

Information for tenants

A Tenant's Guide to mydeposits

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Since the 6th April 2007 all landlords who take a deposit from their tenant in England and Wales on an assured shorthold tenancy (AST) agreement must comply with the tenancy deposit protection legislation by:

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Protecting the deposit with a government-authorised tenancy deposit protection scheme within 30 days of receiving it from the tenant and,

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Providing the tenant with proof of the deposit protection (known as the Prescribed Information) within the same 30 day timeframe.

The legislation has been designed to protect your deposit and ensure that if entitled, you get it back.

Note: In this leaflet where it says landlord it will also mean agent if the agent has taken and protected the deposit.

Penalties for landlords who fail to comply

You can take your landlord to court if they fail to comply with the legislation. They may face the following penalties:

- » Be required to return the deposit to you or lodge the full deposit with the insurance scheme within 14 days.
- » Be fined between one and three times the deposit amount.
- » Be unable to serve a section 21 notice to regain possession of their property

About mydeposits

mydeposits provides an insurance-based deposit protection scheme. Landlords can join the scheme and pay a fee to protect your deposit. This enables them to hold it for the duration of the tenancy and then return the agreed amount to you at the end. We offer a free and impartial alternative dispute resolution service if you cannot agree how much of the deposit is to be returned to you.



Your landlord/agent protects the deposit with us



landlord/agent

Your landlord/agent is provided with the Deposit Protection Certificate (DPC)



tenant

A signed copy of the DPC, along with this leaflet is given to you as proof of protection



What is the Prescribed Information?

We provide your landlord with a Deposit Protection Certificate (DPC) as proof of protection. It should be signed by your landlord and you are given the opportunity to sign it to confirm your agreement to the information. This Information for Tenants leaflet is also part of the Prescribed Information. It explains who we are, how to get your deposit back and contains information about our alternative dispute resolution process.

End of the tenancy

You should request the return of your deposit at the end of the tenancy in writing and keep evidence of the request. If you do not contact your landlord they may decide to keep your deposit until they hear from you. The onus is on you to request your deposit back.



Deposit deductions

Your landlord may wish to make deductions from the deposit; if so we suggest you discuss the issues directly with your landlord. Your landlord should return any agreed amount to you within 10 days of your request for the deposit back. If you cannot agree the proposed deductions with your landlord, you can raise a dispute with mydeposits within 3 months of vacating the property. You must wait 10 days after requesting the deposit back before raising the dispute.

TOP TIP: If your landlord does not respond to your request to return the deposit then you should raise a dispute.

About alternative dispute resolution

The mydeposits alternative dispute resolution (ADR) service can resolve your deposit dispute without you having to go to court. Both you and your landlord must agree to its use. ADR is evidence-based and requires you to raise a dispute explaining what you are disputing, and requires your landlord to provide evidence to justify the proposed deductions to the deposit. An impartial adjudicator will review the case and make a binding decision based on the evidence provided. The disputed deposit must be lodged with mydeposits for safekeeping during the dispute. We will distribute the money once a decision is made.

Notifying us of a dispute

Visit www.mydeposits.co.uk/tenants to raise a deposit dispute. Any one tenant on a Joint & Several Tenancy Agreement can raise a dispute, providing the name is on the DPC. They will need to confirm that they are acting on behalf of the other tenants. We will check the validity of the dispute before proceeding to ADR. If the deposit has been unprotected by either the landlord or us then you will have three months from the date of unprotection to raise a dispute (providing you vacate the property during that period). There is a whole section on our website which gives guidance and help on the dispute process. www.mydeposits.co.uk/tenants/guides