



How TDSNI approaches disputes involving redecoration

Tel: 0300 037 3700

Email: info@tdsnorthernireland.com

Web: www.tdsnorthernireland.com

Introduction

Here are some pointers from TDS Northern Ireland on how we approach claims for redecoration. We hope that you will find them informative and helpful in deciding if you want to proceed with sending a dispute to us. Please note that this document is for guidance only it is not intended to guarantee when an award will be made. Each dispute is different and the actual award made will be based on our interpretation of the specific evidence presented to us.

Key principles

These key principles guide our approach to dealing with disputes about redecoration, however every case has to be reviewed on its merits.

- We consider the evidence presented to us, to decide if the decoration claimed for was in a worse condition at the end of the tenancy than it was at the start. If there is no check in report, we will consider other evidence such as a detailed invoice for decorating done at the start of the tenancy. We will not make an award solely on the basis of an obligation in the tenancy agreement.
- The best evidence of condition at the start of a tenancy is a comprehensive Inventory and Schedule of Condition. It must describe the condition of the décor for example, whether items are newly decorated or had existing defects preferably in a summary Schedule as well as in the detail of the report. If the check in report does not describe the condition of the property's décor, we will not assume it is in good condition. However a statement that the décor is in "good condition unless otherwise stated" can be helpful. We will consider any amendments made by the tenant to the check in report at the start of the tenancy.
- Photographs and video evidence are generally of little value in support of decorating claims, unless they are able to show obvious damage or deterioration.
- The best evidence of condition at the end of a tenancy, for the benefit of both parties, is a comprehensive check out report. This is most persuasive if it has been completed clearly with reference to the check in report and includes a schedule as above.
- Any award made will not necessarily be the full amount claimed by the landlord. Allowance must be made for fair wear and tear during the tenancy. We will consider factors such as the length of the tenancy; the number of occupants and their age; the décor's age, quality and condition at the start of the tenancy; and the reasonable life expectancy for the area affected.
- Invoices or quotes are helpful to support a claim, although TDS is not bound to accept the full amount claimed. They should be as detailed as possible, giving a breakdown of the work carried out and the costs incurred. Where the invoice is not detailed and appears too high for the work required, we are likely to reduce the award. Where we have no invoice or quote, we will use our own judgment to determine if the amount claimed is appropriate.
- If the claim arises because the tenant has altered the décor during the tenancy, we will consider if permission was given and, if so, whether the tenant was required to return the décor to its original colour/condition. If no permission was given, we will consider whether the evidence suggests that the décor was in a better or worse condition at the end of a tenancy. We may make no award if the tenant has improved the condition of the décor.