

Tenancy Deposit Protection Adjudication Case Study Bulletin Three 22nd November 2007

Case Study One:

Substantive Issue considered:

Whether L is entitled to withhold part of T's Deposit on the basis that he had incurred expenses in finding a new tenant and drafting a new Tenancy Agreement.

Adjudicator's Findings:

- a) The Adjudicator found on the facts of this particular case that L had no contractual or factual basis for deducting the cost of finding a new tenant and the attendant cost of drafting a new Tenancy Agreement from the Deposit.
- b) The Adjudicator found cause to recommend that L and T and their advisers should desist from fixing pre-determined charges in Tenancy Agreements for end of tenancy cleaning, and maintenance, for amongst other reasons, prices may change for the better or for worse.

Case Study Two:

Substantive Issue considered:

Whether Managing Agents on behalf of L are entitled to a refund from the Deposit held by the DPS, for all reasonable expenses incurred to properly and satisfactorily clean and maintain property at end of T's tenancy, despite T's unsatisfactory efforts at cleaning and repairing damage to the property during the tenancy.

Adjudicator's Findings:

On the particular facts of this case the Adjudicator had no difficulty in finding that the Managing Agents were entitled to be refunded all reasonable costs incurred to ensure that the property was satisfactorily cleaned and repaired after T's departure and unsatisfactory attempts at same.