

Case Study

Missing items: Why It Pays To Be Thorough With Inventory Reporting

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Sandy Bastin, Head of Adjudication Services at Tenancy Deposit Scheme (TDS), the only not-for-profit tenancy deposit protection scheme, looks at a recent decision by a TDS Adjudicator and sets out the reasoning for the possible deduction of monies in deposit disputes.

The Claim:

The landlord was seeking a deduction from the deposit for missing items:

- The replacement of two lampshades
- The replacement of curtains in three bedrooms and the lounge.

The Tenant's Response:

The tenants disputed the claim saying there weren't any curtains in the bedrooms at the start of the tenancy. However, they did appear to acknowledge they disposed of the curtains in the lounge during the tenancy.

What the Evidence Showed:

The landlord submitted a tenancy agreement setting out the obligations on the part of the landlord and tenant, which contained a clause as to how the deposit may be used at the end of the tenancy. Screenshots of replacement costs were supplied to support the claim, for lampshades and curtains. A copy of a text message between the landlord and tenant was also supplied.

The Adjudicator's Decision:

In the absence of a comprehensive check in and check out report detailing the condition of the property and its contents at the start and end of the tenancy, the adjudicator was unable to establish if any items were missing at the end of the tenancy.



In this case however, while the tenants stated that there were no curtains hanging in any of the bedrooms when they moved in, the lounge curtains were removed by them and stored in the garage but were disposed of following a leak as they became damp.

In light of the acknowledgement of the tenants that they disposed of one set of curtains, the adjudicator considered that an award was made in respect of one set of curtains only. However, the award was limited due to the lack of a check-in report recording their condition and the lack of evidence to demonstrate the age, cost or quality of the original curtains in the lounge.

Key points to take away?

- ✓ Without a detailed comprehensive check-in and check-out report, a landlord's claim is likely to be compromised. Ensure that condition reports go to both condition and cleanliness and that all areas of the property and furnishings are recorded.
- ✓ Where replacement of an item is required, the landlord is not entitled to replace items on a 'new for old' basis, as this would amount to betterment.
- ✓ Ensure claims made can be supported with documentary evidence, the most appropriate remedy is sought, that the claims are reasonable and take into account, fair wear and tear.
- ✓ Receipts to show the original purchase cost, quality and age of items, may be useful.

Property inventory software can help property professionals capture the right level of detail at check-in and check-out and avoid issues like the ones experienced in this case study. The Dispute Service has a joint working relationship with Inventory Hive aligning their market leading paperless software with expert industry knowledge to better protect landlords and tenants.

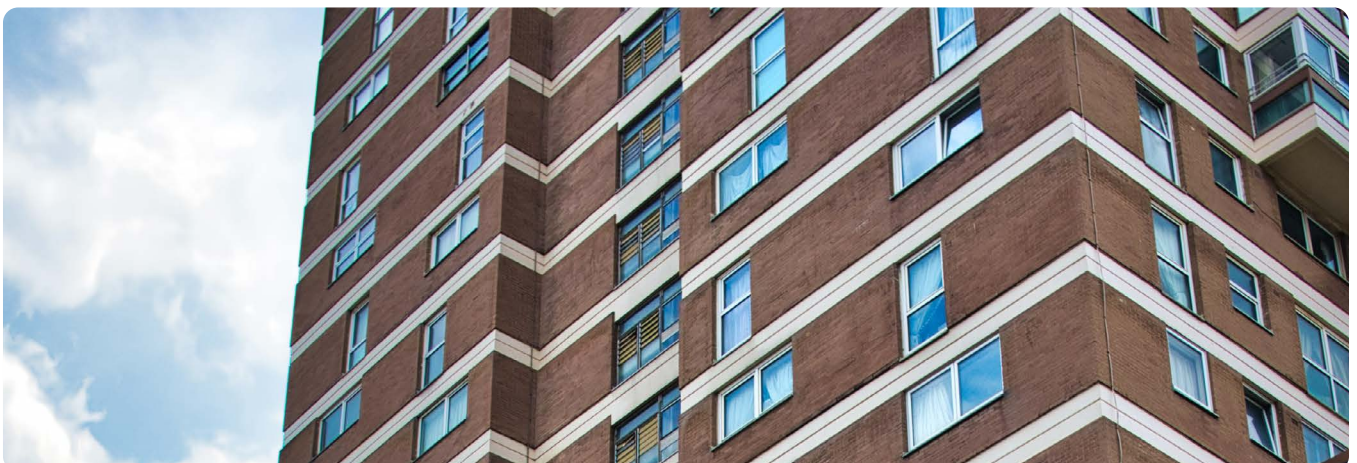
If you are interested in further guidance relating to deposit disputes, visit the **Information Lounge** at TDS to browse further **case studies** and **guides**.

Not a TDS customer yet? Don't worry. Joining TDS is easy. It only takes a few minutes to join today, or book a quick demo to find out how easy it is to switch.



About the Author: Sandy Bastin

Sandy joined TDS in 2008 and is now Head of TDS Adjudication Services. A qualified solicitor with many years' experience practising and specialising in Real Estate, Sandy is responsible for recruiting and training TDS Adjudicators. She provides continued support and mentoring to the team, which includes quality assurance activity to ensure the high standards expected from TDS Adjudication decisions are met. Sandy is also a complaints handler for TDS England and Wales and is involved with the final decisions following reviews for SafeDeposits Scotland and TDS Northern Ireland. Sandy delivers **TDS Adjudication Workshops** and provides Adjudication training - the TDS Way. She also plays a role in ensuring TDS provides an excellent, **award-winning Customer Service** experience.





TDS Academy Approved – Accredited Training

Start your online CPD accreditation today...

What does the course cover and who should attend?

This 'TDS Academy Approved' accreditation course is designed for landlords, letting agents, property managers and inventory clerks. Attendees will gain an understanding of legislation, regulation and best practice surrounding deposit protection with robust report creation techniques that avoid disputes, whilst evidencing safety compliance.

Course summary

The 'TDS Academy Approved' accreditation is an online course comprised of 2 live online modules and 2 on-demand anytime (pre-recorded) modules:

Module 1 (Total 3 hours)

TDS Foundation Course (Live Online) 2 separate 1.5 hour sessions.

Module 2 (Total 3 hours)

TDS Adjudication Workshop (Live Online) 2 separate 1.5 hour sessions.

Module 3 (Total 1.5 hours)

Pre-Tenancy Activity and Inventory/Check-In (On-Demand Anytime) 1.5 hour session.

Module 4 (Total 1.5 hours)

Post-Tenancy Mid-Term and Check-Out (On-Demand Anytime) 1.5 hour session.

Each completed module will be followed with a certificate of attendance. Of course, it's optional to complete all 4 modules listed above, but in doing so you will be permitted to **display the 'TDS Academy Approved' logo within your reports** ([View example](#)) and **marketing collateral for 18 months** (course renewal then required).

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