



Adjudication Digest No 7/2012

- The Adjudication Digest takes a recent decision by a TDS Adjudicator and sets out the reasoning behind it. We hope that you will find these digests informative in understanding how we reach our adjudication decisions.
- This document is for guidance only – it is not intended to guarantee when an award will be made.
- Each dispute is different and the actual award made will be based on our interpretation of the specific evidence presented to us.

The Adjudication Digest takes a recent decision by a TDS Adjudicator and sets out the reasoning behind the decision. The aim of these Digest reports is to help tenants, landlords and agents better understand how we make our adjudication decisions. The names of the landlords and tenants involved have been removed and this is only a brief summary of the dispute.

Amount of deposit in dispute: £ 950.00

Dispute initiated by: Tenant

Award made:

Tenant £ 950.00

Landlord £ 0.00

Agent £ 0.00

A real bug bear ...

This month's adjudication digest focuses on the somewhat sensitive issue of pest infestations; bedbugs in particular.

The case involved a landlord being informed by new tenants that they had discovered an infestation of bedbugs in the property. The new tenants reported the problem approximately 3 weeks after the end of the tenancy and 4 weeks after the previous tenants' departure.

In an attempt to eradicate the bugs, the landlord took steps to deal with the infestation including instructing pest control services to carry out initial treatment in the bedroom, and then further treatment which led to the landlord destroying and replacing both the bed and bedding, undertaking laundry for the new tenants and providing them with alternative accommodation.

They then sought to deduct these costs from the departed tenants' deposit and the total claimed exceeded the deposit. The previous tenants claimed that at no time during their tenancy had they been aware of any bedbug issue, and that they had not experienced any of the typical signs of an infestation such as bites, rashes etc.

The difficulty for the adjudicator was that they were not provided with a copy of a check in or check out report for the property, or any satisfactory evidence from the landlord that the infestation was the result of the previous tenancy. There was the additional difficulty that the problem was reported by the new tenants a number of weeks after the end of the tenancy. Furthermore, it was unclear from the evidence whether it had been necessary to destroy the furniture and the bedding and incur the extent of costs claimed by the landlord.

Therefore, the adjudicator took the view that they were unable to uphold the landlord's claim and returned the disputed amount to the tenants.

So what are the key points here?

- Check in and check out reports are key documents in enabling an adjudicator to compare the condition of the property at the beginning and end of the tenancy. Without this information they cannot be sure that any damage claimed occurred during the tenancy. In this case, the fact that the infestation was reported some time after the end of the tenancy was a particular factor.
- Tenants need to be aware of possible infestations in the property, and should ensure that they report any problems to the agency/landlord. This may help to reduce potential treatment costs after the end of their tenancy agreement.
- Contractor/expert reports can be very helpful in establishing the cause of any damage. The more specific they are, the more helpful they are likely to be in supporting or defending a claim. In this case, the agent provided some general information from the contractor, but it was 'generic' and did not assist in establishing the timing of the infestation in this case.

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