

# BE PROACTIVE NOT REACTIVE

*We take a look at how better preparation  
can help avoid disputes*



**WIN**  
a **red letter**  
experience **DAYS**

See inside for  
details

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# Complete deposit protection



You already use  
**TDS Insured** – get the  
best out of your deposit  
protection by using  
**TDS Custodial** for your  
non-managed deposits.

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 **TDS**  
Tenancy Deposit Scheme  
Custodial

# WELCOME TO LETTERBOX

We hope you enjoyed the second issue of Letterbox.

In this third edition, TDS (Tenancy Deposit Scheme) focuses on how agents, landlords and tenants can avoid disputes over deposits. We know agents and landlords work very hard to resolve issues and approximately 99% of all tenancy deposits protected don't end up in dispute.

In our view, the key to avoiding disputes is getting things right at the start of the tenancy; particularly in relation to having a good tenancy agreement with relevant deposit clauses and a robust inventory check-in report. Getting these foundations right and ending the tenancy with a comprehensive check-out report means that the potential for disputes will be reduced.

Clear communication between the parties is so important and we have specifically designed a deposit deductions template to help set out any proposed deductions you want to make from the tenancy deposit. Our experience shows that using this template makes tenancy deposit protection easier.

This edition is packed with advice, information and news; all designed to make the tenancy deposit protection process easy. I hope you enjoy it!

**Steve Harriott**  
Chief Executive



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of our award-winning operations team



## #RiddleMeThis

Enter our competition for a chance to win a Red Letter Days experience!

Tell us the answer to the following riddle.

“ You do this before boarding a plane, you do this to get your hotel room key, and I can help protect your deposit. What am I? ”

To enter the competition, follow TDS on any of our social media platforms and send us a private message with your answer.



tenancydeposits



@tenancydeposits



tenancydeposits



tenancydeposits



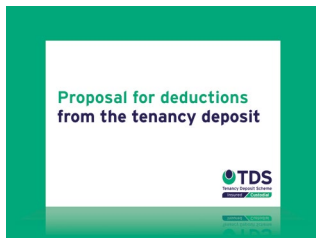
# TDS NEWS

## 4 MONTHS IN REVIEW

Since our last issue of Letterbox, TDS has been busy with lots of new initiatives - once again, we have been awarded with the customer service excellence accreditation and we have since expanded our team to further improve our customer service levels and our members' user journeys through the use of technology. We are also proud to say that our scheme in Northern Ireland was named best in sector in the ESTAS 2018.

Here's a few of the things we've been up to.

### TDS PUBLISHES PRACTICAL AND EDUCATIONAL GUIDES



TDS has published a number of guides, templates and publications to help make the process of tenancy deposit protection as simple as possible.

Some of these guides provide information for the wider private rented sector such as our Statistical Digest and Annual Review which pull together important facts about deposit protection.

TDS has also produced an End of Tenancy Guide which gives the latest advice on what to do when a tenant moves out of a property and highlights the key points to address before, during, and after a check-out inspection.

We also publish a wide range of guides and documents solely for the benefit of our members. A great example of this is TDS' Deductions Template. This online, editable PDF document has been designed to streamline the process of proposing deductions from tenants' deposits.

This template helps to make the claim clear and concise for all parties, including an adjudicator that may be required to review the case should the claim end in dispute. With free-text fields, it directs the landlord towards the evidence they need to produce to be successful in their claim.

### arla | propertymark

We recently welcomed ARLA Propertymark CEO David Cox to the TDS board as a Non-Executive Director.

Part of David's role at ARLA Propertymark has seen him campaigning for mandatory regulation of the lettings industry and the requirement for client money protection with the aim to raise professional standards.

Martin Partington, Chair of the TDS board, welcomed David's appointment and said: "David is an excellent addition to the board and brings with him a wealth of experience of the property industry. Through his work at ARLA Propertymark, he has focussed on policy and stakeholder engagement, both of which are vital for TDS to continue to be a leader on improving standards in the private rented sector."

David Cox commented: "It's a privilege to sit on the board of an organisation which shares the goal of improving the experiences of everyone involved in lettings."



### TDS FOUNDATION AWARDS £94K TOWARDS IMPROVING PRS



Recently, the TDS Charitable Foundation awarded £94,054.94 to organisations and charities across the country to advance education on rights

and obligations in the PRS.

We set up the Foundation in 2014 to promote best practice in the management of private rented housing. Now in its ninth round of funding, the awards were split between 11 organisations that champion the aims of the Foundation.

Prof. Martin Partington CBE QC, Chairman of The TDS Foundation, understands that the PRS is often difficult to navigate. He said: "The projects we have awarded funding to are aiming to ensure that both landlords and tenants across the country know their rights and responsibilities.

"We're looking forward to seeing the impact that the projects make in the areas they're working in."

One of the recent recipients was Bristol-based Centre for Sustainable Energy, which was awarded £14,050. The money will support the group in publishing information to educate landlords across the region on how the introduction of MEES will affect them and provide advice on improving their property's efficiency rating, if necessary.

To date, the Foundation has provided over £530k in funding support for organisations across England and Wales, having recently broke through the half million-pound mark in the next round of funding.

We have also welcomed Katrine Sporle CBE of the Property Ombusman to the board of Charitable Foundation trustees. She brings a wealth of knowledge to the board with 16 years of experience within the property sector and will help the continued development and direction of the Foundation.

Further information on the Charitable Foundation is available at

[tdsfoundation.org.uk](http://tdsfoundation.org.uk)



## TDS NORTHERN IRELAND CELEBRATES FIFTH ANNIVERSARY

TDS Northern Ireland (TDS NI) recently celebrated its fifth birthday after taking its first deposit in April 2013. It continues to be the largest Government-approved tenancy deposit protection scheme in the country and the only one to have offices based in Northern Ireland.

The scheme came into being five years ago when Government legislation was introduced to protect tenancy deposit. Since launching, the Belfast team has exceeded its business targets each year, securing its place as the market-leader.

TDS NI now holds an outstanding market share of 80% within Northern Ireland. Despite being the largest provider, there is still room to grow and refine the company's offering. In February 2018, the Department for Communities renewed the scheme for a further five years.

TDS NI has also been highly recognised for its work in the sector, winning a number of coveted industry awards. The company won the CIH Award for raising standards in February 2017 and four ESTAS awards including Best Tenancy Deposit Scheme in the UK and more recently, the Best in Sector at the April 2018 awards ceremony in London.



The ESTAS are particularly special as the judging is based purely on feedback from our members.

Eamonn Hunt, Operations Manager at TDS NI, commented on celebrating this milestone: "Five years on from the introduction of tenancy deposit legislation in Northern Ireland, TDS NI has established itself as the clear market leader. We put this down to delivering an exceptional personal service that customers can trust.

"We pride ourselves on our commitment to providing impeccable customer service and to understanding our customers' needs. Being based in Belfast, we have an unrivalled knowledge of the rental market in Northern Ireland and we're always ready to welcome tenants, agents or landlords who call in to the office for guidance or help in understanding a deposit protection."

Further information on TDS NI is available at

[tdsnorthernireland.com](http://tdsnorthernireland.com)



## 'TOGETHER DRIVES SUCCESS' FOR TDS COLLEAGUES



TDS continues to invest in colleague training through the 'Together Drives Success' programme. This

programme is designed to improve the service levels it provides to our members and new customers, and also to cultivate best practice and communication between departments.

Sandy Bastin, Assistant Director of Dispute Resolution at TDS, has spearheaded the training which has been introduced for all colleagues across the organisation.

Sandy said: "In addition to being awarded with the customer service excellence accreditation, TDS has already been ranked in the top 100 not-for-profit employers and regularly scores highly in customer feedback. It is, however, important that we continue to find ways to improve and evolve.

"The training uses activities and role-play, drawing on department-specific experiences and scenarios. It is also an opportunity for colleagues within different parts of the company to get to know one another better.

"Together Drives Success has been rolled out across TDS and all new colleagues undertake an extensive training session as part of their induction.

"Our colleagues have really bought into the positive, cooperative mentality this training instils, and our members stand to benefit from this improvement to our customer service levels."



**#RiddleMeThis:** *Don't forget to include me on your inventory: I'm in most homes, I go up and down but I don't move. What am I?*

(Staircase)

# TDS TRENDS

Over the past year we've seen lots of changes in the private rented sector (PRS). The trends below illustrate some of these changes.

## GOING UP

NUMBER OF HOMES IN THE PRS

**4.84 million**

TOTAL DEPOSITS PROTECTED BY TDS

**1.3 million**

TDS CUSTODIAL DEPOSITS PROTECTED

**grown by 150%**

AVERAGE VALUE OF A DEPOSIT IN THE PRS

**£1,110**

REDECORATION AS A REASON FOR DISPUTE

**up to 31%**

## COMING DOWN

TDS INSURED AVERAGE TIME FOR DISPUTE RESOLUTION\*

**down to 4.9 days**

DISPUTES RAISED BY AGENTS/LANDLORDS

**down to 38%**

DISPUTES SUBMITTED TO TDS BY PAPER

**down to 1.9%**

CLEANING AS A REASON FOR DISPUTE

**down to 54%**

TDS EMAIL ANSWERING TIMES

**under 3 hours**

\*from when Adjudicator receives all evidence (April to September 2017)

# Ask an Adjudicator



**My tenant is claiming that I have to actually pay for the property to be cleaned in order to be able to claim it from them. Is that right?**

The short answer to this question is 'no'. A landlord needs to show that they have not received their property back in the same condition or standard of cleanliness that it was at the start of the tenancy (after allowing for fair wear and tear). The cost of cleaning, in this example, is the loss they have suffered. A landlord is not obliged to pay to have the work done, but will have to show that the amount they are claiming is reasonable for the cleaning/making good that is required.



**My tenant left owing rent, but is refusing to pay as they say the heating at the property wasn't working over the Christmas holiday. Will the adjudicator take this into account when deciding whether or not to deduct rent from the deposit?**

In this instance, if there were justified arrears at the end of the tenancy, then an award from the deposit can be made. An adjudicator is unable to consider counterclaims. This is a separate matter to tenancy deposit protection and can therefore not be taken into account in the alternative dispute resolution process.



**Why can't I respond to a dispute if the letting agent has responded already, and why do you pay any deductions from the tenancy deposit back to them?**

We can only accept one submission or response from each side of the tenancy deposit dispute. Where there are joint tenants, this will be the first tenant who raises a dispute. Where an agent and landlord are involved, only one of them can respond to the dispute. We normally invite the agent to respond because they are the member registered against the tenancy deposit within the scheme. However if they have advised us that a tenancy was a 'let only' arrangement, we will write to the landlord directly and invite them to respond instead.

Any awards from the tenancy deposit are paid to the agent because, again, they are the member of the TDS scheme. They may also have other arrangements in place with a landlord, which entitles them in turn to make fee deductions from any payments received, in accordance with their terms of business with their landlord clients.



**My tenant has ruined my house, why can't you just pay me the deposit back? I am an honest, hardworking landlord with over 20 years' experience.**

That may well be the case, but our adjudicators are obliged to look at any claims for deductions from a tenancy deposit in the same way that a court would. The starting point is that the tenancy deposit, as a refundable amount of money, belongs to the tenant unless a landlord can justify an entitlement to it. The adjudicator will need to see evidence from a landlord showing what they are claiming for and why. A landlord must be able to sufficiently evidence their case. The adjudicator will be impartial and will not favour either party.



**Michael Morgan,**  
Director of Dispute Resolution

# EDUCATION THROUGH OUTREACH

## Why the personal touch is important in the digital age

In a world of online interaction and the increasing dominance of the online entity, it's not uncommon to work with suppliers or utilise the service of a company without ever really knowing who they are.

**TDS** is very much at the forefront of the ever-developing world of tenancy deposit protection, continuously introducing system updates to better benefit our members and tweaking our databases to make the user journey as seamless as possible.

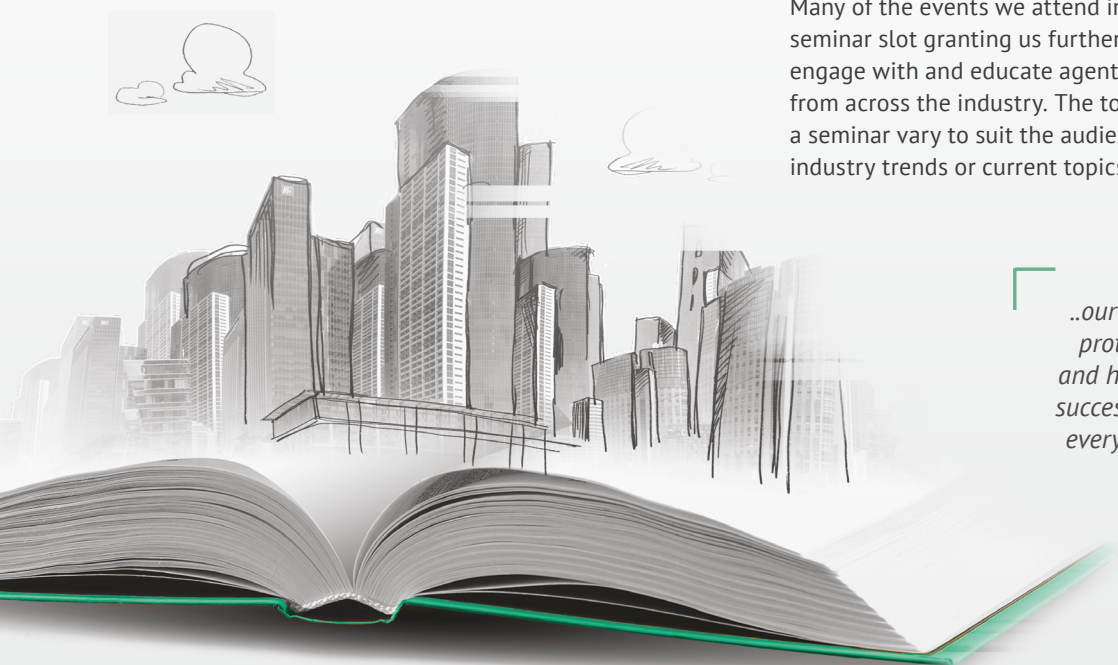
As we develop and streamline our services, one thing we do not want to compromise is our relationship with our members. At TDS, we're trying to break the mould of modern faceless online businesses by getting to know our members and letting them get to know us. We want to educate our letting agent and landlord members through both traditional and new, innovative channels so that they are fully-equipped to deal with all aspects of tenancy deposit protection; from how to effectively prepare for a tenancy including inventories and the importance of ASTs, through to how to return a deposit at the end of a tenancy.

### TDS ON THE ROAD

Every year, TDS attends numerous landlord and agent-focused conferences, including; regional meetings held by ARLA (Association of Residential Letting Agents), the annual ARLA Propertymark Conference, NALS Conferences (National Approved Letting Scheme) and the RLA's Future Renting Conferences (Residential Landlords Association) to name but a few. These events give the attending delegates an opportunity to meet the TDS team in person and ask any burning tenancy deposit protection or deposit dispute questions they may have. We meet a mixture of existing TDS members, those new to the lettings industry and those interested in moving to TDS from alternative tenancy deposit protection schemes. We also provide guidance on the requirements of tenancy deposit protection legislation and best practice as well as discussing the benefits of choosing TDS as your tenancy deposit protection provider.

Many of the events we attend include a dedicated seminar slot granting us further opportunity to directly engage with and educate agents, landlords and tenants from across the industry. The topics of discussion within a seminar vary to suit the audience and align with industry trends or current topics.

*..our primary focus is protecting deposits and helping encourage successful tenancies for everyone in the PRS...*







## TDS TRAINING

Our primary focus is protecting deposits and helping encourage successful tenancies for everyone in the private rented sector (PRS). We are also keen to educate the parties to help minimise the likelihood of a tenancy ending in dispute, by being prepared at the start of a tenancy. Despite only around 1% of the tenancy deposits protected with TDS ending in dispute, it is a large part of what we do and we are keen to educate the PRS on the dispute resolution process itself and provide guidance to lessen the likelihood of a dispute occurring.

Delegates often approach us with particular examples or situations that they are dealing with and it's always enlightening to discuss the end of tenancy process in real time. The queries we hear range from everyday questions to the more unique and we use the knowledge gained, from engaging with our customers, to shape the content and guidance we produce. Some of this guidance is in the form of case studies and blog articles; it is fundamental that we are in touch with the trends and topical queries our members are interested in.

Many of the individual cases we discuss with landlords and letting agents could have been prevented with minor changes at the start or even during the tenancy. The information we provide in those conversations may not change the outcome in that particular circumstance, but the knowledge gained will hopefully help avoid the scenario occurring again in future tenancies.

At events, we not only engage with members, but we also take the opportunity to liaise with other industry suppliers, allowing us to stay informed of the trends within the wider PRS as well as being aware of other innovative products, publications and services which may directly impact our members.

As we attend a range of events across the country, we like to take this opportunity to visit agents in the vicinity. This is a great way to meet our members in a more relaxed environment where they can discuss individual scenarios that they may have encountered. These visits allow us to meet the whole teams including staff members who may not have been able to attend events. To these meetings, we bring the up to date TDS merchandise and leaflets, including the office window stickers in case you are in need. Sometimes we even bring chocolate!

If you've recently joined TDS or perhaps you have a new branch or department who will be using TDS, we can provide in-house or remote training to familiarise staff members with our systems. This ensures that our members are getting the most out of the resources available to them. Our systems were designed to be intuitive and to lead you through the tenancy deposit protection and dispute process. If you do need assistance you can contact our dedicated operations teams by email for an additional helping hand.

If you are interested in more formal training, with the bonus of contributing to CPD hours, we also offer the TDS Academy courses. These consist of a full-day Foundation Course, focussing on the key points of tenancy deposit protection, and a half-day Adjudication Workshop, helping property professionals to "think like an adjudicator". We have also partnered with MOL (Manchester Open Learning) to develop the Propertymark Level 3 Award in Residential Tenancy Deposit Protection and Management.

Communication and education are paramount which is why we aim to be transparent and accessible with the guidance we provide. We encourage members, non-members and industry experts to engage with us either directly at events, through traditional contact methods or even via our social media channels. If you don't want to communicate with us directly but still want to stay in the know, that's ok too. Anyone can subscribe to our newsletters where we provide links to blogs and external articles as well as any system updates and industry news. Even if you don't follow TDS directly, we have numerous partnerships and affiliations with other industry bodies and figures, providing a platform to reach not only existing TDS members but the wider industry through magazine articles, online blog articles and webinars.

*If you'd like to find out more about where you can next meet the TDS team at an event or when you could attend the TDS Academy, go to our "What's On" page for further information.*



**Kelly Wallace,**  
Senior Business Development Executive



### #RiddleMeThis:

*Don't forget to include me on your inventory: What runs around your whole garden without moving?*

(Fence)

# 10

## THINGS

### TO REMEMBER WHEN PREPARING A NEW TENANCY



Many of the common pitfalls in tenancy deposit protection can be avoided if time is taken at the beginning

to correctly prepare for a new tenancy. Here we list some of the areas, including key documentation, that if considered before the tenancy commences, should minimise the potential for deposit disputes at the end of the tenancy.

#### 1

##### TENANCY DEPOSIT PROTECTION

In England and Wales, protect tenancy deposits within 30 calendar days of receipt (for our Northern Ireland (NI) readers, this is 14 calendar days). If someone pays the deposit on the tenant's behalf, they will need to be listed on the tenancy deposit documentation as a 'relevant person'. Provide the tenant and any relevant person with Prescribed Information within 30 calendar days from receipt (in NI, it's 28 days). Taking email addresses for your tenants makes it easier to contact them to discuss the tenancy deposit when the tenancy ends. For more information, check out our guide to "Prescribed Information and Clauses".



##### TOP TIP

List the relevant person in your tenancy agreement and any tenancy deposit protection documentation.



Debbie Davies,  
Assistant Director of Business Development

## 2 CLEAR AND COMPREHENSIVE TENANCY AGREEMENTS

These are the 'rules of the game' for your tenancy. If they are easy to understand, tenants and landlords will be clear about their responsibilities.



**TOP TIP** If using a template tenancy agreement, make sure it's suitable for the specific tenancy and reflects your processes.

## 3 DON'T FORGET THE DEPOSIT USE CLAUSE

Your tenancy agreement may say that the tenant is responsible for cleaning costs at the end of the tenancy – but it must also have a clause detailing what the deposit can be used to pay for. A clear and comprehensive deposit use clause is key. Check out the TDS deposit use clause in our guide to "Prescribed Information and Clauses".



**TOP TIP** Don't forget, anything you may wish to make a deduction for needs to be outlined in this clause. Remember to include unpaid rent and any other specifics you feel necessary.

## 4 INDIVIDUALLY NEGOTIATED CLAUSES

If you are using a template tenancy agreement, consider if it covers all issues relating to a specific tenancy. You may need to add additional clauses (sometimes referred to as 'individually negotiated clauses' or 'special conditions') to the agreement, for example to deal with requests from tenants to keep pets or to redecorate.



**TOP TIP** All parties must read and sign any special conditions added to the tenancy agreement. These must be fair and reasonable, set out clearly, and easily understood.

## 5 THE IMPORTANCE OF AN INVENTORY

An inventory is a snapshot in time before the tenancy starts. Give clear and comprehensive descriptions of the cleanliness and condition of the property and its contents including external areas like gardens. We recommend using a combination of words and photographs to give a clear overall picture.



**TOP TIP** Take this opportunity to log utility meter serial numbers and locations; making them easier to locate at the end of the tenancy.

## 6 WALK AND TALK

Sometimes, an inventory may be completed a few days before the tenancy commences. It is a good idea to meet the tenants at the property to agree on the contents, condition and cleanliness of the property. This is also a good opportunity to check that nothing has changed since the inventory was prepared.



**TOP TIP** Keep a signed record of this meeting showing that all parties agree with the contents and cleanliness of the property.

## 7 SPEAK NOW OR FOREVER HOLD YOUR PEACE

It is important to ask the tenants to agree to the inventory after they have moved in and been given time to examine the property and the inventory. You should document clearly how this is going to work.

Set a deadline for the tenants to confirm they are happy (seven days from moving in is common). Spell out that if no response is received before the deadline, agreement will be assumed. Include this explanation in both your tenancy agreement and the inventory. Make sure the tenants sign to acknowledge receipt of the inventory, and their understanding of what is expected.



**TOP TIP**

If additional cleaning or repairs are completed, after the tenants have queried the inventory, record this information clearly as it will be important evidence in a deposit dispute.

## 8 AVOID USING JARGON

Key tenancy documents must be well-defined and easy to understand. Avoid unnecessary jargon to minimise discrepancies and misinterpretation. For example, using 'fusty' to describe a stale, damp or stuffy smell, although technically correct, may not be widely understood. Think about your audience and the words you use.



**TOP TIP**

Use straight-forward and succinct language that will be easily understood by all parties. This will minimise discrepancies and disputes.

## 9 KEEP INVOICES

In the event of damage beyond fair wear and tear, invoices and quotations can help validate the value you are claiming for. They provide good information as they not only show the cost, but can also show the age and quality of the items.



**TOP TIP**

Don't forget that invoices often exist for furniture, fittings, carpets, cleaning, and redecoration. Not submitting them as evidence in a dispute may reduce an award.

## 10 CHANGES DURING THE TENANCY

At the end of a tenancy it may be difficult to remember changes, during the tenancy, that have been agreed between the landlord and the tenant. Keeping a written record of changes, and the terms applying to them, is vital. For example, a landlord agrees to a tenant removing an item of the property's furniture. Where was it supposed to go? Who was responsible for looking after it? Was it to be replaced at the end of the tenancy?



**TOP TIP**

Don't forget to take into account changes which affect the inventory when assessing a property at the end of a tenancy.



**#RiddleMeThis:** Don't forget to include me on your inventory: I'm on a piano, I help you follow a map and I help you stay in tune. What am I?

# TENANCY CLAUSES **DO** & **DON'T**S



## PREPARATION IS BETTER THAN CURE

In the event of a dispute at the end of the tenancy, the parties should be reviewing the key document for the tenancy – the tenancy agreement. The tenancy agreement will detail the most important details of a tenancy such as the rent, term and property address, but also all of the obligations which the tenant and landlord have agreed to fulfil over the duration of the tenancy.

There are 3 groups of clauses to which a landlord should pay particular attention when drafting an agreement:

### 1 THE GENERAL CLAUSES

These are all of the obligations placed on the tenants for their tenancy. Many of these clauses are standard to most tenancy agreements, such as to keep the property clean and tidy and tend the garden regularly. The tenants should be able to read these clauses and have a good idea of exactly what is expected of them for the entirety of the tenancy. A breach of any of these obligations which leaves the landlord at a financial loss should provide the landlord with a sufficient basis to make a claim from the deposit.

#### DO

- ✔ Keep the clauses clear and concise.
- ✔ Signpost the tenants to any clauses which are particularly important.
- ✔ Ensure you have covered every obligation which you feel the tenants should fulfil over the course of the tenancy.

#### DON'T

- ✘ Include individually negotiated clauses in the general section (we will come onto these later).
- ✘ Use lengthy and confusing clauses which may leave the tenants confused about what they actually need to do.

### 2 THE DEPOSIT USE CLAUSE

A deposit use clause should be included within every tenancy agreement. This clause will tell both parties, and any third parties, that a tenancy deposit has been paid, how much the deposit is and what deductions can be made from it at the end of the tenancy.

Normally, deposit use clauses will state the deposit can be used for cleaning or dilapidations, rent, unpaid utilities and any other breach of the agreement which the tenants are liable for.

#### DO

- ✔ Highlight the clause to the tenant in order to avoid disputes at the end of the tenancy.
- ✔ Clearly label the clause and outline specifically what the deposit may be used for.

#### DON'T

- ✘ Hide the clause somewhere in the tenancy agreement which is not obvious.
- ✘ Simply state a tenancy deposit has been paid as security for the obligations. This does not outline whether it can be used if an obligation is breached during the tenancy.

### 3 INDIVIDUALLY NEGOTIATED CLAUSES

These clauses are commonly known as 'specially negotiated clauses'. They are usually located towards the end of an agreement and are included, having been approved and understood by both parties. Common examples include permission to keep a pet in the property, permission to redecorate a specific area or the duties required of a tenant if the garden is particularly important to the owner or tricky to maintain.

Individually negotiated clauses should be clearly labelled as such, and both parties should sign or initial the page to show they have read and understood the clauses, and agree to their contents.

#### DO

- ✔ Clearly label the clauses as special or individually negotiated.
- ✔ Ensure they are transparent and fair, and ensure the tenants will clearly understand what is required of them.
- ✔ Signpost the tenants to these clauses and have them sign or initial the page to show they understand and agree.

#### DON'T

- ✘ Assume a reader of the agreement will know what is required, such as cleaning in the event of a pet being kept. Make sure this is clear!
- ✘ Include the clauses within the general obligations.
- ✘ Include general clauses within the special clauses. Special clauses should be carefully worded and understandable to all.

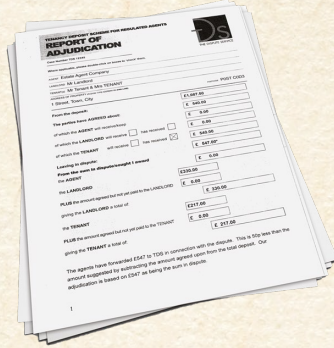


**Michael Hill,**  
Adjudicator and Executive  
Assistant to the CEO

**From the archives...**

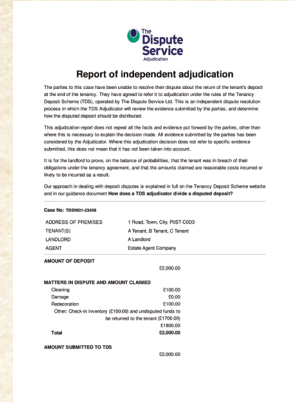
# The transformation of adjudications

Back in 2007, our adjudication reports looked very different. On average, adjudication reports were between 8-12 pages long, and extremely detailed. We summarised the arguments put forward by the parties, detailed the evidence received, gave our thoughts on what we had seen, and made our decision. All very comprehensive, but often much more than was actually needed.



We've even found an example in our archives that was 19 pages long, with over 5,000 words!

Fast forward 11 years, and our adjudication reports are much shorter. On average, they are now 3-4 pages with significantly fewer words. We deal with what is being claimed for and what the evidence shows. While reports still, of course, need to detail the reasons for the decisions, we've certainly learnt that 'less is more' when it comes to helping landlords and tenants understand why deductions are made.



It's not just report formats that have changed. With the development of our online disputes and evidence portal, 99% of disputes are now dealt with electronically. Evidence is uploaded quickly and easily, and can be viewed by both parties to the dispute.

2007

2008

2018

In 2008, as tenancy deposit protection was so new, most of the evidence we received was delivered to us by post. This had unintended, albeit sometimes amusing, consequences such as the receipt of physical evidence including carpets, parts of broken washing machines and sweepings of debris (we dread to think what) as evidence that a property was not clean. On one occasion – putting this as diplomatically as we can – we were sent a pet 'deposit'.



**Since TDS' inception, the dispute landscape has changed dramatically.**

**From fewer than 1,000 disputes in 2007, TDS now handles over 15,000 disputes a year.**



**Sandy Bastin,**  
Assistant Director  
of Dispute Resolution



**#RiddleMeThis:** Don't forget to include me on your inventory: I become more beautiful when stained, you may use me on your computer and you may find me on an envelope. What am I?

Windows

# WHAT'S ON ?

Workshops, training and other resources



## RESOURCES AT A GLANCE

### TDS ACADEMY

In-depth training covering everything you need to know about tenancy deposit protection, dispute resolution and adjudication, ensuring you are well-prepared with the knowledge you need to comply with the current legislation.

### TDS ADJUDICATION WORKSHOP

Your chance to think and experience the role of a TDS adjudicator, review some typical evidence and consider real case scenarios to decide who gets what and why.

### LEVEL 3 PROPERTYMARK AWARD IN RESIDENTIAL TENANCY DEPOSITS

Developed in partnership with ARLA Propertymark and MOL to give you and your team a recognised tenancy deposit protection (TDP) qualification and stand out in a competitive market.

### TDS CONFERENCE AND EVENT PRESENTATIONS

We regularly appear at ARLA Propertymark and NAEA in addition to wider regional conferences held by numerous industry leaders, including NAEA Propertymark, RICS and RLA with the aim of providing advice and, in extension, raising standards in the PRS to agents landlords and tenants.

### TDS GUIDES AND PUBLICATIONS

We produce a wealth of free information on our website covering topics such as TDP legislation, adjudications and TDS top tips.

[www.tenancydepositscheme.com/agents-and-landlords-documents-and-forms](http://www.tenancydepositscheme.com/agents-and-landlords-documents-and-forms)

### TDS CHARITABLE FOUNDATION

Projects funded by our TDS Charitable Foundation produce guides, training resources and reports all designed to raise standards in the private rented sector.

[www.tdsfoundation.org.uk](http://www.tdsfoundation.org.uk)

### TDS Academy – Foundation Course

21 November 2018 – Lincoln

20 February 2019 – Liverpool

20 March 2019 – Canterbury

From £175 with a reduced rate for TDS members. (all prices include VAT)

### Adjudication Workshop (Half day)

28 November 2018 – Cardiff

13 February 2019 – London

13 March 2019 – Bristol

From £99 with a reduced rate for TDS members. (all prices include VAT)

Visit [www.tenancydepositscheme.com/academy](http://www.tenancydepositscheme.com/academy) to book your place today.

## FOUNDATION COURSE

TDS Academy launched in 2012, designed by the TDS team to enable property professionals to benefit from our practical and helpful guidance covering tenancy deposit protection legislation, and an in-depth look at alternative dispute resolution.

*“ I recently attended a TDS training course in Exeter. To say that it was probably one of the best training sessions, regarding deposit returns, that I have ever had is an understatement.*

Plymouth Homes Lettings, Exeter, January 2018

Due to popular demand, it's now in its sixth year and we have refreshed the content again. Those participating will spend a day with a senior member of the TDS team, soaking up important, relevant and technical information. Delegates also have an opportunity to ask questions, discuss processes and procedures, and share those nightmare scenarios that all property managers experience!

The full-day course is ideal as a refresher for long-serving (and suffering!) property professionals as well as those new to the lettings and property management, and includes a light lunch and refreshments, giving delegates the opportunity to network.

Visit [www.tenancydepositscheme.com/academy](http://www.tenancydepositscheme.com/academy)

## ADJUDICATION WORKSHOPS

We launched our adjudication workshops based on feedback that customers wanted to understand how an adjudicator approaches evidence in a dispute. Delegates can spend a half-day working through the key issues that an adjudicator looks for in the dispute evidence. Understanding this also helps agents and landlords approach negotiations with tenants differently, increasing the likelihood of resolving more claims for tenancy deposit deductions by agreement.

TDS has had great feedback from those attending and places do fill up quickly, with over 1,000 participants having taken part since we launched.

Delegates to our training have their attendance recognised with a certificate which can be used to confirm up to six hours of Continued Professional Development (CPD) with industry bodies.

## TENANCY DEPOSIT QUALIFICATION

Developed by TDS with Propertymark's awarding body, the Level 3 Propertymark Award in Residential Tenancy Deposits offers the only tenancy deposit protection qualification in the private rented sector. With workbooks provided by MOL, this qualification can provide you with the accreditation you need to stay ahead of the competition.

[www.mollearn.com/property/agency/level-3-award-residential-tenancy-deposits](http://www.mollearn.com/property/agency/level-3-award-residential-tenancy-deposits)

# DAY IN THE LIFE

OF AMANDA MUSTILL AND SHARON SIBLEY



## FROM OUR AWARD WINNING OPERATIONS TEAMS

TDS is proud to have been awarded the Government Standard for Customer Service Excellence, recognising the outstanding customer service levels we strive to deliver to all our clients.

We have two teams of Customer Services Advisors, one for our Custodial Scheme and one for our Insured Scheme, who work tirelessly to answer all customer queries via our phonenumber and emails.

Here we speak to **Amanda** from the **Insured Operations Team** and **Sharon** from the **Custodial Operations Team** about their work day...

### How do you start your day?

**Amanda** – My alarm goes off slightly earlier or later than 6 depending on what shift I'm on. I pick up a colleague on the way to work where we grab a quick latte and relax before a busy day in the office.

**Sharon** – Most mornings I drive my son to college before taking a nice stroll in the park with my dogs and then heading into the office.

### What is your first task when you get to the office?

**Amanda** – Once I'm settled at my desk with my coffee, I log in to our systems within the operations team so I can check the queries we have received from agents, landlords and tenants, and be ready to take customer calls from 8am.

**Sharon** – I go through my emails for any new updates from my colleagues as well as reading-up on all the industry news to stay on top of any changes.

### What does an average day involve?

**Amanda** – No two days are the same as enquiries we receive differ so much! Generally, I will advise TDS members and tenants on registering tenancy deposits within our TDS Insured Scheme, as well as helping them to raise or respond to disputes or getting in touch with the client to return the tenancy deposit. We often help customers who are in very stressful situations, so it is important that I remain calm and listen so we can help them gain the best outcome. We're a very experienced team and we like to use this experience to help our agents, landlords and tenants.

**Sharon** – My average day includes answering customer calls aiming to answer all calls in under 30 seconds. I manage emails and take calls from customers for our TDS Custodial Scheme. Our customers' enquiries can cover anything from checking that their tenancy deposit is protected to advising our landlords on how to set up their account, or helping agents with repayment requests.

### Do you have specific tasks you must do at certain times?

**Amanda** – The team and I ensure we are monitoring the requests we receive so we can identify any frequently asked questions that need assistance; this information allows us to create relevant and helpful guidance documentation in the form of articles, blogs and publications available to our members. During particularly busy times, it's important we are available for calls, and at peak times we can be answering 30 calls in an hour, which always keeps us on our toes!

**Sharon** – Setting time goals is vital for our team. We aim to answer calls quickly and efficiently within 30 seconds and emails within a couple of hours.

### Which other departments do you regularly work with and how?

**Amanda** – Within the Insured Operations team, we regularly work closely with the Dispute Resolution team to answer questions relating to disputes as well as advising agents, landlords and tenants on how best to respond to a dispute. We regularly liaise with our clients and Dispute Resolution Executives to ensure everyone is kept in the loop.

**Sharon** – The Custodial operations team work closely with the Finance department on a daily basis regarding repayment enquiries and tenancy deposit receipt enquiries. We also coordinate with the Dispute Resolution team for any questions about disputes.

### What do you do outside of work?

**Amanda** – During my free time, I make greeting cards and gift boxes, and I also volunteer at my local rugby club shop.

**Sharon** – When I'm not at TDS, I'm a secretary of the Swedish Vallhund Society and I'm also a mum of four. Working at TDS has given me the opportunity to return to work after a break of twenty years!

## Contact TDS

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☎ 0300 037 1000

🖱 [www.tenancydepositscheme.com](http://www.tenancydepositscheme.com)

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