

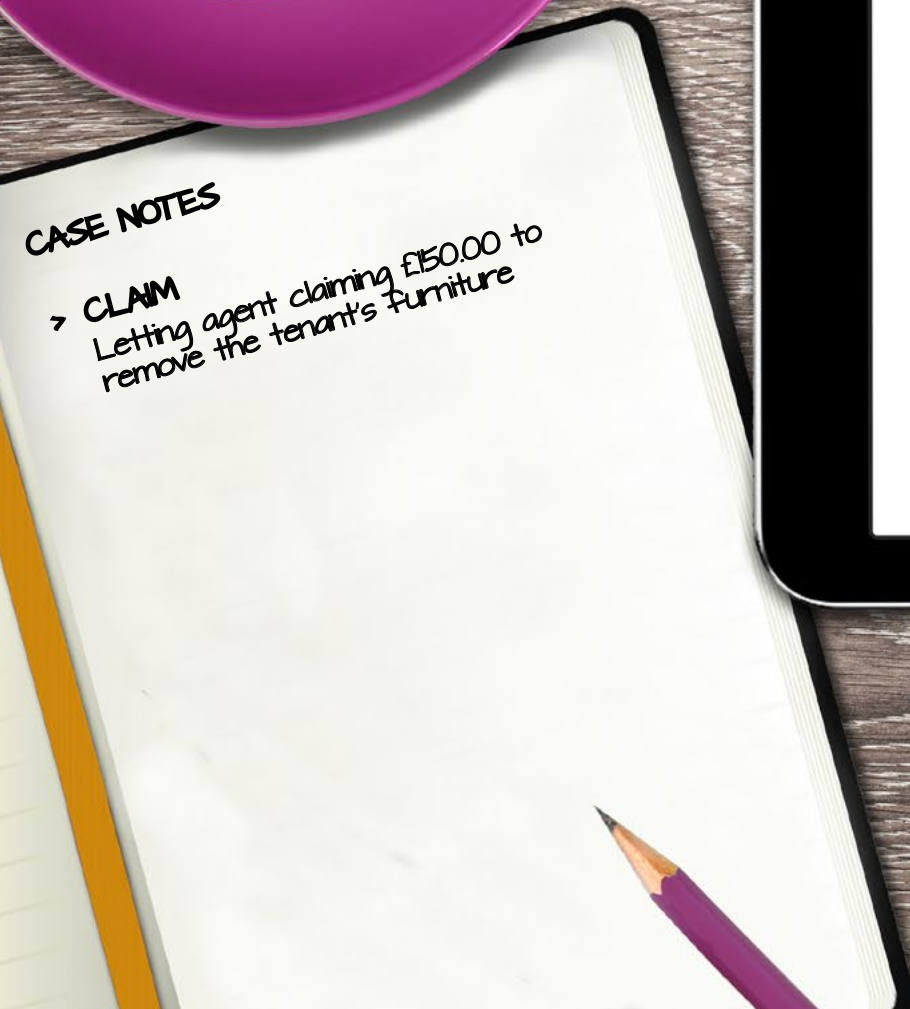


## Be the adjudicator!

Take a seat at the adjudicator's desk and have a go at resolving a dispute!

Click on the start button and follow the case through to the verdict





## The claim

- The letting agent was claiming £150.00 to remove items of furniture they said the tenant left behind when vacating the property.

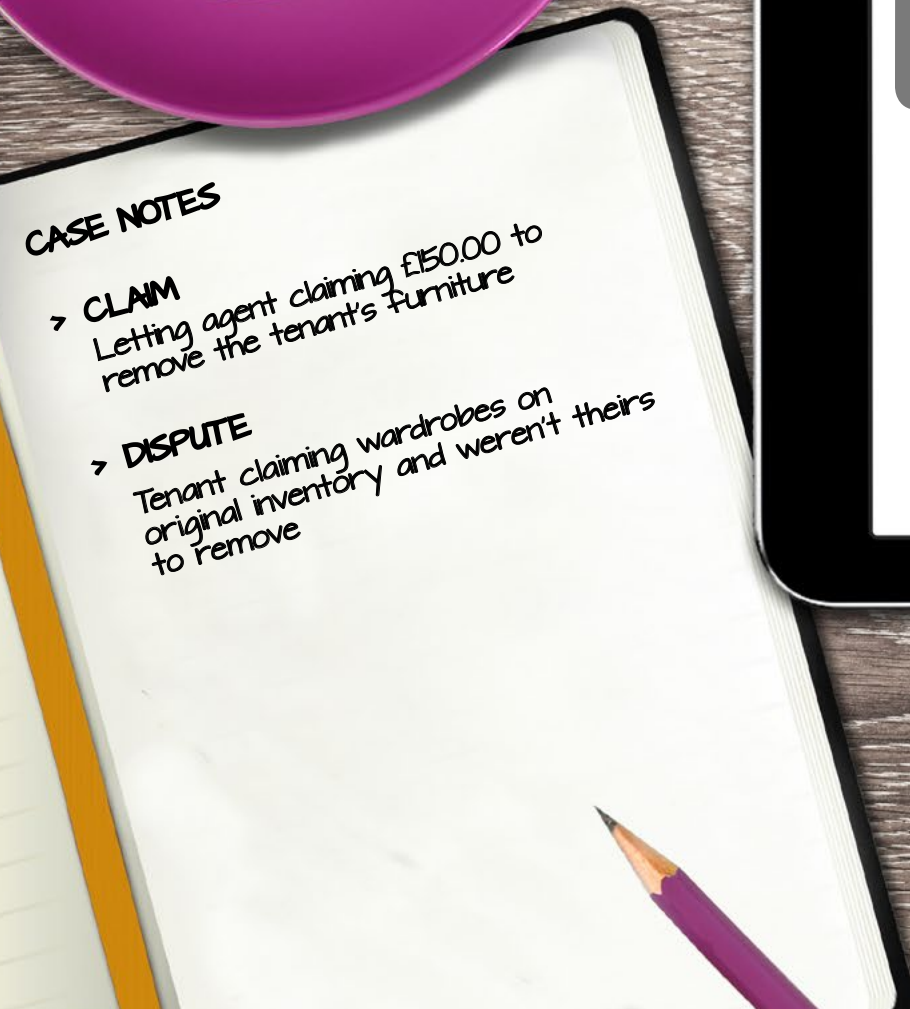




## The dispute

- The tenants agreed that wardrobes and some other furniture had been left in the property, but that these didn't belong to them.

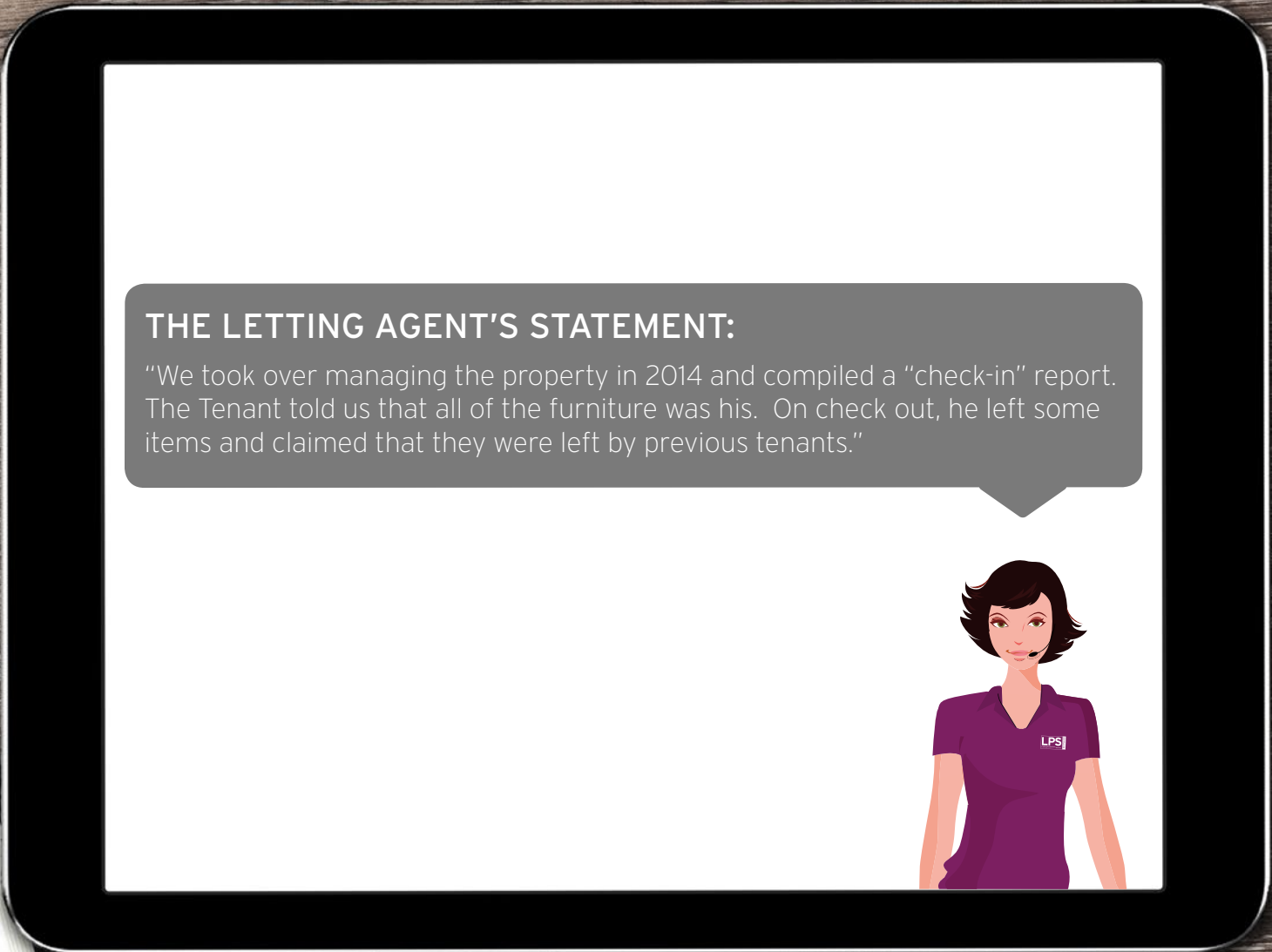
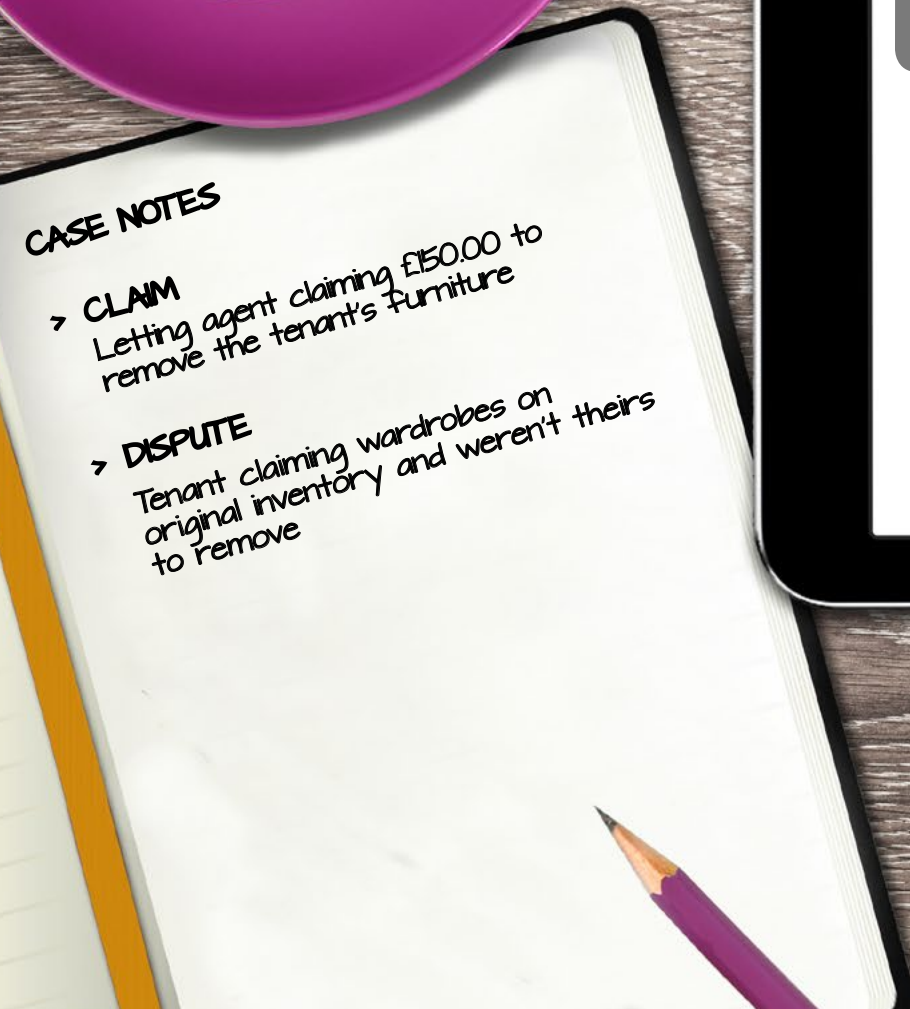




**THE TENANT'S STATEMENT:**

"I moved in in 2012. I was given a piece of paper that listed all the furniture, including the wardrobes. As they didn't belong to me, obviously I left them in the house when I moved out. The landlord changed his letting agent part way through the tenancy, so I don't know if the old agent or the landlord ever gave the new agent a copy of the inventory. I didn't keep my copy as I knew what items belonged to me and what didn't."

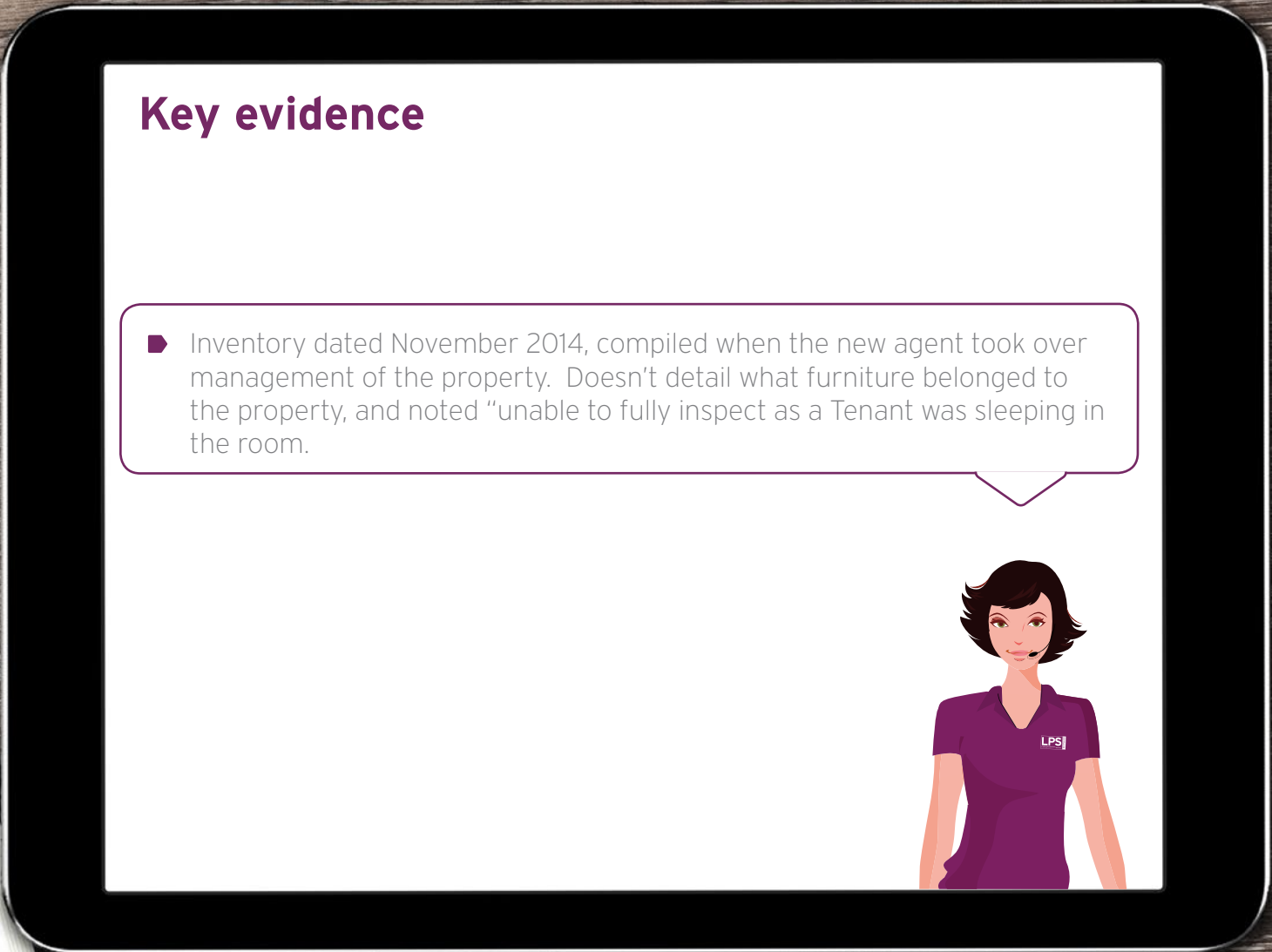
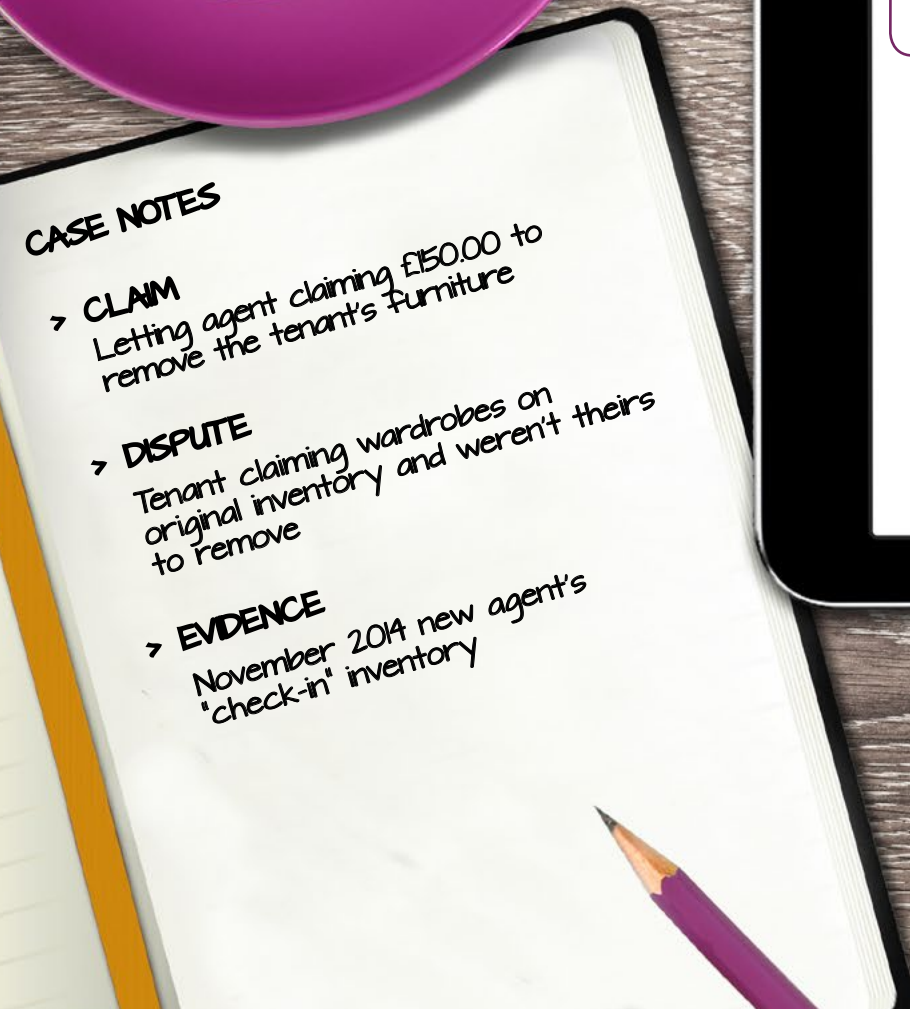




**THE LETTING AGENT'S STATEMENT:**

"We took over managing the property in 2014 and compiled a "check-in" report. The Tenant told us that all of the furniture was his. On check out, he left some items and claimed that they were left by previous tenants."

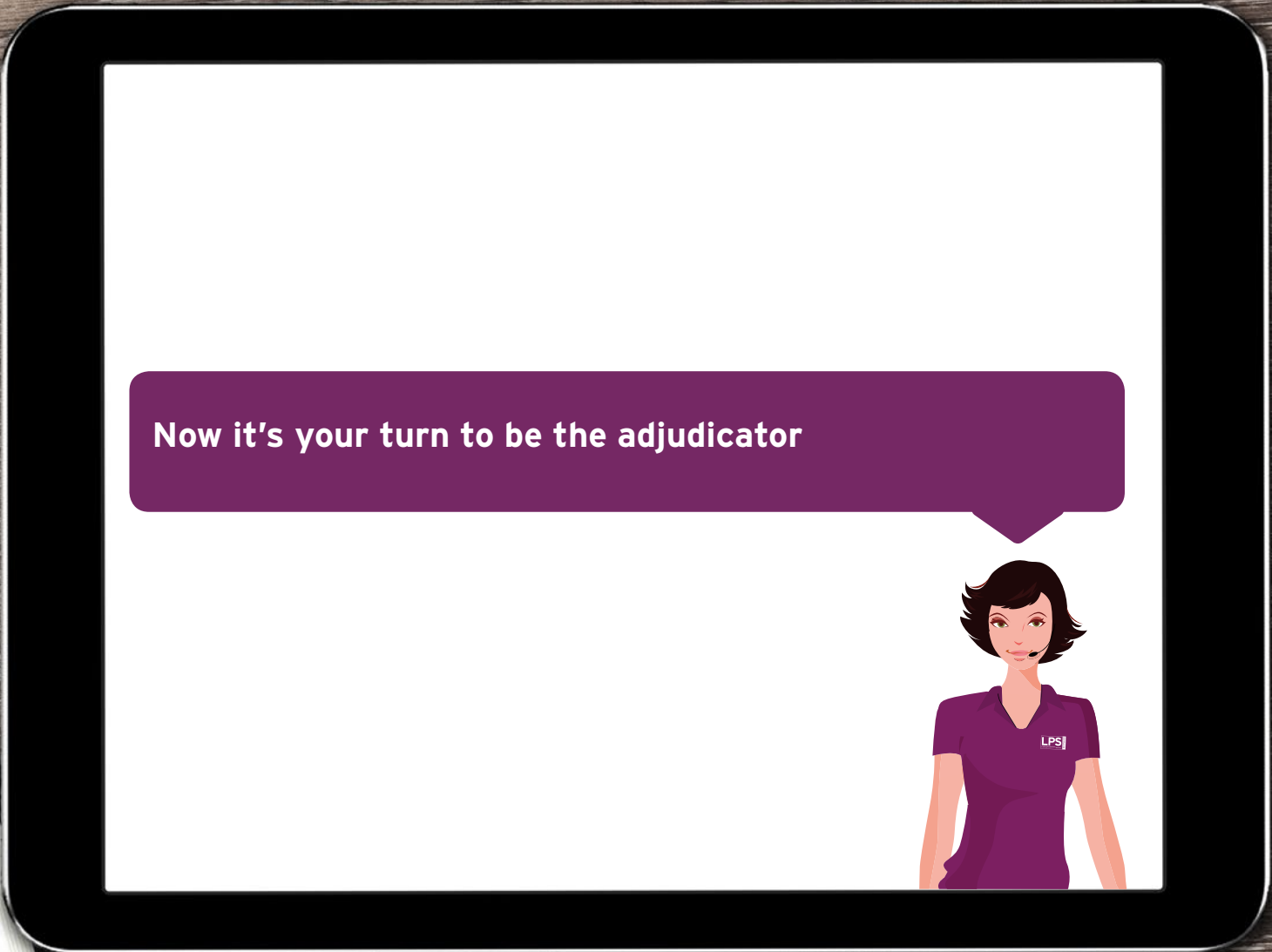
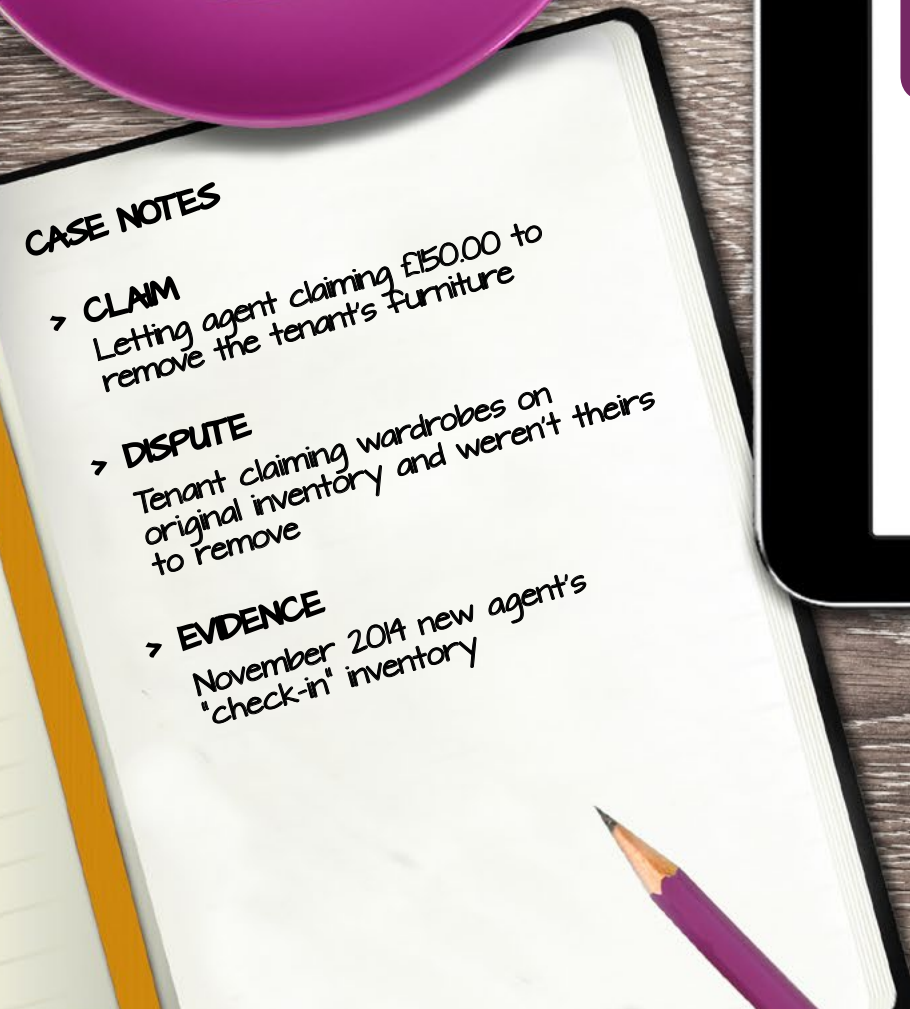




## Key evidence

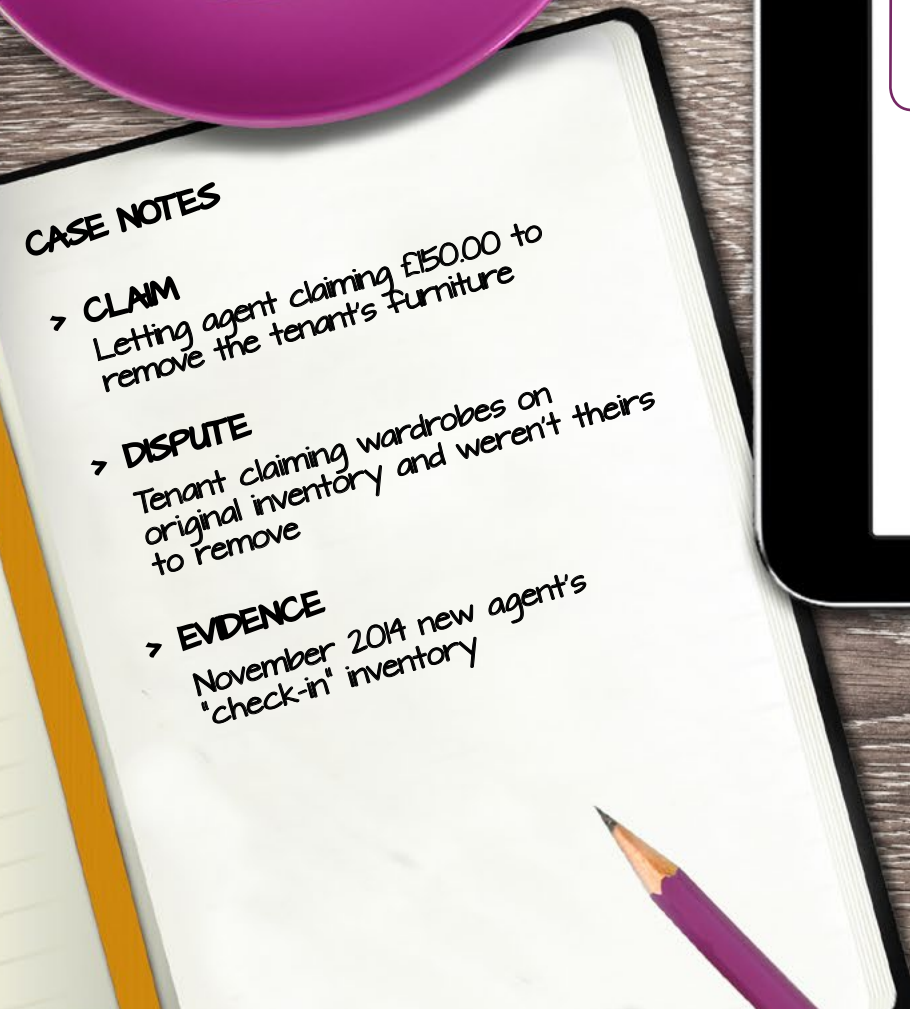
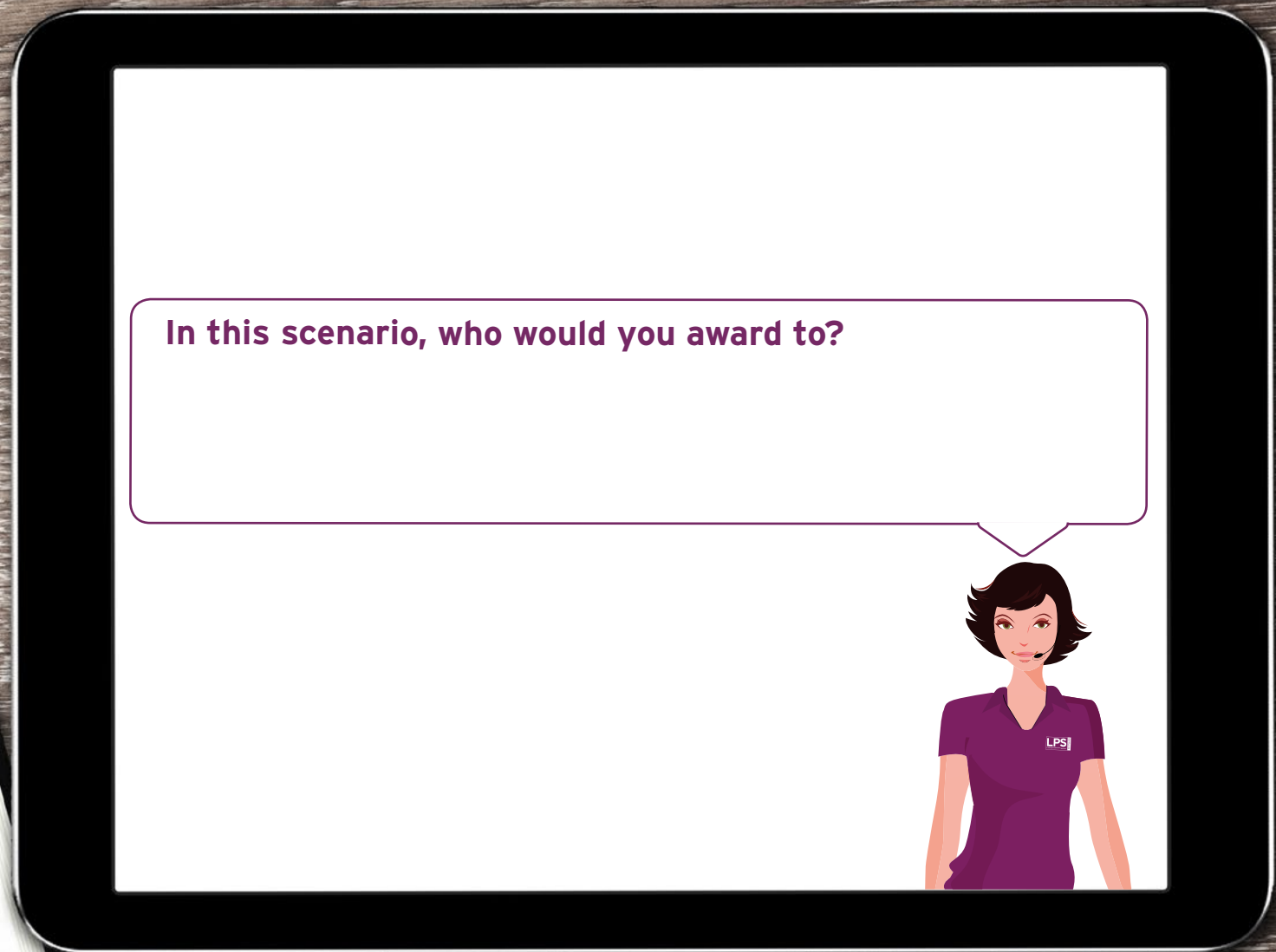
Inventory dated November 2014, compiled when the new agent took over management of the property. Doesn't detail what furniture belonged to the property, and noted "unable to fully inspect as a Tenant was sleeping in the room."





Now it's your turn to be the adjudicator

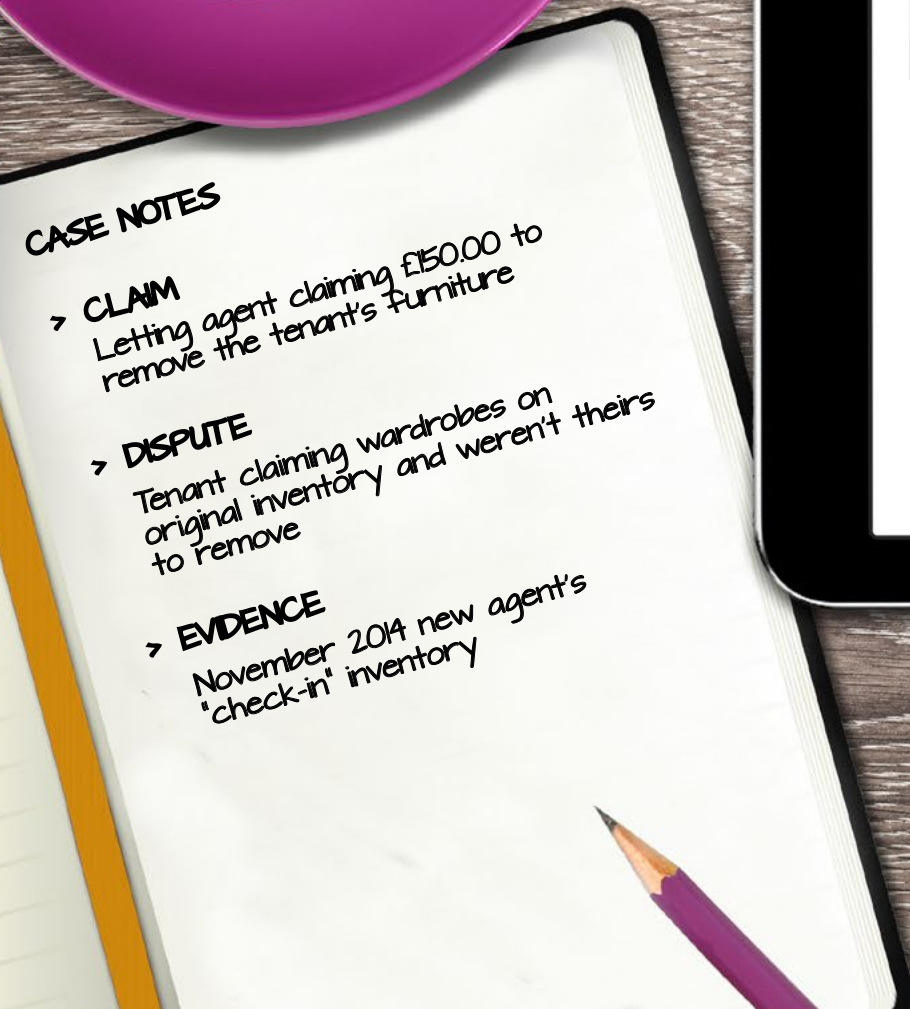




**CASE NOTES**

- > **CLAIM**  
Letting agent claiming £150.00 to remove the tenant's furniture
- > **DISPUTE**  
Tenant claiming wardrobes on original inventory and weren't theirs to remove
- > **EVIDENCE**  
November 2014 new agent's 'check-in' inventory



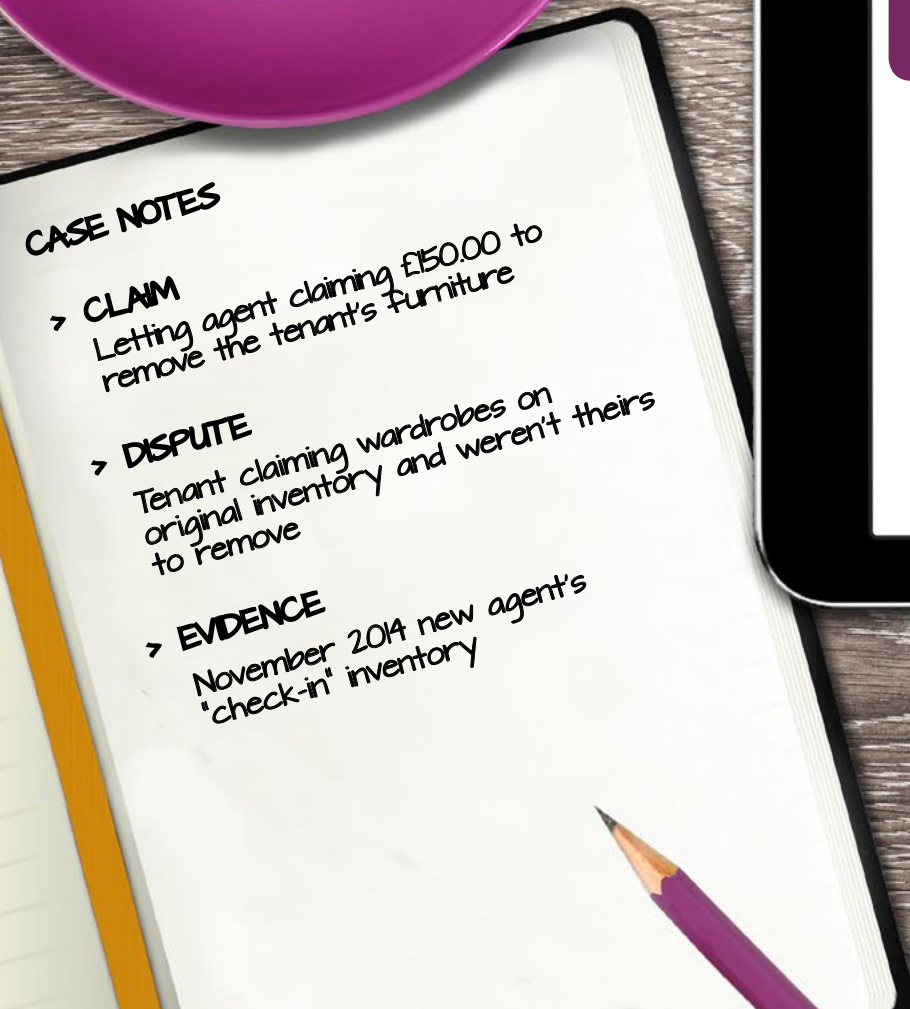


### HOW WAS THIS DECISION REACHED?

At the time the agent took over management of the property in 2014, they acted appropriately in carrying out an inspection and compiling a report to show the condition of the property at that time. However, this cannot be relied on as a "check-in" document, since the check-in occurred in 2012.

When the agent took over the management of the property, they should have tried to obtain all documentation from the landlord or previous agent relating to the period prior to taking over management of the tenancy. If records aren't in place, then it's unlikely any claim that refers back to the condition of the property or contents at the start of the tenancy will be successful.





## IN SUMMARY

Preparation for a deposit dispute starts at the beginning of a tenancy, not when it ends. Agents and landlords should collect and prepare documentation and evidence throughout the tenancy. Often, claims fail because there isn't enough evidence to send to the adjudicator when the time comes. Adjudicators are impartial and make decisions on the evidence provided, and with the burden of proof on the agent or landlord, a lack of supporting documentation means the adjudicator is unlikely to make an award.





## EXPERIENCE MATTERS!

- We're free and open to all landlords, letting agents and tenants.
- We're fair and impartial.
- Our independent dispute resolution service resolves disputes based on evidence.
- We're not linked to any industry or trade body.

### WANT TO KNOW MORE ABOUT HOW WE APPROACH TENANCY DEPOSIT DISPUTES?

Download our guide to deposits, disputes and damages.

