

Gathering Dispute Evidence

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The deposit belongs to the tenant and is only held for safekeeping by The DPS (or other tenancy deposit protection (TDP) scheme), so for a successful claim, landlords will need to persuade the adjudicator with evidence. If the evidence isn't strong enough to prove the claim, the adjudicator has no choice but to award the deposit to the tenant.

It's important to remember that gathering evidence starts at the beginning of the tenancy and continues throughout the lifecycle of the tenancy. Following this evidence gathering guidance will help both landlords and tenants increase their chances of success in a dispute, or better still avoid them altogether.

Put everything in writing from the start



The inventory check-in and check-out reports are along with tenancy agreement, the most important pieces of evidence you can gather. The check-in report should be made at the very start of a tenancy. list everything that's already in the property, including the condition of the carpet, walls, furniture and garden. Adjudicators will use this to judge the original property condition in a dispute.

Keep records throughout the tenancy



If there are mid-term property inspections, or issues at the property that need to be dealt with, whether that's maintenance, improvements, or repairs, keep a record of your communications and actions. Texts, emails and receipts for work done can all help support a claim at the end of the tenancy if they're relevant and provable.

Complete the check out as close to the tenancy end as possible



The check-out is a chance for landlords and tenants to review the condition of the property. Compare the check-in report, and note any changes. Gather evidence such as photos or evidence that will support or counter any claims that may be made. Check-out should take place as soon as possible after the tenant has returned the keys. The longer it's left, the more doubt arises that any problems are a result of the tenant's activity. If at all possible, the tenant should attend the check-out process so they and the landlord can discuss and agree on the condition of the property together.

Stick to the facts



Be detailed and thorough but most of all be factual and honest. The inventory, check-in report and check-out report should include facts, including information about the age and condition of items. Adjudicators make their decisions based on evidence - so it's important that the report is objective. Using a third-party inventory service is an easy way to create strong, impartial check-in and check-out reports.

Take photos at check-in, check-out and during inspections



Good quality photos help adjudicators get an accurate view of the condition of the property to compare it at the start and end of the tenancy. Pictures should be clear and in colour. Make sure they're date-stamped to prove they were taken on the dates claimed.

Get signatures



Check-in and check-out reports that have been signed by all parties carry more weight as evidence. It shows that everyone agrees with the description of the property and that it's not just one person's opinion. Unsigned reports create doubt for the adjudicator about their accuracy. If you're a tenant, make sure you read and consider the report before signing it, and take a copy for yourself.

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