

TENANCY DEPOSIT PROTECTION FOR LANDLORDS
Please can you read and select which option you will take ?

- As part of the Housing Act 2004 the Government introduced tenancy deposit protection for all assured shorthold tenancies (ASTs) in England and Wales where a deposit is taken. From April 6th 2007, all deposits paid under an AST should have been protected within 14 calendar days of receipt by the landlord.
- **From 6th April 2012**, deposits for all assured shorthold tenancies (ASTs) in England and Wales must now be protected within 30 calendar days of receipt by the landlord, this change is as a result of the Localism Bill 2011.
- The legislation aims to ensure that tenants who have paid a deposit to a landlord or letting agent and are entitled to receive all or part of it back at the end of that tenancy, actually get it.
- The legislation covers virtually all new AST contracts through which private landlords let property in England and Wales.
- However, the following will not need to be registered with a tenancy deposit protection scheme:
 - Resident landlords (those living in the property)
 - Landlords of tenancies with rent of over £100,000 a year
 - Company lets
 - Student accommodation let directly by universities or colleges.
- **Deposits taken before 6 April 2007 *do not need*** to be protected by a scheme such as The DPS. However, as an existing tenancy is renewed and a landlord agrees a new fixed-term tenancy, the initial deposit taken must then be lodged with a tenancy deposit protection scheme.

In England and Wales, if you rent out your home on an [assured shorthold tenancy](#) that started after 6 April 2007, you must place your tenants' deposit in one of the following tenancy deposit protection (TDP) schemes:

[Deposit Protection Service \(Custodial\)](#) **DPS**

[My Deposits](#)

- **[Tenancy Deposit Scheme Capita Tenancy Deposit Protection](#) no longer accepts new deposits and is closing on 13 September 2014.**

These government-backed schemes ensure your tenants will get their deposit back if they:

- Meet the terms of your tenancy agreement
- Don't damage the property
- Pay the rent and bills

You (or your letting agent) must put your tenants' deposit in the scheme within 30 days of getting it. Within 30 days of getting their deposit, you must inform your tenants: (Prescribed Information)

1. **The address of the rented property**
2. **How much deposit they've paid**
3. **How the deposit is protected**
4. **The name and contact details of the tenancy deposit protection (TDP) scheme and its dispute resolution service**
5. **Your (or your letting agency's) name and contact details**
6. **The name and contact details of any third party who paid the deposit**
7. **Why you would keep some or all of the deposit - eg because your tenants damaged the property and you need to fix it**
8. **How to apply to get the deposit back at the end of the tenancy**
9. **What to do if they can't get hold of you at the end of the tenancy**
10. **What to do if there's a dispute over the amount of deposit to be returned at the end of the tenancy**

If you don't protect your tenants' deposit

Your tenants can apply to a county court if you don't use a tenancy deposit protection (TDP) scheme when you have to. They can do this at any time during the tenancy.

If the court finds you haven't protected the deposit, it can order you to either:

- Repay it to your tenants
- Pay it into a custodial TDP scheme's bank account within 14 days

The court may also order you to repay your tenants up to 3 times their original deposit within 14 days of making the order.

At the end of the tenancy

If you don't use a TDP scheme when you have to, the court may decide that your tenants don't have to leave the property when the tenancy ends.

At the end of the tenancy

If you and your tenants agree how much deposit they'll get back, it must be returned to your **tenants within 10 days** of the tenancy ending.

If you're in a dispute with your tenants, the deposit is protected in the TDP until the issue is settled