



Who should read this?

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Tenants	Agents	Landlords

Insured / Custodial

Testing, testing!

Adjudication Digest September 2018

This month's 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: £400.00

Dispute initiated by: Agent

Award made:	£400.00
Tenant	£400.00
Landlord	£0.00
Agent	£0.00

The landlord claimed £400.00 for three replacement ceiling speakers and the cost of installation. The landlord believed that the integrated music system in the property had been damaged as a result of it having been used, by the tenants at a too high a volume causing the speakers to blow. The landlord provided evidence from an electrical company which showed that an initial investigation had revealed that there was possibly a faulty main unit or room control unit and that some of the speakers may have blown due to the volume being turned up to maximum and would now need replacing. The tenants denied any mis-use of the audio system which they stated was used only for the radio and was not turned up too loud as the quality was poor.

The check-in inventory stated specifically that the ceiling speakers had not been tested. The Adjudicator did not make an award as it could not be established whether the speakers were in good working order for the start of the tenancy or whether the speakers were in fact already blown in advance of the start of the tenancy.

So what are the key points here?

A landlord should be in a position to show that any integrated sound systems/electrical appliances were in good working order at the commencement of a tenancy by having them tested either by an independent inventory company whilst performing the check-in and recorded as such in a check-in report or separately by a specialist professional contractor or technician. It is likely that more weight would be placed on a specialist contractor or technician's report.

A landlord should also appreciate that even if an award had been appropriate due to damage caused by a tenant, a landlord is not entitled to charge the tenants the full cost of returning items to the condition at the start of the tenancy, or to replace items on a 'new for old' basis, as this would be betterment. Allowance must be made for fair wear and tear during the tenancy and the age and condition of the item at the start of the tenancy. For tenants, it is important to test electrical items at the start of the tenancy and to report any issues with electronic systems/electrical appliances as soon as they come to light.