



Your Deposit – how to get it back?

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

Your next steps will depend on whether your deposit was protected or not. 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. They should have also given you information confirming your deposit was protected within that timeframe.

Advice Tip!

If you cannot locate the deposit paperwork or do not remember receiving any, 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>

Check if your deposit is 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).

OPTION A – Your deposit was protected

Deposit protected in an 'insurance-based scheme'

Firstly, make a written request to your agent/landlord for your deposit to be refunded. You can use this template [here](#).

You can notify the scheme that holds your deposit if the landlord does not return your deposit within 10 days of your written request. The scheme will then order the landlord to pay the disputed amount to them and will only release once an agreement with your landlord was reached, or dispute is resolved (by the dispute service or court).

Deposit protected in 'a custodial scheme'

Contact the scheme requesting refund of your money. Your money should be refunded by the scheme in 10 days if both you and landlord agree on the amount. If you are in dispute with the landlord, the scheme holds the money until the dispute is resolved. The custodial scheme can refund your deposit at the end of your tenancy if you have no contact details for



Support Advice Centre

your landlord, or he/she did not respond within 14 days after you wrote to your landlord asking for the money.

OPTION B – Your deposit was not protected at all

- If your landlord did not protect your deposit even though they were supposed to, they have broken the law.
- 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.
- 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: HousingClinic@soton.ac.uk).

You will find a simple summary of the process to get your deposit back on Shelter's website: https://england.shelter.org.uk/housing_advice/tenancy_deposits/how_to_get_your_tenancy_deposit_back. They can also provide free advice over the telephone.

Further Guidance

For further guidance on deposits, contact the Advice Centre.

- 02380 592 085
- advice@susu.org

You can also visit us in Building 40, Highfield campus. Our opening hours are Monday–Friday 09.00–17.00.

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



Support Advice Centre

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: October 2018.