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Dealing with Deposit Disputes

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New data from The Deposit Protection Service (DPS) shows that 60% of deposit disputes were a result of damage to property, 40% were a result of cleaning and 31% redecoration in over 1,000 adjudications between 1st June and 19th August 2011. According to the Association of Independent Inventory Clerks (AIIC), landlords should be much better prepared for disputes around damage and redecoration, to have any chance of winning in court.

Pat Barber, Chair of the AIIC, said: "Landlords have a poor record in winning tenant dispute cases and this could be changed dramatically if they ensure a few simple procedures are put in place at the start of a new tenancy agreement.

"For example, ensuring there is a fair contract in place for a new tenant along with a thorough and detailed inventory, will enable both parties to be treated fairly and reasonably. Time and time again, we see landlords losing disputes because they're not providing the right evidence to show that a tenant has damaged the property.

"It's so important for landlords to get the paperwork right at the start and at the end of a new tenancy agreement. We are convinced that landlords winning dispute cases could rise from 19% to 30% if landlords were better prepared for a potential dispute."

AIIC has put together some advice on what landlords need to do if they are faced with a tenant dispute:

- If you need to withhold part or all of the deposit from your tenant you must provide evidence to support your claim.
- The Tenancy Agreement: First and foremost, you must submit the AST agreement to help establish the obligations between you and the tenant.
- The Inventory: Ensure you have a comprehensive inventory that is signed by the tenant when they move in. Make sure any photos or videos are dated, and clearly point out any damage if relying on photos as evidence in a dispute.

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- Check-in and check-out: Attend the property when the tenant is moving in and moving out and inspect it together. This way, you can usually come to an agreement over the deposit return at final inspection.
- Relevant Evidence: Only submit evidence relevant to the claim. For example, if claiming for property damage, don't submit an unpaid utility bill.
- Invoices, receipts or rental account statements: Submit invoices or receipts for any repair work that you're claiming for. If the claim involves rent arrears, provide detailed accounts showing unpaid rent.
- Fair Wear and Tear: Don't make deductions for minor damage that should be expected in any normal use of the property.

The AIIC is a not for profit membership organisation and is committed to excellence and professionalism in the property inventory process. The AIIC works hard to ensure that all landlords, tenants and letting agents understand the importance and benefits of professionally completed property inventories.

For further information on AIIC, please visit www.theaiic.co.uk