

What if I disagree with my landlord?

If there is a disagreement about how much deposit you should get back, you will receive the undisputed amount back and the scheme will hold on to or request from the landlord the disputed amount until the disagreement has been sorted out. Each scheme will have a free service which landlords and tenants can use to sort out disagreements about deposits, instead of going to court. This is called an alternative dispute resolution service. The alternative dispute resolution service will decide how much of the deposit you should get back. The tenancy deposit scheme will then pay you the money.

What if my landlord isn't registered?

If your landlord does not protect your deposit using a tenancy deposit protection scheme, or will not tell you which scheme they are using, you will be able to take them to court. The court will either order your landlord to pay you back the deposit or to pay it into one of the schemes. It may also order your landlord to pay you three times the amount of the deposit as a fine. If you are thinking about taking your landlord to court, you should get advice.

If you would like this leaflet in another format, please telephone 0118 978 7258

Tips

- ⇒ Ask your landlord for details of the scheme they are registered with.
- ⇒ Check the inventory carefully and make sure it is accurate and details the condition of the property and any contents.
- ⇒ Try to take care of the property to minimise any costs that could be deducted from your deposit.

Further information can be found at:

www.gov.uk/tenancy-deposit-protection
www.adviceguide.org.uk
www.citizensadvice.org.uk

If you have any other accommodation issues, Citizens Advice can give advice on these as well.

Where to find us:

Wokingham

Waterford House
Erftstadt Court
Wokingham RG40 2YF

Mon to Thu: 9am - 3pm
Fri: 9am - 1pm

Woodley

Headley Road
(next to library)
Woodley RG5 4JA

Mon & Wed
9:30am - 3:30pm

Advice line: 0300 3301189

Email: public@citizensadvicewokingham.org.uk
Web: www.citizensadvicewokingham.org.uk

**Safe
Rental
Deposits**

Free,
independent,
confidential
advice

**citizens
advice**

Wokingham

The Scheme

You usually have to pay a deposit if you want to rent somewhere, but it can be difficult to get it back when you leave. Before the scheme, the only way to try and get a deposit back if you had a disagreement with your landlord was to go to court. But this can be costly, time-consuming, and there is no guarantee that you'll get your money back.

However, from 6 April 2007 for new tenants, your landlord must use a **tenancy deposit protection scheme** if they want to take a deposit from you. This means that:

- ◆ you will get your deposit back if you're entitled to it. You may be entitled to all or some of it back.
- ◆ there will be a way of settling any disagreement about your deposit without going to court.

Who looks after my money?

Your landlord can choose one of two schemes; a custodial scheme or an insurance-based scheme.

- ◆ in the custodial scheme, your landlord will pay the deposit into the scheme and the scheme will look after it.
- ◆ in an insurance-based scheme, your landlord will keep the deposit, but will have to pay insurance to the scheme.

What do I need to do?

Ask your landlord which tenancy scheme they will use to safeguard your deposit. Within 14 days of paying your deposit, your landlord must give you details of the scheme they are using to protect your deposit.

It is also important that you and your landlord agree, in writing, what condition the place is in when you start renting it, including a list of the furniture and fittings (known as an inventory). This should help prevent disagreements at the end of the tenancy.

What if I paid my deposit before 6th April 2007:

Landlords don't have to use a tenancy deposit protection scheme for deposits paid for tenancies starting before 6 April 2007, although some may have chosen to do so. If your landlord isn't currently in a scheme and you have a disagreement with them about returning your deposit, try to come to an agreement.

If that doesn't work, you will have to think about taking your landlord to court. If you're in this position, you should get advice.

Where does the interest on my money go?

Any interest which is made on your deposit while it is in the scheme will first be used to pay for the costs of running the scheme. Any money left over will be added to your deposit. You will only be paid interest for the part of the deposit you get back. For example, if you get back 75 per cent of your deposit, you will receive 75 per cent of the interest payment.

What happens at the end of my tenancy?

If you and your landlord agree how much you should get back, you should get your deposit back within ten days. Your landlord can deduct money for damaged or missing items, but not for fair wear and tear.

Research & Campaigns

As well as helping individuals with their problems, Citizens Advice also works to improve things by informing and challenging policy makers, such as our local councils and MPs, and by running local and national campaigns. We believe that this work is very important. Campaigns that we run make a real difference, and it starts with the individuals who contact us to identify and report the problems and injustices they faced.