- d) Take photographs again, sign and digitally date.

Remember to allow for fair wear and tear at the end of the tenancy. Consider what is wear over time, the age of items and what is actual damage. Take into account the length of the tenancy, the number and age of occupiers. For a detailed guide of fair wear and tear, see our guide.

Discuss any issues with your tenant; this is a good time to prevent a dispute by highlighting areas for concern.

10. Unprotect the deposit

- a) Remember to unprotect the deposit at the end of the tenancy, and make note of this for your records.
my|deposits will notify your tenant, so please make sure you have their forwarding address.

Each dispute case is different. The adjudicator's decision is impartial and will solely depend on the individual circumstances of the dispute and the evidence submitted by both parties.

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