

GENERAL GUIDE FOR EVIDENCE SUBMISSIONS

The following information is presented as a guide as to the evidence and documentation which the Adjudicator will expect to see in respect of certain common types of claim.

We remind you that paragraph 25(c) of The Letting Protection Service Scotland Custodial Scheme Terms and Conditions states:

"Adjudications are made on the basis of the documentary evidence submitted to The LPS Scotland. Please ensure you submit all of the supporting evidence you feel necessary to substantiate your case at the time when you are requested to do so. Any documentation or evidence submitted after the Dispute has been sent to the Adjudicator may not be considered."

It is therefore the responsibility of the parties to submit any evidence which they consider is relevant to their case. All evidence submitted by each party will be reviewed and assessed in the light of the other party's response and supporting evidence.

The list is not exhaustive, and is also not mandatory. For example, for a claim in respect of damage the Landlord may not have an agreed check in inventory, however any correspondence from the Tenant at the time the tenancy commenced which indicates that the Tenant was happy with the condition of the property will be persuasive and should also be submitted. However a claim in respect of unpaid utility bills which does not include evidence of the actual sums claimed by way of the bills themselves, is unlikely to be successful.

Please bear in mind that adjudicators must allow for fair wear and tear, therefore any claim for the full cost of replacement of an item is unlikely to be successful. The adjudicator is likely to award a contribution towards the replacement cost, having regard to the likely age and remaining lifespan of the damaged item. The invoice, estimate etc should give as much detail as possible of how the cost was calculated, ie hourly rate, no of hours required etc, and also give a clear breakdown of the cost of each element of the claim, ie cleaning - carpets, which room etc.

Adjudicators are not bound by precedent, and each case is assessed on its own merits. The simple provision of a document, such as a check out inventory, may not be sufficient. The adjudicator will consider the detail contained within the content of that document carefully - if the contents of the document do not support the Landlord's claim, the claim may still fail despite the document having been submitted.

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Evidence Checklist

Damages (e.g. carpet, decorating, furniture etc)/Cleaning/Gardening/Missing items

Have you included:

- Tenancy agreement – *this must be enclosed – if this is not provided your claim is likely to fail*
- Check in evidence – inventory, dated photographs etc
- Check out evidence – inventory, dated photographs etc
- Invoice/estimate/quotation/receipt for cost of repair/replacement
- Relevant correspondence

Rent arrears

Have you included:

- Tenancy agreement - *this must be enclosed – if this is not provided your claim is likely to fail*
- Rent statement/Bank statements/Rent receipts
- Relevant correspondence – particularly letters requesting payment of rent

Breach of fixed term

Have you included:

- Tenancy agreement - *this must be enclosed – if this is not provided your claim is likely to fail*
- Correspondence between the parties regarding arrangements for the end of the tenancy

Utility bills/charges

Have you included:

- Tenancy agreement - *this must be enclosed – if this is not provided your claim is likely to fail*
- Relevant bills from each utility provider, relevant for the dates of the period of the Tenant's occupation
- Meter readings

As stated above, this list is not exhaustive. If there are other items of evidence that you wish to be considered by the Adjudicator, these should be provided, even if not specifically noted in this list - for example witness statements, correspondence from third parties, Agent's terms of business, vacating instructions etc

Further detailed advice in respect of deposit disputes is available on The LPS Scotland website, www.lettingprotectionscotland.com