

# A Renters guide to Deposits

## What should happen with my deposit?

Your landlord must put your deposit in a government-backed tenancy deposit scheme (TDP) if you rent your home after 6 April 2007. This applies to tenancies called Assured Shorthold Tenancies. Most private tenancies will be Assured Shorthold.

## Who should it be registered with?

In England and Wales your deposit can be registered with:

- Deposit Protection Service (Custodial and Insured)
- MyDeposits - including deposits that were held by Capita
- Tenancy Deposit Scheme

## How long does it take to register?

Your landlord or letting agent must put your deposit in the scheme within 30 days of getting it.

## Does the landlord have to tell me?

Once your landlord has received your deposit, they have 30 days to tell you:

- the address of the rented property;
- how much deposit you've paid;
- how the deposit is protected;
- the name and contact details of the tenancy deposit protection (TDP) scheme and its dispute resolution service;
- their (or the letting agency's) name and contact details;
- the name and contact details of any third party that's paid the deposit;
- why they would keep some or all of the deposit;
- how to apply to get the deposit back;
- what to do if you can't get hold of the landlord at the end of the tenancy; and

- what to do if there's a dispute over the deposit.

Contact a TDP if you're not sure whether your deposit has been protected.

## Are there any exceptions?

Your landlord doesn't have to protect a holding deposit (money you pay to 'hold' a property before an agreement is signed). Once you become a tenant, the holding deposit becomes a deposit, which they must protect.

Your landlord must use a TDP scheme even if your deposit is paid by someone else, for example, your parents.

## When do I get my deposit back?

The TDP's make sure you'll get your deposit back if you:

- meet the terms of your tenancy agreement;
- don't damage the property; and
- pay your rent and bills.

Your landlord must return your deposit within 10 days of you both agreeing how much you'll get back.

## What if there's a dispute?

If there is a dispute with your landlord, then your deposit will be protected in the TDP scheme until the issue is sorted out. Your TDP scheme offers a free dispute resolution service if you disagree with your landlord about how much deposit should be returned.

You don't have to use the service but if you do, both you and the landlord have to agree to it. You'll both be asked to provide evidence, and the decision made about your deposit will be final. The TDP scheme will refund your deposit if the dispute resolution service agrees. There may be a limit on the time you have to raise a dispute so you should contact the TDP scheme as soon as possible

## What if I cannot contact my landlord?

You can 'raise a dispute' to get your deposit back if you can't contact your landlord and your deposit is held by one of the approved TDP schemes.

## What if the landlord doesn't register my deposit?

You can apply to your local county court if you think your landlord hasn't used a TDP scheme when they should have.

If the court decides your landlord hasn't protected your deposit, it can order the person holding the deposit to either:

- repay it to you; or
- pay it into a custodial TDP scheme's bank account within 14 days.

The court can also order the landlord to pay you up to 3 times the deposit within 14 days.

## Can this prevent the landlord evicting me?

The court can prevent your landlord evicting you when the tenancy ends if your landlord hasn't used a TDP scheme when they should have. The landlord must give you notice (a 'Section 21 notice') if he intends to evict you when your tenancy ends. The court will prevent the eviction if the deposit was not protected before this notice.

If the landlord tries to evict you before your tenancy ends, because he feels you have breached your contract, the landlord must also give you notice (a 'Section 8 notice'). If the landlord has not protected your deposit before the notice you can make a counterclaim against them for the failure to register your deposit.

You should seek further legal advice if your landlord threatens to evict you.

For more information please contact our Housing Team on 020 8492 2290 or come to our free advice clinic every Monday 2pm to 4.30pm.



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