



## Housing Deposit Returns

### How this guide helps

The SUSU Advice Centre is committed to providing guidance to all students who are seeking advice about deposit returns and providing direct Adviser support where possible.

To enable you to [access our help remotely](#) we have produced clear guidance on what steps you need to take regarding deposit returns in the guide below.

It is important to read the guide first as this is the quickest way to access key information.

We recognise that for many students this may be enough to answer their questions and help them with the process. We will work to provide further support for those who require it within our capacity. You will find information about how to contact us at the end of the document.

### This guide

The following guide explains your options if you have not received your deposit back after moving out of your house.

### Deposit – the basics

Your first steps are leaving the property in good condition and gathering relevant evidence (photos, videos, check-out reports).

Next you will have to determine what type of contract you have as this will affect how you need to approach the deposit refund request.

If you have an **Assured Shorthold Tenancy** agreement, your landlord or agent should have protected your deposit in one of the 3 **deposit protection schemes** within **30 days** of receiving your money.

Tip: to check what type of accommodation contract you have and if your deposit needs to be protected, go to Shelter's tenancy rights checker [here](#).

The landlord should have also given you information confirming your deposit was protected within that timeframe, the name of the deposit scheme and how to get it back at the end of the tenancy. This is called '**prescribed information**' and should be given to you within 30 days of paying the deposit to the landlord.

For other types of contracts, for example License agreements, landlords do not have to protect the deposits in the deposit protection schemes.



# Support Advice Centre

## How to check if your deposit was protected?

If you cannot locate the deposit paperwork or do not remember receiving any information, use the following links to check if your deposit is with one of the 3 schemes:

- <https://www.depositprotection.com/is-my-deposit-protected>
- <https://www.mydeposits.co.uk/tenants/deposit-checker/>
- <https://www.tenancydepositscheme.com/is-my-deposit-protected.html>

## **Option A – your deposit was protected in one of the schemes**

### **If your landlord has not returned your deposit yet, follow the next steps:**

If your deposit was protected, check whether it was secured in a ‘**custodial**’ (the scheme holds the deposit money during tenancy) or ‘**insurance-based**’ scheme (landlord/agent holds the deposit during the tenancy, but pays an insurance fee to the deposit scheme). If you are unsure, contact the deposit protection scheme to enquire.

#### **For deposits protected in an ‘insurance-based scheme’**

Firstly, make a written request to your landlord/ agent for your deposit to be refunded. You can use this template [here](#). If they do not return your deposit within 10 days of your written request, contact the deposit protection scheme requesting a refund. The scheme will then order the landlord to pay any disputed amount to the scheme and will only release the money once an agreement with your landlord was reached, or the dispute is resolved (by the dispute service or court). For more details about the process, see the relevant scheme’s website, or visit the Shelter Legal guide [here](#).

#### **For deposits protected in ‘a custodial scheme’**

Again, you should first contact the landlord/agent requesting a refund. If both of you agree on the amount you will have to contact the deposit scheme to request a full refund. If they fail to reply contact the scheme requesting refund of your money. The agreed amount will be refunded by the scheme in 10 days. If you are in dispute with the landlord about deductions, the scheme will hold the money until the dispute is resolved. You can use the deposit scheme to help resolve the dispute (dispute resolution service). For more details about the process, and what to do if the landlord does not respond, see the relevant scheme website, or visit the Shelter Legal guide [here](#).

## **Option B – your deposit was not protected although it should have been**

If your landlord did not protect your deposit even though they were supposed to, they have broken the law.



# Support Advice Centre

You may be able to claim compensation of up to 3 times the amount of your deposit if your landlord/agent has broken the deposit protection rules. This would be in addition to getting your deposit back.

## **Your next steps:**

You need to write a letter asking for your deposit to be refunded and advising the agent/landlord of the requirement to protect your deposit. Give the agent/landlord the opportunity to settle, see example [here](#).

If the agent/landlord does not respond, you may need to consider taking legal action to get your money back. You may be able to get free legal advice either from a solicitor (some of them offer free 30 minutes initial legal consultations), or from the Housing Law Clinic at the University (appointments bookable during term time: [lawclinic@soton.ac.uk](mailto:lawclinic@soton.ac.uk)).

## **Option C – deposit not protected (e.g. License agreements, or lodgings)**

Although your landlord did not have to protect the deposit, they should still refund you the deposit if you have not breached your agreement and have not caused any damages.

Your first step will be to write to the landlord requesting a refund of the deposit. You will find a helpful template letter [here](#).

If your landlord fails to return the deposit despite your request, you may need to consider legal action and make a claim through the small claims court. Before you do that you should send the landlord a '[Letter Before Action](#)' giving them a final warning before you take legal steps.

## **Further Guidance**

You will find a very helpful and detailed step by step summary of getting a deposit back on the Shelter website [here](#).

For further guidance on deposits, contact The Advice Centre. • 02380 592 085 • [advice@susu.org](mailto:advice@susu.org).

## **Disclaimer/Date Published/Date for Review**

Disclaimer: While care has been taken to ensure that information contained in The Advice Centre publications is true and correct at the time of writing, changes in circumstances after the time of publication may impact on the accuracy of this information. The Advice Centre and SUSU cannot accept responsibility for any actions taken as a result of advice given in this publication.

Date: 09/20 Next review 08/21