

deposits & deposit schemes

LIVE
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a quick guide to your rights

what is a deposit?

There are two types of deposit you might be asked to pay:

- a holding deposit, which you pay before you rent a property to ensure the landlord or agent takes it off the market until an agreement is signed
- a damage deposit, which you pay when you have agreed to rent a house

If you are asked to pay a holding deposit, make sure:

- you get a written receipt for it
- you know how long the property will be held for you
- you know whether or not you will get it back if the tenancy agreement does not go ahead

If the landlord or agent will not provide these details, or asks you for a very large holding deposit, talk to advice(su) before you pay. By law, a holding deposit should not be more than a week's rent.

A damage deposit is a payment to the landlord which covers damage to the property and non-payment of rent. It can only be used to pay other outstanding bills if this is specified in the tenancy agreement.

A damage deposit is usually equivalent to a month's rent. If you are asked for much more than this, ask why. Since June 2019, the amount you can be asked for as a damage deposit has been capped at five weeks' rent.

If the tenancy agreement does not mention the deposit but you are asked to pay one, it is very important to get a written receipt, and to ensure you know how it is protected, if applicable.

when must a deposit be protected?

If you rent under an Assured Shorthold Tenancy ("AST") the landlord or agent must protect the damage deposit in a government-authorised deposit scheme.

The rules on deposit protection do not apply to holding deposits or to deposits for other sorts of rental agreements, such as renting a room from a resident landlord.

When you sign an AST the landlord/agent must protect the deposit and give you details of how it is protected within 30 days of receipt.

You have the right to the following information in writing:

- contact details of the tenancy deposit protection scheme used
- 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 how your deposit has been protected. If you don't get an answer, you can check online. You will have to check all three schemes.

The three authorised Tenancy Deposit Schemes are:

[The Deposit Protection Service \(DPS\)](#)
0330 303 0030

[mydeposits](#)
0333 321 9401

[Tenancy Deposit Scheme \(TDS\)](#)
Insured (where the landlord/agent holds the deposit in their own account)
0300 037 1000

Custodial (where the deposit is transferred by the landlord/agent to a TDS account)
0330 037 1001

what should I do if my landlord or agent has not protected my deposit?

If you pay a deposit for an Assured Shorthold Tenancy and:

1. more than 30 days have passed since you paid the deposit to your landlord or agent and
2. you have not received the required information about how your deposit is protected,

you can take court action.

The court can order the landlord or agent to repay the deposit to you or protect it in a tenancy deposit protection scheme. If your landlord or agent has not protected your deposit, they can also be ordered to repay up to 3 times the amount of the deposit to you.

what can I do to make sure I get my deposit back?

When you move in, ask for an inventory and check it carefully. The inventory should list the furniture and contents and is a record of the condition of the property.

Make sure that each item is accurately described so that you can use it for an accurate assessment of the condition of the property and any damage at the end of your tenancy.

If your landlord does not provide an inventory you should draw one up yourself and ask them to sign it. Keep a copy yourself, and send a copy to your landlord. It is also a good idea to take dated photographs and/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.

At the end of your tenancy check the procedure for releasing your deposit with the specific deposit protection scheme - they all have different rules and deadlines. It is a good idea to ask your landlord/agent to do a preliminary inspection about a month before the tenancy ends. They can then tell you what you need to do 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 repairing any minor damage or replacing lost or damaged items as well as cleaning the house thoroughly.

You should also arrange for a full inspection on the day you leave or as close to this date as possible. Try to be present at the inspection if you can. It is advisable to take further photos of the condition of the property when you leave.

If the landlord/agent wants to make deductions for damage to the property, or withhold part or all of your deposit for other reasons, they must give you a detailed breakdown of costs incurred or estimates for work to be done. You can ask to see receipts for any work done.

If you disagree with the breakdown you should reply listing exactly which points you disagree with and why. This may include:

- disputing that damage occurred
- that you believe an estimated cost of repair/replacement is excessively high

You should specify, in detail, an alternative breakdown of costs and use that to try to negotiate an amount for deductions acceptable to both sides. You may need to get estimates for work.

If you and your landlord/agent cannot agree how much of your deposit should be returned you can use the free Alternative Dispute Resolution service (ADR) provided by the deposit protection scheme to help resolve your dispute. Each of the three schemes provides details online of how to do this.

Make sure you know the deadline for requesting ADR and be prepared to provide copies of evidence about the dispute, such as:

- a copy of the inventory
- photographs taken when moving in and moving out
- email correspondence about any damage

It's a good idea to tell the landlord/agent that you are going to apply for ADR, as they may be prepared to negotiate a compromise with you instead.

If you miss the deadline for ADR or are unable to resolve the dispute, you could make a claim in the Small Claims Court. This can be done online. It is a good idea to get advice before making a claim, to be sure you understand what the possible outcomes could be. There is a fee for starting a claim but you can normally get this back if you are successful in your claim.

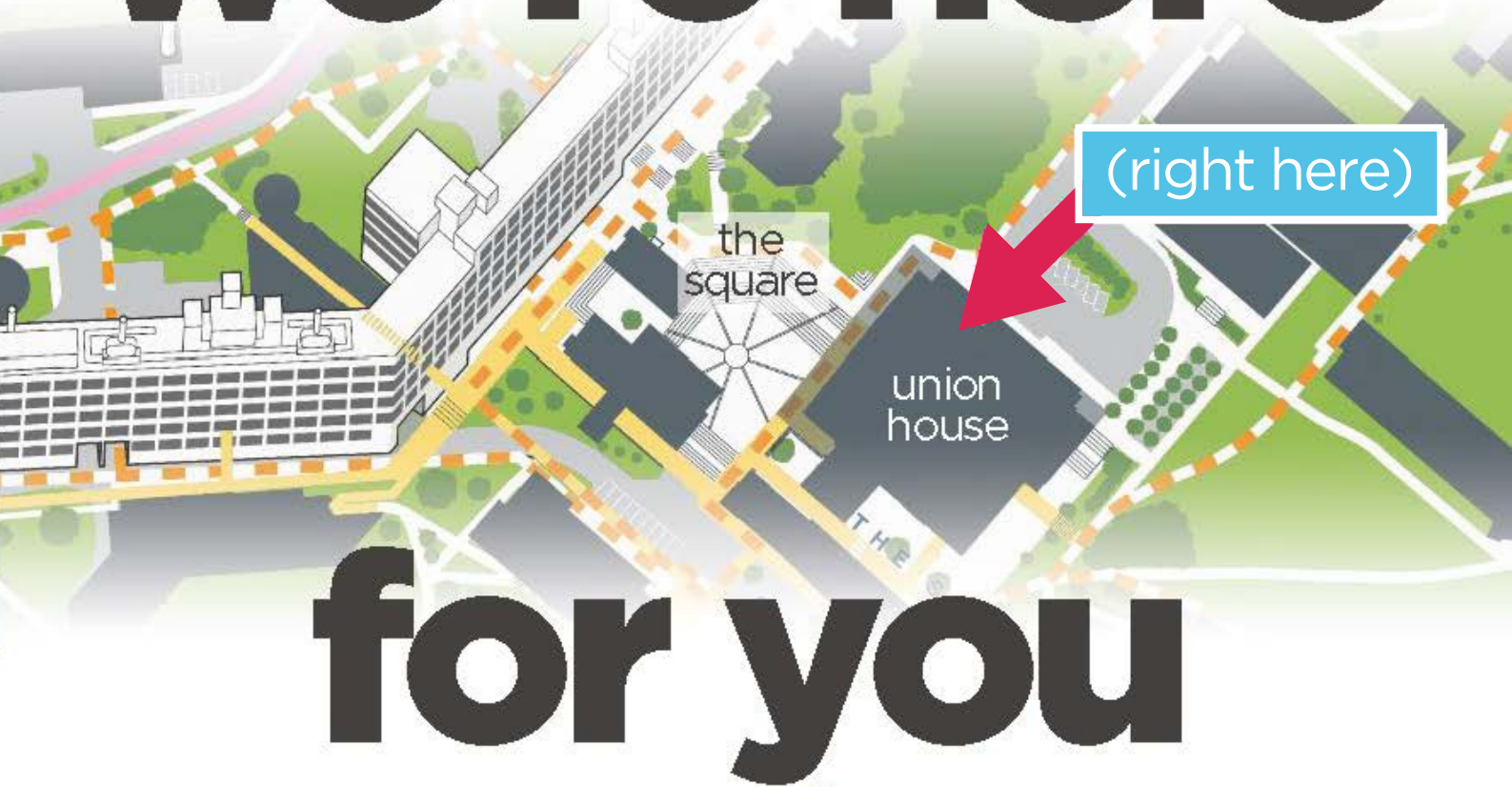
Before you start a claim you must write to your landlord/agent telling them you intend to claim if they do not return your deposit. You should allow a reasonable time (14-21 days) for them to respond. The forms for making a claim can be obtained online, and advice(su) can offer advice on how to make a claim.

tenancy agreement advice

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

For more information on what housing advice is available from advice(su) visit our website:

we're here



for you

**free, confidential,
impartial advice**

mon - fri
10.00 - 15.00

advicecentre@uea.ac.uk
support (ueasu.org)

