



How To (Post-Tenancy)



Who should read this?



Tenants



Agents



Landlords

Insured

Custodial

# How TDS approaches disputes involving redecorating

## Key principles in our approach to redecoration

These key principles guide our approach to dealing with disputes about redecoration. However every case has to be reviewed on its merits.

1. We consider the evidence presented to us, to decide if the decoration claimed for was in a worse condition at the end of the tenancy than it was at the start. If there is no check in report, we will consider other evidence such as a detailed invoice for decorating done at the start of the tenancy. We will not make an award solely on the basis of an obligation in the tenancy agreement.
2. The best evidence of condition at the start of a tenancy is a comprehensive Inventory and Schedule of Condition. It must describe the condition of the décor – for example, whether items are newly decorated or had existing defects - preferably in a summary Schedule as well as in the detail of the report. Please see the following example of a summary Schedule of Condition, which can be used to describe the property's décor.
3. If the check in report does not describe the condition of the property's décor, we will not assume it is in good condition. However a statement that the décor is in "good condition unless otherwise stated" can be helpful. We will consider any amendments made by the tenant to the check in report at the start of the tenancy.
4. Photographs and video evidence are generally of little value in support of decorating claims, unless they are able to show obvious damage or deterioration. Please see our guidance on The use of photographs videos and DVDs for more information.
5. The best evidence of condition at the end of a tenancy, for the benefit of both parties, is a comprehensive check out report. This is most persuasive if it has been completed clearly with reference to the check in report and includes a schedule as above.
6. Any award made will not necessarily be the full amount claimed by the landlord. Allowance must be made for fair wear and tear during the tenancy. We will consider factors such as the length of the tenancy; the number of occupants and their age; the décor's age, quality and condition at the start of the tenancy; and the reasonable life expectancy for the area affected. Please refer to A guide to deposits disputes and damages for a more detailed explanation about how we approach wear and tear.
7. Invoices or quotes are helpful to support a claim, although TDS is not bound to accept the full amount claimed. They should be as detailed as possible, giving a breakdown of the work carried out and the costs incurred. Where the invoice is not detailed (e.g. to include minimum call out or parking charges if applicable) and appears too high for the work required, we are likely to reduce the award.
8. Where we have no invoice or quote, we will use our own judgement to determine if the amount claimed is appropriate. We use sources such as the internet, or our experience of similar cases in a given region and take into account factors such as the size of the property.
9. If the claim arises because the tenant has altered the décor during the tenancy, we will consider if permission was given and, if so, whether the tenant was required to return the décor to its original colour/condition. If no permission was given, we will consider whether the evidence suggests that the décor was in a better or worse condition at the end of a tenancy. We may make no award if the tenant has improved the condition of the décor.

## Example Schedule of Condition

Please note that this is an example of a Schedule of Condition (i.e. a summary) that can be used as part of a check in report. It does not in itself avoid the need for a properly completed check in report.

### **SCHEDULE OF CONDITION**

**Flat 1, The Avenue, Anytown AB1 2CD**

**17TH April 2012**

|                     |  |                               |
|---------------------|--|-------------------------------|
| Notes               | Three bed, one bath, fully furnished maisonette. All switches and sockets unless otherwise noted in a standard white plastic fitting.  |                               |
| Cleanliness         | Property has been cleaned to a professional standard. There have been workmen in the property since the tenants vacated. WC requires cleaning both upstairs and downstairs. Floor in bathroom requires further cleaning. |                               |
| Decoration          | Property is in excellent decorative order throughout.  |                               |
| Carpets/hard floors | Carpets generally reasonable order. Not professionally cleaned.  |                               |
| Upholstery          | In use, but good order.  |                               |
| Curtains            | Not professionally cleaned.  |                               |
| Linen               | Used, but clean order.   |                               |
| Contents            | Tidy.  |                               |
| Windows             | Cleaned to interior.   |                               |
| Lighting            | In working order.  |                               |
| Garden              | In good seasonal order.  |                               |
| Meters              | Gas 0645<br>S291885  | Electricity 6132<br>F81A16248 |
| Keys:               | Sets: 3<br>1 x brass Chubb key<br>1 x brass Yale key,<br>Additional front door key found, left in kitchen  |                               |



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tenancydeposits

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