

TDS Landlord's Guide

Northern Ireland How you respond to a dispute at the end of the tenancy

INSURED SCHEME

This quick guide sets out what landlords and tenants need to do at the end of the tenancy where there is a dispute about the return of a deposit which is protected by the TDS Northern Ireland Insured scheme.

To check if your deposit is protected by the Insured scheme, check your Deposit Protection Certificate.



The title at the top of your Certificate will tell you if your deposit is protected by the Insured scheme:

Tenancy Deposit Protection Certificate (Insurance Scheme)

This Certificate confirms that your agent or landlord has registered your tenancy deposit with TDS Northern Ireland, a tenancy deposit protection scheme approved by the Northern Ireland Executive. Your deposit is registered with our insurance-backed scheme – this means that the landlord or agent holds the deposit during the tenancy. If there is a dispute at the end of the tenancy the landlord or agent must give us the amount of the deposit over which there is a disagreement.

You can use the Deposit Account Number at www.tdsnorthernireland.com to:

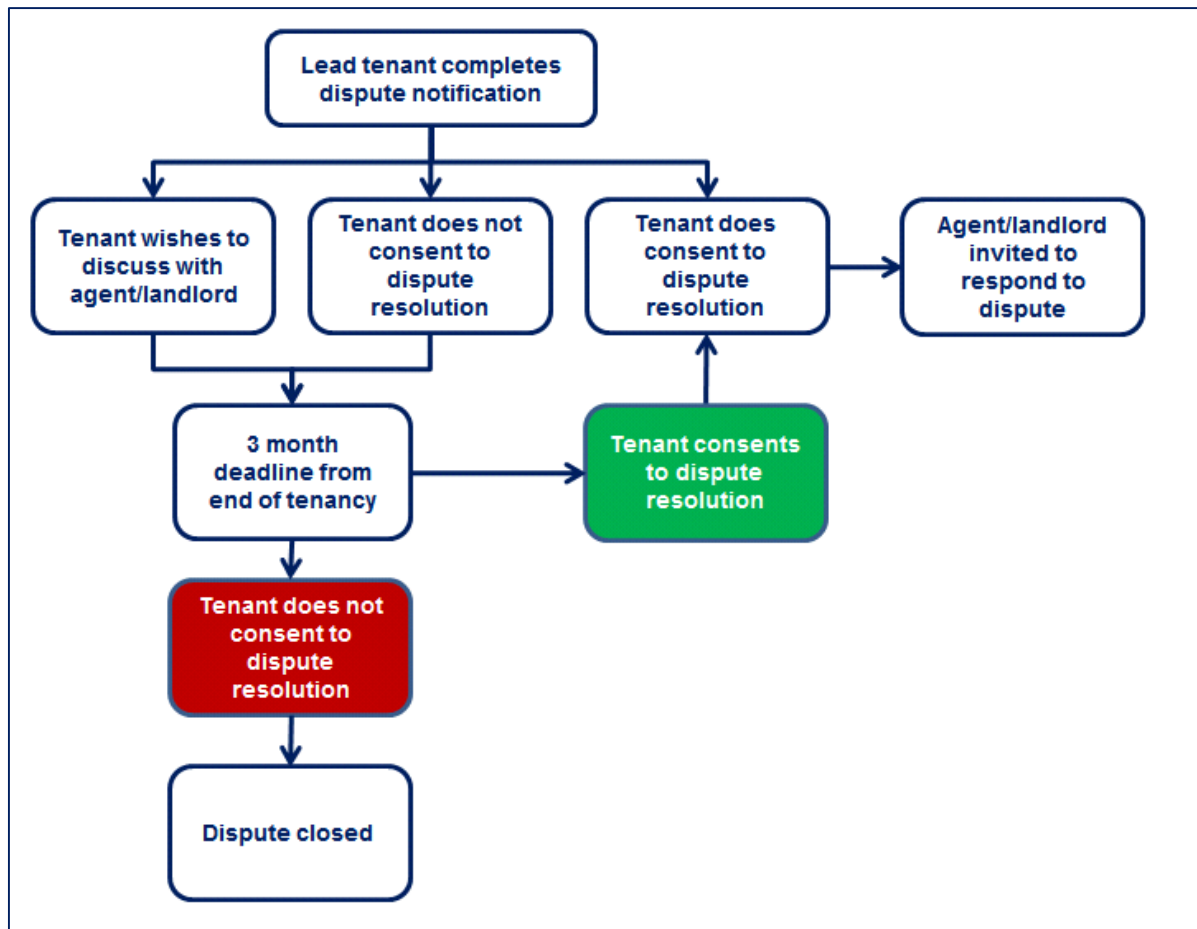
1. check the status of your deposit protection and download an updated certificate
2. if you are the lead tenant, raise a dispute about the deposit at the end of the tenancy
3. check the progress of a dispute

In the TDS Northern Ireland Insured scheme deposits are held by the agent/landlord and tenants will need to discuss the return of their deposit directly with them.

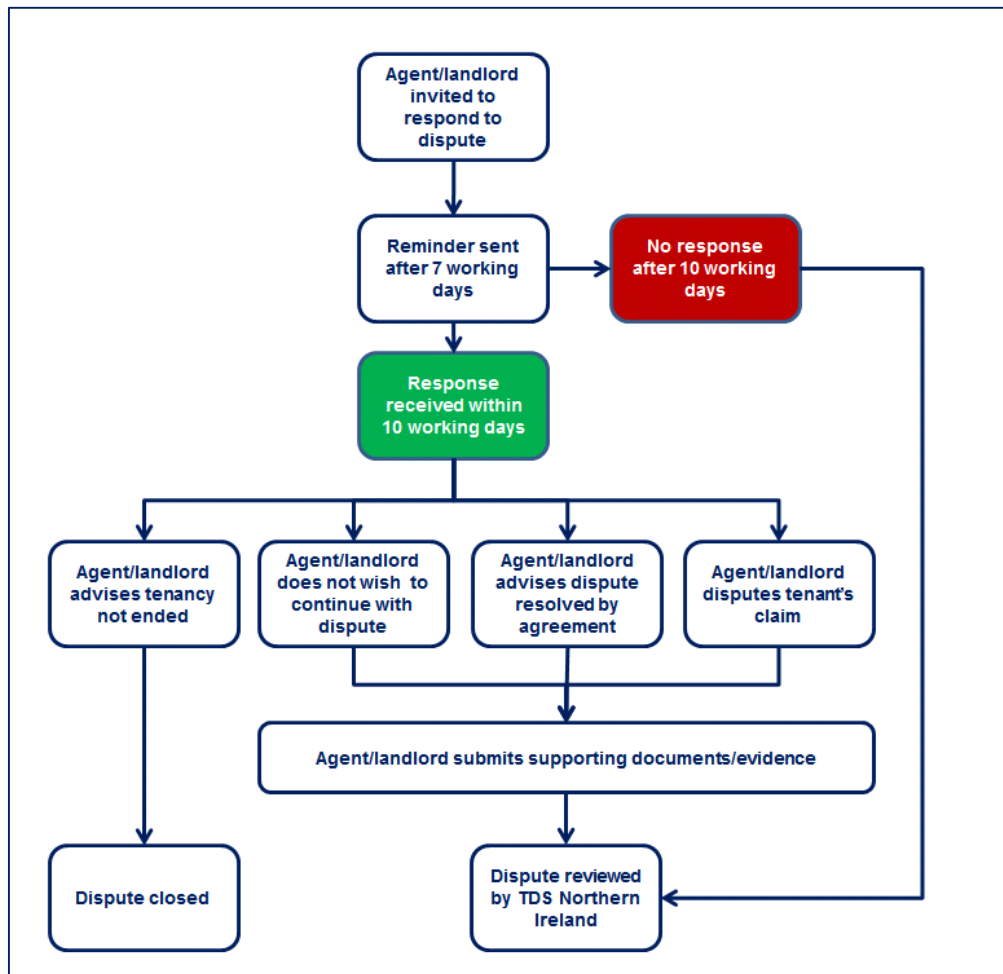
Where the return of the deposit cannot be agreed, the lead tenant can raise a dispute with TDS Northern Ireland but must do so within 3 months of the end of the tenancy.

Tenant raising dispute



If the lead tenant does complete a dispute notification, the agent/landlord will need to respond to this through their online TDS Northern Ireland account.

Agent/landlord responding to dispute



If the agent/landlord advises in their response that the tenancy has not ended, the dispute will be closed and the tenant advised.

If the agent/landlord confirms that the tenancy has ended and responds to the dispute, it will be reviewed by TDS Northern Ireland to see whether it can be resolved without the need for an adjudication decision.

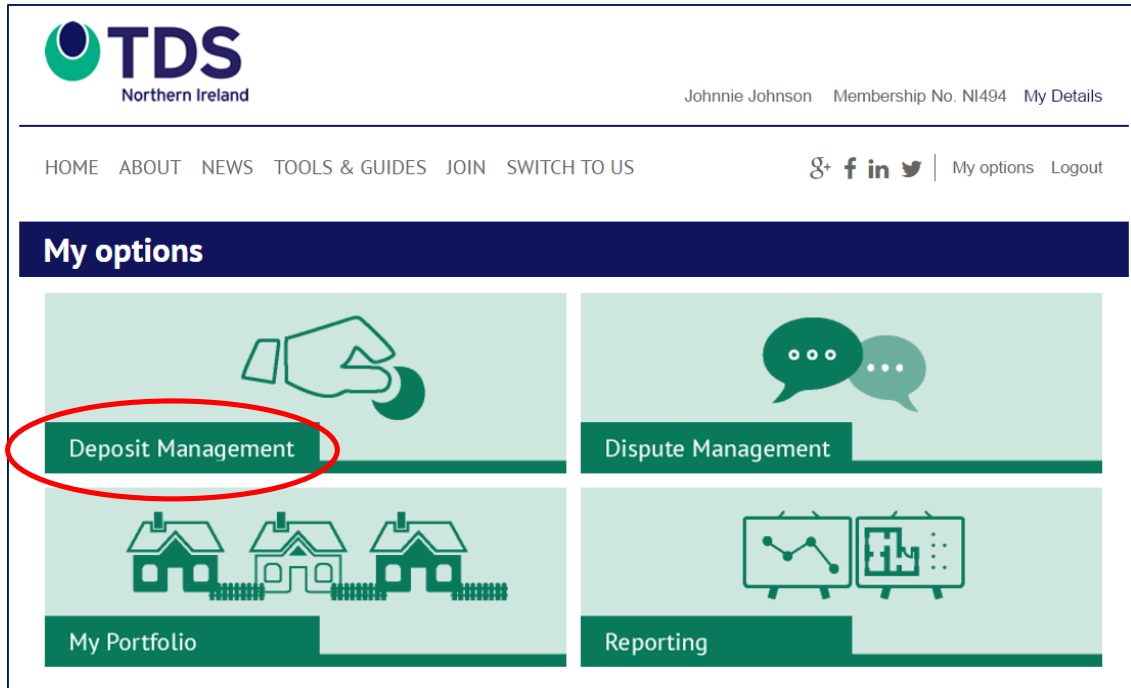
Where it is decided that an adjudication decision is needed, the lead tenant will need to respond to the agent/landlord's evidence through their online TDS Northern Ireland account.

Step by Step

1. Responding to the tenant's dispute notification



The agent/landlord logs into their account at TDS Northern Ireland, and then selects the “**Deposit Management**” screen.



The agent/landlord views the list of disputes raised by tenants (by selecting the “plus” sign next to “**Dispute raised by tenant**”).



This will display a list of individual deposits, from which the agent/landlord selects the deposit they want to look at and then clicks the “**View/Edit**” option to see the details.

Insured deposits

[BACK TO DEPOSIT MANAGEMENT](#)

search term [Add a new insured deposit](#)

+ Registered (not paid)	0	£0.00
+ Awaiting payment	0	£0.00
+ Deposits protected by scheme	0	£0.00
+ Deposits protected by scheme (tenancy ended)	0	£0.00
- Dispute raised by tenant	1	£1,000.00

Address	Start date	Deposit Amount	DAN	Tenants	View / Edit
1, High Street, AB1 2CD	01 August 2016	£1,000.00	NI11577898	2	View / Edit

The agent/landlord will see the Deposit Summary page – this will include summary details of the dispute notification completed by the tenant.



The agent/landlord selects the option at the bottom of the page for “**Respond to dispute**”:

Landlords/agents associated with this deposit

Organisation name	Role	Email	Phone number
Johnnie Johnson	Primary landlord	johnnie@johnson.com	07788998877

[View tenancy activity](#)
[Download Prescribed Information](#)
[Customise Prescribed Information](#)

[Download Deposit Protection Certificate](#)
[Respond to dispute](#)

2. Updating the agent/landlord's bank and contact details

At this stage the agent/landlord should update their contact and bank details as these will be needed when any payments are made once the process has been completed. TDS Northern Ireland needs these even if the agent/landlord will not be claiming any monies at the end of the process (in case we have to return any monies to the agent/landlord for any reason).



When the details have been updated, the agent/landlord selects “**Continue**”

Your details > How do you want to proceed?

We would like to have your latest contact details as well as your bank account information. We need this so we can pay you the amount of deposit which is due to you. Please update these if they have changed since you last confirmed these with us.

[✎ Edit my contact details](#) [✎ Edit my payment details](#)

[➔ Continue](#)

3. Telling TDS Northern Ireland what the agent/landlord wants to happen with the dispute



The agent/landlord must select one of the following options:

Your details > How do you want to proceed?

How do you want to proceed?

Please choose one of these options *

- Deposit dispute resolved by agreement
- I do not wish to continue with the dispute
- Respond to the dispute and submit evidence

[Submit](#)

Information:

If you have resolved the dispute with the tenant after we received their notification please select the option 'Deposit dispute resolved by agreement'.

If you do not dispute the tenant's notification and do not wish to submit evidence then please select the option 'I do not wish to continue with the dispute'.

If you do not agree with the tenant's notification and wish to submit evidence please select the option 'Respond to the dispute and submit evidence'.

NAEA LANDLORDS' ASSOCIATION FOR NORTHERN IRELAND

wards:

4. Dispute resolved by agreement

Where the agent/landlord selects this option, they will be asked whether they have details of the agreement that has been reached with the tenant, and proof that the tenant has received their share of the deposit.



Where the agent/landlord responds “Yes” they will need to upload the relevant documents and press “Submit”

Your details > **How do you want to proceed?**

How do you want to proceed?

Please choose one of these options *

- Deposit dispute resolved by agreement
- I do not wish to continue with the dispute
- Respond to the dispute and submit evidence

Deposit dispute resolved by agreement

Do you have details of the agreement with the tenant, and proof of payment? *

Yes No

Please upload this information now

[Submit](#)

i We will need to confirm with the tenant that the dispute is resolved. Please upload information that will help us to do this, e.g. correspondence/emails, proof of payment of the deposit, etc.

TDS Northern Ireland will review the information provided by the agent/landlord and contact the tenant to confirm whether the dispute has been resolved.

5. Agent/landlord does not wish to continue with the dispute

Where the agent/landlord selects this option, they will be asked whether they have any further information that will enable TDS Northern Ireland to confirm that the dispute has been resolved..



Where the agent/landlord responds “Yes” they will need to upload the relevant documents and press “Submit”

Your details > **How do you want to proceed?**

How do you want to proceed?

Please choose one of these options *

Deposit dispute resolved by agreement i

I do not wish to continue with the dispute

Respond to the dispute and submit evidence

I do not wish to continue with the dispute

Is there any information you need to give us now to enable us to close this case? * Yes No i

Please upload this information now

➔ Submit

We will need to confirm with the tenant that the dispute is resolved. Please upload information that will help us to do this, e.g. correspondence/emails, proof of payment of the deposit, etc.

TDS Northern Ireland will review the information provided by the agent/landlord and contact the tenant to confirm whether the dispute has been resolved.

6. Agent/landlord wants to respond to dispute and submit evidence

The agent/landlord should select this option if:

- The tenancy has not yet ended
- The tenancy has ended and there is a dispute to be considered by the adjudicator

Where the agent/landlord selects this option they will be asked to confirm that the tenancy has ended.



Where the agent/landlord advises that the tenancy has not ended, they will be asked to provide an extended tenancy end date, and press “Continue”

The form will then advise the agent/landlord that the dispute has been cancelled and the tenant will be advised of this.

Tenancy ended

Please confirm whether the tenancy has ended

Tenancy end date

Tenancy end date as provided by the tenant	The tenant has told us that the tenancy ended on 31 July 2017
--	---

Has the tenancy ended? * Yes No i

Tenancy end date

Expected end date *

[Continue](#)



Where the agent/landlord advises that the tenancy has ended, they will be asked to confirm the tenancy end date, and press "Continue"

Please confirm whether the tenancy has ended

Tenancy end date

Tenancy end date as provided by the tenant	The tenant has told us that the tenancy ended on 31 July 2017
--	---

Has the tenancy ended? Yes No i

Tenancy ended

Is the tenancy end date correct? Yes No

Tenancy ended

Tenancy end date * 📅 i

Continue

7. Reasons for any proposed payments from the deposit to the agent/landlord

An agent/landlord should not complete this form until they are sure that they know the full extent of their claim, as they cannot increase their claim once it has been made.

The agent/landlord enters the amounts they are claiming for each category (cleaning, damage etc).

This form will check that the figures entered by the agent/landlord add up correctly – an error message will be displayed if this not the case. The agent/landlord corrects amounts entered as necessary.



The agent/landlord completes the relevant information and presses “Submit”

Deposit breakdown

Amount of deposit £1,000.00

Agreed and paid to tenant *	£	<input type="text" value="100.00"/>	
Agreed but not yet paid to tenant *	£	<input type="text" value="0.00"/>	
Agreed and paid to agent/landlord *	£	<input type="text" value="0.00"/>	
Agreed but not yet paid to agent/landlord *	£	<input type="text" value="0.00"/>	
Deposit remaining in dispute *	£	<input type="text" value="900.00"/>	

Claim summary

Please tell us the items you are claiming for and their amount. These must add up to the amount of the deposit that is in dispute.

Cleaning	£	<input type="text" value="200.00"/>
Damage to Property or Contents	£	<input type="text" value="200.00"/>
Redecoration	£	<input type="text" value="200.00"/>
Gardening	£	<input type="text" value="100.00"/>
Rent Arrears	£	<input type="text" value="100.00"/>
Other or Unknown	£	<input type="text" value="100.00"/>

If any payment is for 'other' please state the reason *

8. Submitting the agent/landlord's evidence

The agent/landlord will next be asked to provide evidence relating to their claim. Before they do this, they will see a page giving guidance on the next part of the process and further information on how best to present their case.

Before the agent/landlord proceeds, they should ensure that they have to hand the following information (where relevant to their claim):

- **Financial breakdown of claims being made**
- **If the total claim is for more than the deposit, the details of the total claim**
- **Tenancy agreement**
- **Check in and check out report**
- **Photographs**
- **Estimates and invoices**
- **Rent statement**
- **Any other evidence they wish the adjudicator to consider**

The agent/landlord selects "Continue"

Before you give us your evidence - NI11577898

[BACK TO DISPUTE](#)

Tools and Guides

[How to present your case to the TDS Northern Ireland adjudicator](#)

This is a detailed guide on how best to present

Warning

The success of your case is dependent on the evidence, explanations, and supporting documents you give us.

Your case is likely to fail if you do not provide evidence to support it.

On the following pages we will ask you to explain your case and upload documents you want the adjudicator to consider.

You can continue now, and upload the evidence you have available.

At the end of the process you can save what you have prepared and return later to add more information provided you do this before the deadline for your response has expired.

For help in presenting your case please read the guides shown opposite as well as the those highlighted on the following pages.

[Go back](#) [Continue](#)

The agent/landlord will be shown an evidence collection form for each of the claims they have made. These all follow a similar format, asking the agent/landlord:

- ➔ If they wish to provide a financial breakdown for each claim (answer "Yes" or "No")
- ➔ Where the agent/landlord responds "Yes" they will see a text box where they can add the relevant information
- ➔ If they have key documents relating to the claim e.g. a tenancy agreement, check in report, estimate or invoice, photographs (answer "Yes" or "No")



Where the agent/landlord answers “yes” they will be asked to upload the relevant document

NB the tenancy agreement, check in and check out report only need to be uploaded once

photographs need to be uploaded individually, and each must be given a label/description of what each shows



Each time documents are uploaded, the agent/landlord will next see a text box where they should explain how that particular piece of evidence supports their claim. For example:

- refer to a particular clause in the tenancy agreement
- highlight a particular section in a check in/check out report
- explain what an estimate or invoice is for
- draw the adjudicator’s attention to what is shown in photographs or other documents uploaded

Provide your evidence: Cleaning - NI11577898

[← BACK TO BEFORE YOU GIVE US YOUR EVIDENCE](#)

Tools and Guides

[How the adjudicator approaches disputes involving cleaning](#)

Cleaning is one of the most common reasons for disputes

[A Guide to Check in & Check out Reports, Inventories & Schedules of Condition](#)

What TDS looks for in check in and check out

[Guidance on using photos, videos and DVDs as evidence](#)

Images can be a useful way of showing the condition

Please answer the following questions and upload documents where indicated. When we ask you if you want to provide a breakdown of the cleaning claim, it can be helpful to the adjudicator to explain, for example, that “my cleaning claim is for £200 in total. £150 is for carpet cleaning and £50 is for oven cleaning.”

Cleaning claim £200.00

Cleaning claim breakdown

Do you wish to provide a further breakdown? Yes No

Tenancy agreement

Do you have a tenancy agreement? Yes No

Please upload your tenancy agreement now

[Please click here to upload your evidence](#)

How this supports my claim

Please explain which clause(s) of the tenancy agreement allow(s) your cleaning claim(s)

The last evidence collection page will ask for any other additional comments that the agent/landlord wishes the adjudicator consider.

This page should include details of any claims that exceed the amount of the deposit – and of course any other information or documents not already brought to the adjudicator’s attention.

Provide your evidence: Additional comments - NI11577898

[BACK TO BEFORE YOU GIVE US YOUR EVIDENCE](#)

Tools and Guides

[How to present your case to the TDS Northern Ireland adjudicator](#)

This is a detailed guide on how best to present

[Guidance on using photos, videos and DVDs as evidence](#)

Images can be a useful way of showing the condition

This is the last page you will see where you can provide information about your claim. It is important for you to make sure you have provided all relevant information and documents that you want to be considered. If your claim is for more than the total deposit please explain this here and provide a breakdown showing how your total claim is calculated.

Additional comments

You have told us about your claim against the deposit. If your total claim exceeds the deposit you can provide further information about it below. If you have any evidence that you want us to consider please upload it now.

[Please click here to upload your evidence](#)

How this supports my claim

Tell us how it supports your claim



[Next](#)

9. Confirming the agent/landlord's evidence

Once they have completed their evidence submission, the agent/landlord will see a summary of the statements they have made and the documents they have uploaded.

- ➔ Selecting the “plus” sign next to each category will open it for viewing
- ➔ The agent/landlord can make changes by selecting “Edit” – this will return them to the beginning of their response to the dispute
- ➔ The agent/landlord can delete their response and start again by selecting “Clear and return to my options”
- ➔ The agent/landlord can continue by pressing “Save”

This is a summary of the statements you have made and the documents you have provided. Please check these carefully. Please then select one of the options shown at the bottom of the page.

Your evidence

Cleaning claim £200.00

+ Breakdown of cleaning claim

+ Tenancy agreement

+ Condition of property at the start of the tenancy

+ Condition of property at the end of the tenancy

+ Other information

Additional comments

The agent/landlord has provided no further evidence for this claim.

Edit

Save Clear and return to my options

Where the agent/landlord selects “Save” they will be asked to confirm their agreement to the scheme rules



To complete their evidence the agent/landlord selects “Agree and continue”.

The screenshot shows a 'Save' dialog box with a dark blue header and a close button (X) in the top right corner. The main content area is white and contains the following text:

- I give authority to TDS Northern Ireland to consider my dispute and confirm that:
- I consent to my dispute being referred to the Dispute Resolution Mechanism
- I agree to cooperate with the adjudication process
- I agree that the decision of adjudicator will be final and binding, subject to the review process
- I consent to TDS Northern Ireland copying this form and any supporting documents to the other party to the dispute, the adjudicator and to anyone else involved in resolving it.

At the bottom of the dialog box, there are two buttons: 'Go back' and 'Agree and continue'. The 'Agree and continue' button is circled in red.

This completes the agent/landlord’s response to the dispute.

If the agent/landlord has any time remaining from their 10 working day deadline to respond to the dispute, they will see the option to “Respond to dispute”. This will allow them to reopen their dispute response and evidence submission and make changes to it.

Once the 10 working day deadline has expired, this option will no longer be shown.

10. What happens next?

After the agent/landlord's response to the dispute has been submitted, and the 10 working day deadline has expired, TDS Northern Ireland will:



send a copy of it to the lead tenant (with a copy to any joint tenants) – the lead tenant then has 10 working days to respond;



send the agent/landlord a confirmation email confirming details of the dispute response made by them..

11. What happens if the lead tenant does not respond to the dispute?



If the lead tenant does not respond to the dispute, they will be sent a reminder after 7 working days.

If there is no response after 10 working days, the dispute will be reviewed by TDS Northern Ireland. Where TDS Northern Ireland is satisfied that the tenant did receive details of the agent/landlord's response to the dispute and failed to respond, it is likely that an adjudication decision will be made in favour of the agent/landlord.