

This factsheet looks at paying deposits on privately rented properties, tenancy deposit protection schemes and what to do if there is a dispute over the return of the deposit.

What is a deposit for?

Most private landlords ask new tenants to pay a deposit in case the tenant causes damage to the property or doesn't pay the rent. It is usually the equivalent of one month's rent.

The deposit will usually be returned to you at the end of the tenancy. Your landlord can make reasonable deductions from the deposit for:

- Damage to the property
- Unpaid rent
- Missing items
- Cleaning.

Landlords can only claim for any financial loss they have actually suffered, not for 'normal wear and tear' whilst you have been living at the property. If you are in doubt that the landlord has a valid reason for keeping part of your deposit, ask to be shown receipts or estimates for items that have been deducted.

It is always a good idea to get an inventory at the start of the tenancy so that you and

the landlord or agent can agree on the contents of the property and the condition that it is in. This can help to avoid disputes later on.

Tenancy deposit protection schemes

If you are an assured shorthold tenant, (most private tenants are), your landlord or letting agent must:

- protect your deposit in a government approved tenancy deposit protection scheme within 30 days of you paying it, and
- give you information about the scheme.

What is the information my landlord or agent must give me?

Your landlord or agent must provide you with the following information:

- The landlord or agent's contact details

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- Which tenancy deposit scheme they are using and the contact details for the scheme
- Information about the purpose of a tenancy deposit
- How you can apply to get your money back at the end of the tenancy
- What you can do if there is a dispute about the deposit.

What if my landlord/agent doesn't protect my deposit or provide the required information?

If your landlord or agent hasn't protected your deposit, or provided you with the required information within 30 days, you can apply to the county court for an order that the deposit is paid back to you or that it is protected within one of the tenancy deposit schemes. The court can also order that the landlord or agent pays you between 1 and 3 times the amount of the deposit as compensation.

My landlord has given me notice to leave but hasn't protected my deposit

Usually landlords of assured shorthold tenants can evict a tenant by giving 2 months written notice and getting a court order.

If your landlord or agent has not protected your deposit and/or provided the required information to you in 30 days then they

cannot evict you using this procedure, unless they have already returned your deposit. Get advice if you have received a notice and your deposit is not protected or you have not received the required information.

Getting your deposit back

At the end of the tenancy you should write to your landlord or agent to ask for your deposit back. If you both agree on how much of the deposit you should get back, your deposit should be returned within 10 days of the agreement.

If there is a dispute over the return of the deposit the tenancy deposit scheme which is holding your deposit will help you to try and resolve the dispute through their Alternative Dispute Resolution (ADR) service, if both you and the landlord agree to take part. If you don't both agree to use the ADR service then the dispute will usually have to go to court. Bear in mind the ADR is free to use but the court isn't.

Going to court

Before going to court, you should write to your landlord first to warn them that this is what you are going to do. This is called a 'Letter before action' and the court will expect that one has been sent before you go to court.

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Further advice

For more information watch our video:

https://www.youtube.com/watch?v=yn_cC9JoV0I

send us an email at

<https://sheltercymru.org.uk/email-advice/>

call us on 0345 075 5005

visit: sheltercymru.org/getadvice/deposits.

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Information contained in this factsheet is correct at the time of publication. Please check details before use.

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