

Your TDSNI guide to:



Deposit Deductions Template

Introduction

The Tenancy Deposit Scheme deals with over 15,000 tenancy deposit disputes each year.

We have produced a template for proposed deductions from the tenancy deposit to help lettings agents and landlords set out clearly to their tenants the details of any proposed deductions they want to make from the deposit.

The template can be found online as an editable PDF at www.tdsnorthernireland.com



**Proposal for deductions
from the tenancy deposit**



Why is this structured approach important?

The deposit belongs to the tenant unless the landlord is able to prove that they are entitled to make a claim on the deposit.

This template we have produced is designed explicitly to help agents and landlords set out their case for any deductions in a transparent way. If the agent or landlord does not have a strong case for making a deduction the use of this template will make this obvious.

**Exclusively
available
to TDS NI
members**

This template form has been developed by TDS Northern Ireland for the exclusive benefit of our member letting agents and landlords.

Copies of the template are only available from the members section of the [TDS Northern Ireland website](http://www.tdsnorthernireland.com).

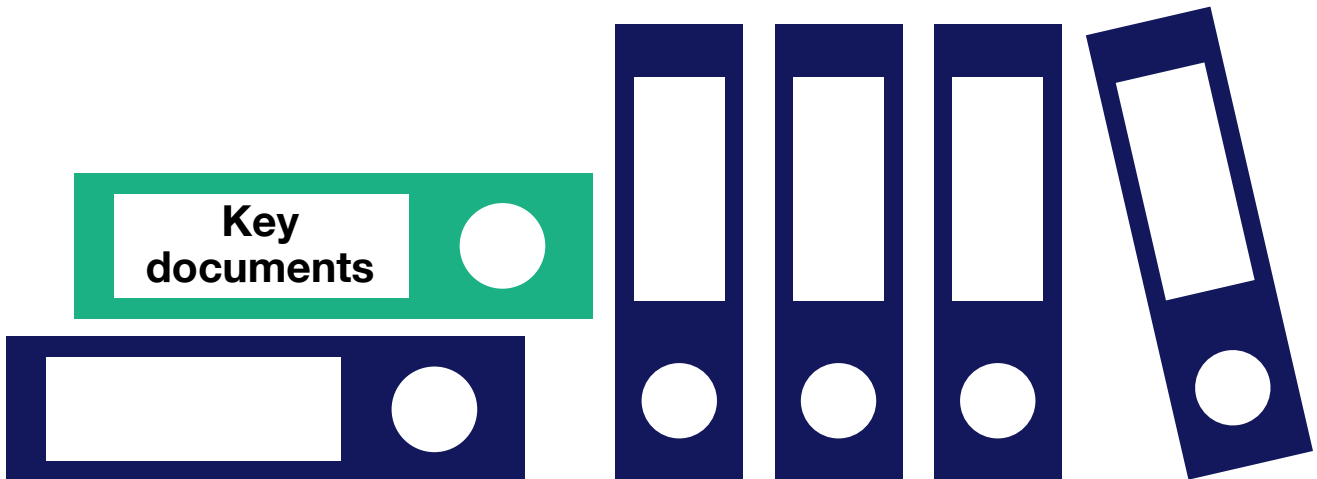


www.tdsnorthernireland.com

How to use the Template

TDS has produced an editable PDF of the template which means that you can type your responses directly into the form and save this as your own document. Once it has been agreed it can be sent to your tenants who in turn can add their comments into the form.

The document is set out in a similar way as the DRM Evidence Portal which means that if you end up having a dispute referred to TDS NI to adjudicate you will be able to cut and paste the comments of the template into the Evidence Portal.



TDS NI knows that there are certain key documents that you will need to have available to send to your tenant(s) to support a claim. If you do not have these then it is likely that you will not succeed in making a tenancy deposit deduction claim.

- **Tenancy Agreement**

This is very important as it should set out details of what deductions can be made from the deposit and any individually negotiated clauses you may have agreed with the tenant. When you are making a claim you need to specify which clause in the tenancy agreement allows you to do this.

- **Inventory/check in**

TDS knows that many disputes are about cleaning or damage to the property. In order to prove these types of claims landlords will usually have to have a detailed inventory/check in report which accurately describes the condition and cleanliness of the property at the start of the tenancy. This document should have been supplied to the tenant at the start of the tenancy and they should have been given an opportunity to make any amendments.

- **Inventory/check out**

Similarly the landlord will need to have an updated inventory at check out which describes the condition and cleanliness of the property at the end of the tenancy. Without this document it will be difficult to demonstrate that there has been a deterioration in the cleanliness and/or condition of the property at the end of the tenancy. The tenant will need to have been given an opportunity to comment on the check out.

- **Rent statements**

These are critical if the landlord wishes to make a deduction from the deposit for rent arrears.

- **Invoices/estimates**

These will be important to quantify any claim (but landlords must have regard to the concepts of betterment and fair wear and tear when making claims).

Setting out proposed deductions

The TDS NI template for proposed deposit deductions has a number of stages which it is important that landlords and agents follow.

The summary section captures the key details about the tenancy and the deposit. It is important that this matches the details as set out in the tenancy agreement.



Summary details

Property address	
Name of Tenant (s)	
Name of Landlord (s)	
Tenancy start date	
Tenancy end date	
Deposit value £	£
Proposed deductions £	£

This document has been prepared to set out clearly the deductions that the landlord proposes to make from the tenancy deposit. The document itself is an approved template issued by the Tenancy Deposit Scheme which requires landlords to be explicit about the deductions that they propose to make from the deposit and to provide the tenant with the evidence that supports the deduction. If the tenant(s) do not agree with the proposed deduction then this template will be submitted to the Tenancy Deposit Scheme as evidence of the proposed deductions.

ACTION REQUIRED

The Tenant(s) should review this document carefully and advise in section 5 of each element of the claim whether they accept the deduction proposed or why they are disputing this claim. Any information entered by the tenants will be supplied to the Tenancy Deposit Scheme in the event that there is a dispute.



Summary of proposed deductions



Summary of proposed deductions

The tables below set out details of the proposed deductions for the tenancy deposit. There is full guidance available from the Tenancy Deposit Scheme on their website on the approach that they take to the necessary evidence which landlords must have to demonstrate the validity of a claim.

Deductions proposed

Value of Deposit £	£
Cleaning claim	£
Damage claim	£
Redecoration claim	£
Gardening claim	£
Rent Arrears claim	£
Miscellaneous	£
TOTAL	£

Date of submission to tenant:

Key documents related to this claim

Document	Previously supplied (please check)	Attached (please check)
Tenancy Agreement	<input type="checkbox"/>	<input type="checkbox"/>
Inventory/Check in report	<input type="checkbox"/>	<input type="checkbox"/>
Check out report	<input type="checkbox"/>	<input type="checkbox"/>
Invoices/estimated	<input type="checkbox"/>	<input type="checkbox"/>
Rent statements	<input type="checkbox"/>	<input type="checkbox"/>
Emails/letters	<input type="checkbox"/>	<input type="checkbox"/>

In this section set out what deductions the landlord/agent wishes to make from the deposit.

It is also at this stage that the landlord sets out the key documents that they have to support the claim. These will need to be copied to the tenant (and to TDS NI if the claim goes to adjudication in due course).



Cleaning claims

TDS NI knows that most disputes include a claim about cleaning. The template asks the landlord to be clear what deductions are being proposed.

However it also asks the landlord or agent to set out the clause(s) in the tenancy agreement that allows you to do this (as if the landlord or agent cannot point to this they are unlikely to be able to make a successful claim).

The landlord needs to refer to the check in and check out reports and also to substantiate the evidence to back up the amount of the claim.



Damage

The same process is used for damage claims. Set out the proposed deductions. Refer to the tenancy agreement clauses that are relevant to the claim.

Point to the check in and check out reports and provide the evidence to back up the amount of the claim.



Damage claims (£)

1. What deductions are you claiming for?	5. Tenant(s) view on this element of the claim:
	Landlord(s) response:
2. What clause(s) in the tenancy agreement support your claim for damage?	
3. What is your evidence of the property's condition at the start and end of the tenancy?	
4. What evidence supports the value of the claim you are making?	



Redecoration

If a claim is being made for redecoration the same information is required.



Redecoration claims (£)

1. What deductions are you claiming for?	5. Tenant(s) view on this element of the claim:
	Landlord(s) response:
2. What clause(s) in the tenancy agreement support your claim for redecoration?	
3. What is your evidence of the standard of decoration at the start and end of the tenancy?	
4. What evidence supports the value of the claim you are making?	



Gardening

Deductions for gardening related matters are completed in the same way.



Rent arrears

Rent arrears claims do need to be accompanied with a clear rent statement showing rent owed, rent paid and any arrears at the end of the tenancy.



Other claims

The landlord may want to claim for other matters. The same process should be adopted;

- what is the claim?
- does the tenancy agreement allow the deduction to be made?
- what evidence is there to support the claim and how much is being claimed?

Gardening claims (£)	
1. What deductions are you claiming for?	5. Tenant(s) view on this element of the claim: Landlord(s) response:
2. What clause(s) in the tenancy agreement support your claim for gardening?	
3. What is your evidence of the garden's condition at the start and end of the tenancy?	
4. What evidence supports the value of the claim you are making?	

Rent arrears claims (£)	
1. How much are the arrears and how did they arise?	4. Tenant(s) view on this element of the claim: Landlord(s) response:
2. What clause(s) in the tenancy agreement support your claim for rent arrears?	
3. What is your evidence of rent arrears?	

Any other claims – Misc items (£)	
1. Are there claims for any other objects/issues?	5. Tenant(s) view on this element of the claim: Landlord(s) response:
2. What clause(s) in the tenancy agreement support your claim(s)?	
3. What is your evidence for this claim?	
4. What evidence justifies the value of the claim you are making?	

The next steps



Once the agent/landlord has agreed the proposed deposit deduction and collated all of the supporting evidence the completed template (plus any evidence attachments) should be sent to the tenant(s).



As the template is an editable PDF the tenants should be able to set out their response to each claim on the template form itself.



If the tenants agree all of the deductions, the agent or landlord can make any repayments of the deposit in accordance with the agreement reached.



If some of the deductions are agreed then the landlord or agent can make the agreed repayments leaving only the disputed amounts to be resolved.



Continuing efforts should then be made to seek to agree a deposit deduction with the tenant and landlord. If this is not possible then a dispute may be raised with TDS. The agent or landlord can then use the information on the dispute deduction form to enter the details of the dispute and upload the accompanying evidence to TDS NI.

Why is this Proposal for Deposit Deductions form so helpful?

- 1** It requires the agent/landlord to properly structure the deposit deduction proposal and to ensure that they are able to make a deduction and that evidence is available;
- 2** If the landlord does not have evidence to support a claim it will be very obvious if the form is used properly and this should reduce the number of unsuccessful claims made;
- 3** It helps the tenant see that the landlord is justified in making a deduction and that there is evidence to support this.
- 4** In the event that there is a dispute that goes to TDS NI there is very little extra work that the agent or landlord needs to do. The details in the Proposal for Deposit Deductions along with the supporting evidence (and any comments made by tenants) can be uploaded directly into the TDS Disputes Evidence Portal.



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