



Key Documents



Who should read this?



Tenants



Agents



Landlords

Insured

Custodial

How TDS deals with deposits involving more than one landlord or tenant

How TDS deals with deposits involving more than one landlord or tenant



Deposits involving more than one landlord

TDS will regard all landlords named in a tenancy agreement as being jointly and separately responsible for their obligations in the agreement. In practical terms this means that TDS:

- will treat the authority or agreement of one joint landlord as being binding on the others;
- will only accept one deposit protection per tenancy agreement, and one dispute in relation to a protected deposit;
- will expect one landlord to deal with the management of the deposit protection, any deposit repayment request or dispute about it on behalf of all other joint landlords.

Any of the landlords named on the tenancy agreement can raise a dispute with TDS, or respond to one that has already been raised by a tenant. This means that only one submission can be made by the joint landlords.



Deposits involving more than one tenant

Any deposit for a tenancy involving joint tenants can only be registered with TDS once. It is not possible to register the deposit in individual 'shares' for each joint tenant.

If joint tenants have made different payments towards the total tenancy deposit, then these should be detailed in the tenancy agreement.

TDS will regard all tenants named in a tenancy agreement as being jointly and separately responsible for their obligations in the agreement. In practical terms this means that TDS:

- will treat the authority or agreement of one joint tenant as being binding on the others;
- will only accept one dispute per tenancy agreement;
- will expect one joint tenant to deal with a deposit repayment request or dispute on behalf of all other joint tenants.

Any of the tenants named on the tenancy agreement can raise a dispute with TDS, or respond to one that has already been raised by a landlord or agent.

In the TDS Insured scheme, TDS will treat the first joint tenant who does this as being the 'lead tenant'. In the TDS Custodial scheme, the 'lead tenant' will be specified on the deposit protection details.

This tenant will be asked to confirm that they are authorised to act for and on behalf of joint tenants. This means that only one submission can be made by the joint tenants.

Payment of the deposit to joint landlords and joint tenants

After an adjudication decision is made, TDS will pay deposit money due to landlords or tenants as set out below.

Payment to agent or landlord:

Any deposit money due for deductions awarded from the deposit will be paid in full to the agent/landlord who is the member of the Tenancy Deposit Scheme, unless the member is using TDS Direct, in which case payment will be made in accordance with the member's instructions.

Payment to joint tenants:

The tenancy agreement may set out to which tenant(s) deposit money should be paid at the end of the tenancy.

If the tenancy agreement does not set out to which tenant(s) deposit money should be paid at the end of the tenancy, TDS will pay deposit money in equal shares to all tenants named in the tenancy agreement.

The only exception to this will be where:

- joint tenants authorise a different allocation of the award, in writing and signed by all of them, or;
- where one tenant authorises in writing the payment of their share of the deposit to another tenant or a third party.



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