



# PRIVATE TENANT

## Here at last!

Tenancy deposit schemes

The national tenancy deposit scheme (or rather, schemes!) comes into effect on 6th April.

Finally, after a decade of campaigning, and a full three years after provision was made for it under the 2004 Housing Act, the mandatory enforcement of securing a tenant's deposit in either a 'custodial' or 'insurance' scheme becomes a reality.

Camden Federation of Private Tenants alongside Shelter, the National Association of Citizens Advice Bureaux, Brent Private Tenants Group amongst many others, welcome this long awaited and crucial regulation to protect tenants' money from unscrupulous or uninformed landlords who regularly saw a deposit as an added 'extra'.

The extent of the problem was highlighted by Government figures in 2004 showing that of 2.2 million private tenants 1 in 5 had their deposit withheld in part or full for no valid reason; that's a staggering 440,000! And £1.2bn of assured short hold tenancy deposits is currently held in England and Wales.

So it is not surprising that tenants, tenant organisations and

advice services welcome this introduction; and perhaps also unsurprisingly, landlords and landlord groups have reacted negatively. In the Observer, Simon Cutting of Tenantassure.com said that 'All the landlords I've spoken to say they think it's going to be a bit of a nightmare under the Tenancy Deposit Scheme if there is a dispute over the deposit'. He went on to say that landlords were 'desperately seeking a simple alternative to taking a deposit'.

*'Unsurprisingly, landlords have reacted negatively'*

The schemes themselves are fairly straightforward; with the custodial scheme, which is free to landlords (both schemes are free for tenants), the deposit taken must be placed with The Deposit Protection Service (The DPS) within 14 days. The money will be placed in a ring-fenced account and returned to the tenant within 10 days of the end of tenancy, unless there is a claim by the landlord. With the insurance-based schemes, landlords pay a premium to one of the two other

Government approved companies – Tenancy Deposit Solutions Ltd (TDSL) run by the National Landlords Association or The Tenancy Deposit Scheme run by The Dispute Service – leaving them free to use the deposit, but again they must return it to the tenant within 10 days unless there is a dispute.

Under both schemes disputes are settled by an attached Alternative Dispute Resolution (ADR) service, although the time limits set for resolving disputes are lengthy from 28 - 29 days depending on the scheme, and either tenant or landlord can refuse to abide by this service – which is free to both parties – in which case the matter must be pursued through the courts and at obvious cost to tenant and/or landlord depending on the outcome.

However, the 'nightmare' if any, is still surely the tenants in this worse case scenario, as he or she will still have to find another average deposit of \$665 to put down on their next tenancy, meaning that many tenants will have to have over £1,200 tied up in rent deposits at any one time! The problem for landlords is that they have had it too easy for too long with regard to deposits, and have to accept the new schemes in the interests of fairness and transparency as well as the legal demands of the new regulation, or not take a deposit at all. This is a decision that some landlords have threatened to take, and is quite legal, however, there are concerns already that other onerous charges for things such as tenancy renewals may be used to offset this loss; NACAB have already raised these concerns which will need to be monitored.



CFPT member Jean Anderson with her picture 'The Statutory Tenant' picked amongst 200 watercolours nationally for exhibition at Bankside Gallery – Jean said the painting was a spontaneous expression of momentary despair! Sounds familiar?

Camden Federation of Private Tenants is registered under the Industrial and Provident Societies Act as The Camden Federation for Private Tenants Limited Registered No: 25086R

## The schemes in more detail

Computershare Investor Services plc will run the single custodial deposit scheme, with the Chartered Institute of Arbitrators providing the Alternative Dispute Resolution (ADR) service. Go to [www.depositprotection.com](http://www.depositprotection.com) for more information.

Tenancy Deposit Solutions Ltd (TDSL) is a partnership between the National Landlords Association and Hamilton Fraser Insurance. For more information, visit [www.mydeposits.co.uk](http://www.mydeposits.co.uk) or telephone 0871 703 0552.

The Tenancy Deposit Scheme is run by the Dispute Service, visit them at [www.tds.gb.com](http://www.tds.gb.com) or telephone 0845 226 7837.

## What you should do

At the beginning of a new tenancy agreement, pay your deposit on request to your landlord or agent as usual. At the same time, make sure a written inventory is drawn up and go through it with your landlord if possible, otherwise get someone to witness your own. Always take photos when you move in as a record of the state of the accommodation at the beginning of the tenancy, again have a witness validate these if you can. It is wise to take photos at the end of the tenancy as well for comparison if necessary.

Within 14 days, the landlord or agent is required to give you details about how your deposit is protected including:

- the contact details of the TDS
- the contact details of the landlord or agent
- how to apply for the release of the deposit
- information explaining the purpose of the deposit
- what to do if there is a dispute about the deposit

## What if your landlord isn't protecting your deposit?

You can apply to your local county court. The court can order the landlord or agent to either repay the deposit to you or protect it in a scheme. If your landlord or agent has not protected your deposit, they will be ordered to repay three times the

### Insurance-based schemes

- the tenant pays the deposit to the landlord
- the landlord retains the deposit and pays a premium to the insurer - the key difference to the custodial scheme

#### Within 14 days of receiving a deposit

The landlord or agent must give the tenant the details about how their deposit is protected including:

- the contact details of the tenancy deposit scheme selected
- the landlord or agent's contact details
- how to apply for the release of the deposit
- information explaining the purpose of the deposit
- what to do if there is a dispute about the deposit

#### At the end of the tenancy:

- if an agreement is reached about how the deposit should be divided, the landlord or agent returns all or some of the deposit
- if there is a dispute, the landlord must hand over the disputed amount to the scheme for safekeeping until the dispute is resolved
- if for any reason the landlord fails to comply, the insurance arrangements will ensure the return of the deposit to the tenant if they are entitled to it
- Find insurance-based scheme providers

amount of the deposit to you, payable within ten days. He or she will also be unable to issue a Section 21 possession notice until they have lodged your deposit (although the landlord will still be able to seek possession under any of the grounds in Schedule 2 Housing Act 1988).

### Custodial schemes

- the tenant pays the deposit to the landlord or agent
- the landlord or agent then pays the deposit into the scheme

#### Within 14 days of receiving a deposit

The landlord or agent must give the tenant the details about how their deposit is protected including:

- the contact details of the tenancy deposit scheme selected
- the landlord or agent's contact details
- how to apply for the release of the deposit
- information explaining the purpose of the deposit
- what to do if there is a dispute about the deposit

#### At the end of the tenancy:

- if an agreement is reached about how the deposit should be divided, the scheme will return the deposit, divided in the way agreed by both parties
- if there is a dispute, the scheme will hold the deposit until the dispute resolution service or courts decide what is fair

The interest accrued by deposits in the scheme will be used to pay for the running of the scheme and any surplus will be used to offer interest to the tenant, or landlord if the tenant isn't entitled to it.

*Sourced from [www.directgov.co.uk](http://www.directgov.co.uk)*

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## What if your landlord isn't taking a deposit?

This is perfectly legal, although you will want to watch out for other fees that are written into your contract – always seek advice before signing.

## What does the deposit cover?

The deposit belongs to you and should be returned to you unless your landlord can show s/he has suffered a financial loss. Your landlord can make reasonable deductions from the deposit for:

- damage to the property (excluding normal wear and tear)
- unpaid rent
- missing items
- cleaning

Even if your landlord has a valid reason for keeping part of your deposit the rest of it should be returned. And you can ask to be shown receipts or estimates for items that have been deducted from your deposit.

## 'Landlords can only claim for any financial loss they have actually suffered'

Your landlord cannot normally deduct costs for re-letting the property such as advertising or agency fees. This would only be possible if you left your tenancy without ending it properly, i.e., by giving proper notice when the contractual period is up. For more information visit [www.shelter.org.uk](http://www.shelter.org.uk) or contact us at [camfpt@lineone.net](mailto:camfpt@lineone.net)

Tenancy agreements often state that carpets and curtains must be cleaned to a professional standard before the tenant moves out. This does not mean that they have to be as clean or cleaner than when you moved in. You are only required to clean any items soiled above normal wear and tear. If possible, keep records and receipts for any cleaning you do or pay for.

## What is 'normal wear and tear'?

This is, as one would expect, an inexact science, but the rule of thumb is that it is what any reasonable person would expect to see over a given period of time. Obviously, the longer a tenant stays the more wear and tear there will be, again the above rules still apply and a landlord should be reasonable in terms of their expectations of you. The best practice is to treat your accommodation as if it were your own property. At any rate, these issues if disputed will now be decided via the ADR service provided by the scheme your landlord is affiliated with. If you think you are likely to have problems, as earlier stated, take photos or get a witness as early as possible in your tenancy.



## Local hospitals need your help!

A public consultation on the Royal Free Hampstead NHS Trust's application to become a foundation trust is underway and runs until the end of April 2007. We have 15 key questions about our plans and we want your views! We would also like you to sign up as a member.

You can download the consultation document at [www.royalfree.nhs.uk/foundation](http://www.royalfree.nhs.uk/foundation) or we can send you a copy. You can also respond and join online.

Please come to our public meeting to find out more:

Wednesday 18 April 7-9pm,  
Temple Fortune Health Centre,  
23 Temple Fortune Lane,  
London NW11 7TE;  
020 8458 8844

The health centre is 10 minutes' walk from Golders Green underground station (Northern line, Edgware branch). Buses 13, 102 and 260 stop on Finchley Road, three minutes' walk away. There is plenty of free street parking available during the evening.

We would be delighted to attend any local group to answer questions about our plans.

Contact us on 020 7830 2017; [foundation@royalfree.nhs.uk](mailto:foundation@royalfree.nhs.uk) or by writing to: Foundation Trust Project Office, Royal Free Hospital, Pond Street, London, NW3 2QG

## Camden Housing Advice Service

**Free, expert advice** for private tenants, leaseholders and people seeking accommodation. You can phone us, come in or email us.

Housing Advice Centre  
North team  
179 West End Lane,  
NW6 2LH  
**Tel:** 7974 5801  
[hacnorth.housing@camden.gov.uk](mailto:hacnorth.housing@camden.gov.uk)

### Opening hours

Mon, Thurs, Fri: 9.30 – 4pm  
Tues: 9.30 – 1pm; 4 – 7pm  
Wed: Closed

Housing Advice Centre  
South team  
Bidborough House  
20 Mabledon Place, WC1H 9BF  
**Tel:** 7974 5801  
[hacsouth.housing@camden.gov.uk](mailto:hacsouth.housing@camden.gov.uk)

### Opening hours

Mon, Tues, Thurs, Fri: 9.30 – 3pm  
Tues: 4 – 6  
Wed am: Somali speakers only



Awarded for excellence

# Access to Justice

As long ago as the winter of 2004, organisations working within the legal advice sector had become so concerned that access to justice would no longer be available to those needing it they got together and formed the Access to Justice Alliance.

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**Those involved in the campaign include community groups (such as Camden Federation of Private Tenants) national charities, advisers, lawyers and others.**

## The Alliance is calling on the Government to

- resource the legal aid scheme properly, including reviewing who can get legal aid with a view to ensuring access to justice
- ensure that local authorities contribute properly to the appropriate funding of independent advice services in the area
- protect the civil legal aid budget so that it is not used to cover increasing expenditure on criminal legal aid
- recognise the effect of policies in other parts of government on legal aid spending and make sure they compensate the legal aid budget appropriately
- provide co-ordinated funding for legal education, law reform and other non-casework services.

In July 2006 the situation worsened, when Lord Carter's report on the future of legal aid inappropriately proposed a "market-based" approach, with the Legal Services Commission immediately adopting this in their proposals for the future of legal advice services.

For example, it is suggested that from October 2007 a fixed fee is paid for each case. In housing work the proposal is to pay £171, which is equivalent to about 3 ¼ hours work. This is analogous to going to a garage to have your car fixed and no matter what is wrong, from changing a light bulb to replacing the engine, being charged at one rate.

## *'Is this silly, or not?'*

The fear is that the proposed fees are totally inadequate and many suppliers of legal advice will stop doing the work, or will only deal with the simplest of cases. Where is the Access to Justice in this?

Action by the Campaign since December 2006 (having previously held public meetings, met with Ministers,

lobbied at party conferences, issued press releases, held meetings and a lobby at the House of Commons) includes submitting a written response to the proposals, and to the Constitutional Affairs Committee which has been hearing evidence from everyone and is yet to report and lobbying all the political parties, to the Ministers responsible, and providing a briefing to MPs prior to the adjournment debate on 13/12/06 and 11/01/07.

Despite our efforts, and those of others who are objecting to the proposals, such as the Law Society, the proposals remain almost unchanged.

## Week of action

The Access to Justice Alliance is planning a week of action across the country "Justice – Access Denied" from **14th May 2007**. Planning is at an early stage, but it is hoped that it will include

- a meeting at the House of Commons on **Monday 14th May 2007** at 7.15 pm hosted by Karen Buck MP – please make sure you are there and your voice is heard
- demonstrations outside County Courts and Tribunals. Locally we are hoping to arrange a demonstration outside Central London County Court, 26-29 Park Crescent from 10 am on **Wednesday 16th May** when we hope as many people as possible will attend, and we can get decent press coverage to raise awareness of the looming problem; that in the future there may be nobody there to give legal advice when needed! Please contact Camden Federation of Private Tenants in early May for confirmation of the demonstration details
- attempting to get as much press coverage as possible

In the meantime another strand of funding for legal advisors is also under threat. LB Camden has now agreed a cut of 19% (reduced from 42%) to the sector from October 2007. The agencies currently receiving funding from L B Camden are Camden Law Centre, Camden Tribunal Unit, Central London Law Centre, Citizens Advice, DISC, and Mary Ward Legal Advice Centre.

Please contact your MP or councillors to show your concerns - the Access to Justice Campaign can supply example letters.

### Contact:

Access to Justice Alliance  
c/o Citizens Advice, Myddelton House  
115-123 Pentonville Road  
Londwon N19LZ

[www.accesstojusticealliance.org.uk](http://www.accesstojusticealliance.org.uk)  
[accesstojustice2005@yahoo.co.uk](mailto:accesstojustice2005@yahoo.co.uk)

**Thanks to Wilma Morrison and Ginny Halley of the Central London Law Centre.**

# News in brief

## Rogue landlord fined \$80,000

Residents of 64 Fellows Road in Swiss Cottage are celebrating their court victory as the landlord who forced them to live with mice infestation, damp and unsanitary conditions, was recently fined nearly £80,000. Mr S Bukhari and his management company neglected to repair broken banisters, faulty fire alarms, damp and mould problems, and vermin infestation. The Camden Federation of Private Tenants hailed the court's decision and we encourage any tenants living in unsafe or unsanitary conditions due to landlord's neglect to contact Camden Council for help on 020 7974 2090.

## ESSO applies to build green student flats

The oil company ESSO has applied to Camden Council for permission to build 'green' student flats on one of their petrol station sites in Chalk Farm. A previous application from the company was rejected last year in the face of local opposition. ESSO wants to replace the petrol station with 308 student bedsits over a four storey site which would have solar panels, a rainwater recycling system and a below ground garden. We think it's a great idea – not only creating affordable ecologically friendly accommodation but also making much better use of space! More of these please.

## Controversial flats win award

The Swiss Cottage Visage building has won the What House? 2006 award for best exterior. There was fierce local protest against the luxury building at the time of its construction in 2004, amid arguments that the development was creating a 'yuppie enclave' and did not provide affordable housing for locals and key workers. However, although the judges admired the audacious design and felt that the building had achieved 'iconic' status, at the prices asked, unsurprisingly it has proved difficult to sell all the flats; two penthouse apartments are currently on the market at just under £4million.

## Kings Cross development

Progress of the £2billion development of Kings Cross continues to be beset with problems. Local campaigners have called for a judicial review of the agreement between the developers Argent and Camden council amid claims that councillors were misled and ill advised by planning officials. Complaints include concerns over pollution and the lack of housing being included in the plans. The council has also caused controversy by selling off Stanley buildings, one of Kings Cross' oldest buildings, after receiving a £1 million sweetener from the development company, according to the Camden New Journal.

## Community Centre or housing?

In June 2005 Camden Federation of Private Tenants wrote to tenants facing eviction from flats above the Alan Day car showroom on Finchley Road when their landlord received planning permission to demolish the existing building and redevelop the site. Suspecting that there were a number of Protected tenants as well as leaseholders we wrote to the occupiers warning them and urged them to seek advice.

The application at the time was for a new showroom plus up to 76 flats to be built above, 19 of which were earmarked as affordable housing. Cllr John Bryant was quoted in the CNJ at the time that he thought the community could benefit from this scheme and that Camden should negotiate for much-needed primary school or health facilities.

Two years down the line, with the tenants long evicted and the building wholly empty, the plan to build the flats has mysteriously disappeared. Instead has come an announcement by the Jewish Community Centre for London (JCC) that it has earmarked the site to build the largest Jewish community facility in the capital.

Responding apparently to a PR push, local papers Ham & High and the CNJ have faithfully covered the JCC proposals without, so far, any mention of the abandoned former plans. They report that the JCC plans include a swimming pool and gym. Hard to see why these are needed when the O2 Centre just 300 metres down the road has a pool and health club, the cricket club directly behind the site also has tennis and squash courts and the Swiss Cottage sports centre (with pool) is under a mile away. There will also be meeting facilities (already available at the O2) but, apparently, no housing!

We are naturally alarmed at the loss of the existing housing and the possible breach of the promise to provide many new homes. We urge Camden to look very carefully at these proposals and notwithstanding an interim election remain true to it's original and we trust, continuing priorities.

## CFPT invites you to a meeting with

**Cllr Chris Naylor**  
Executive Member for Housing

and

**Cllr Mike Greene**  
Executive Member for Environment

**On Thurs 10th May, 6pm**

At The Marr Community Offices,  
11-17 The Marr, Camden St, NW1  
(next door to The Camden Pub)

**Open to all private tenants and leaseholders.**  
**Come and quiz the Executive Members for Housing and Environment**  
**and make your voice heard.**

**Refreshments provided**

**For more details, contact the office on 020 7383 0151 or camfpt@lineone.net**

## Did you know?

**CFPT has a wide range of information leaflets on all issues relevant to private tenants and private leaseholders.**

If you would like any of the following free information leaflets, please contact our offices (details below) and we will send you the information free of charge:

- Assured and Assured Shorthold Tenancies
- Regulated Tenancies
- Repairs – a guide for landlords and tenants
- Unfair tenancy terms – don't get caught out

- Notice that you must leave – a brief guide for landlords and tenants
- Bothered by Noise – There's no need to suffer
- My Landlord Wants Me Out – protection against harassment and illegal eviction
- Right of first refusal – for long leaseholders and other tenants in privately owned flats
- Residential Long leaseholders – A guide to your rights and responsibilities
- Home repair assistance

- A Practical Guide For Protecting & Maintaining Your Home (Age Concern)
- Dealing With Your Debts (Rent)
- DIY Home Energy Check
- Have a warmer, healthier home – grants from the Government's Home Energy Efficiency Scheme

And many more from making a small claim to County Court Fees.

Or why not visit our resource library.

Contact us today for details.

## Camden Federation of Private Tenants **needs you**

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government Departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £10.00 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

### **Please contact us at:**

11-17 The Marr,  
Camden Street, London NW1 0HE

**Tel:** 020 7383 0151

**e-mail:** camfpt@lineone.net

This Mark means that we offer a Quality Assured Information Service.

**Community  
Legal Service**



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Registered No: 25086R

## Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel no. \_\_\_\_\_

Email \_\_\_\_\_

1 I enclose £1 for membership plus £9.00 subscription fee\*

2 I would like to donate £ \_\_\_\_\_ 3 Total enclosed \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*\*We can waive the application fee in cases of hardship, please contact the office in complete confidence.*

**Please fill in your details and send with payment to:**

Camden Federation of Private Tenants  
FREEPOST LON12470  
London  
NW1 2YW

**I am an/a: (please tick)**

Regulated Tenant

Assured Tenant

Assured Shorthold Tenant

Other