



WHO SHOULD READ THIS?



Tenants



Agents



Landlords

HOW TO:

RESPOND DURING THE EVIDENCE GATHERING PROCESS

(WEBSITE PROCESSES)



Printer-friendly





STEP BY STEP

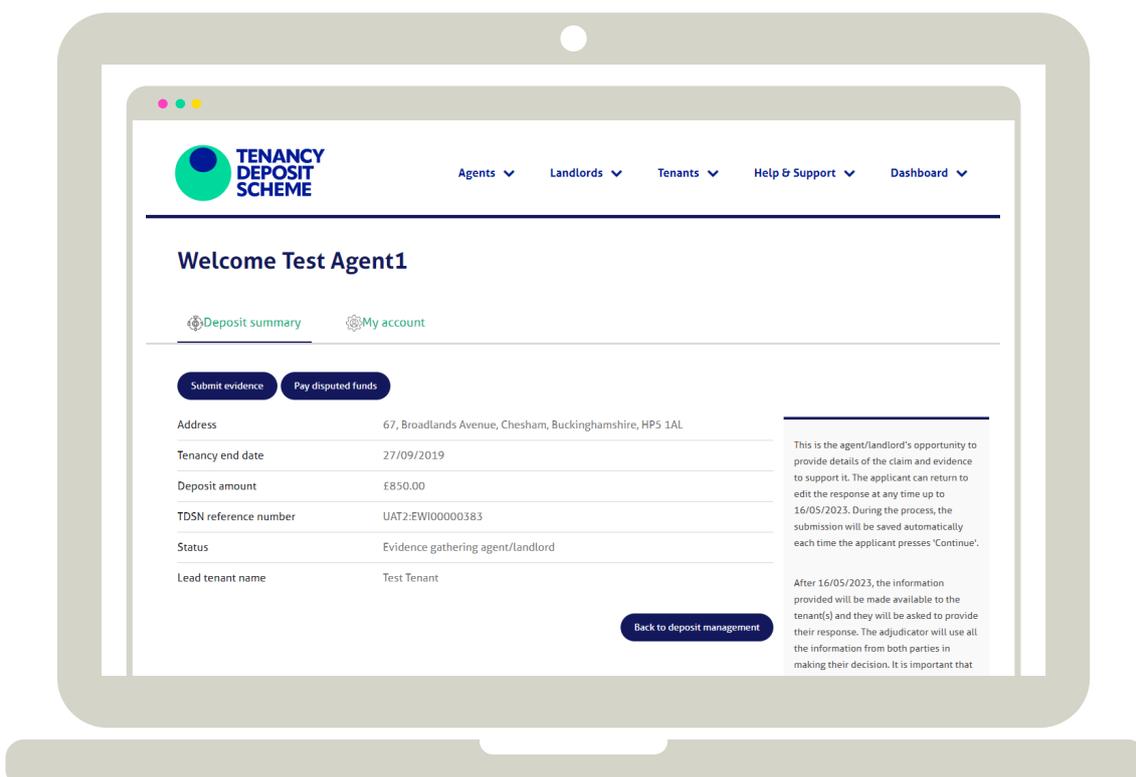
IF THE PARTIES HAVE BEEN UNABLE TO REACH AN AGREEMENT

If the parties have been unable to reach an agreement regarding the allocation of the deposit, you will be asked by TDS to provide evidence for a TDS adjudicator to consider.

You'll receive an email from our team asking you to **provide evidence** and the amount that is in dispute.

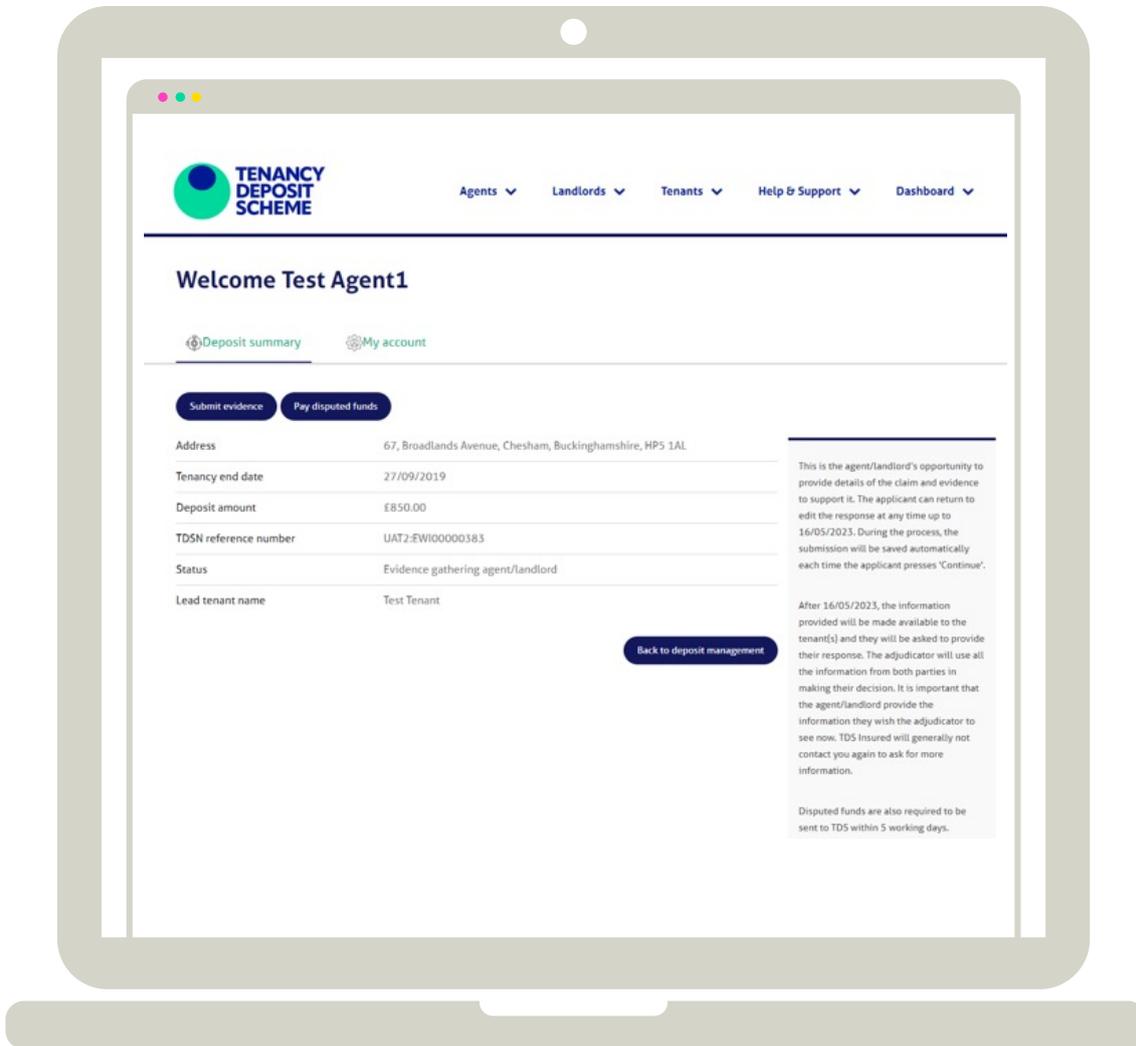
Note: You should not send TDS any funds that have been agreed between the parties.

To provide your evidence, access the relevant deposit under your TDS account. You'll be directed to the **Deposit summary** screen, as seen below. This page will show the details of the tenancy that you have provided, as well as the current stage that the case is in.





If you **haven't paid the disputed amount** into TDS at this stage, you'll see an option to pay the funds in online.



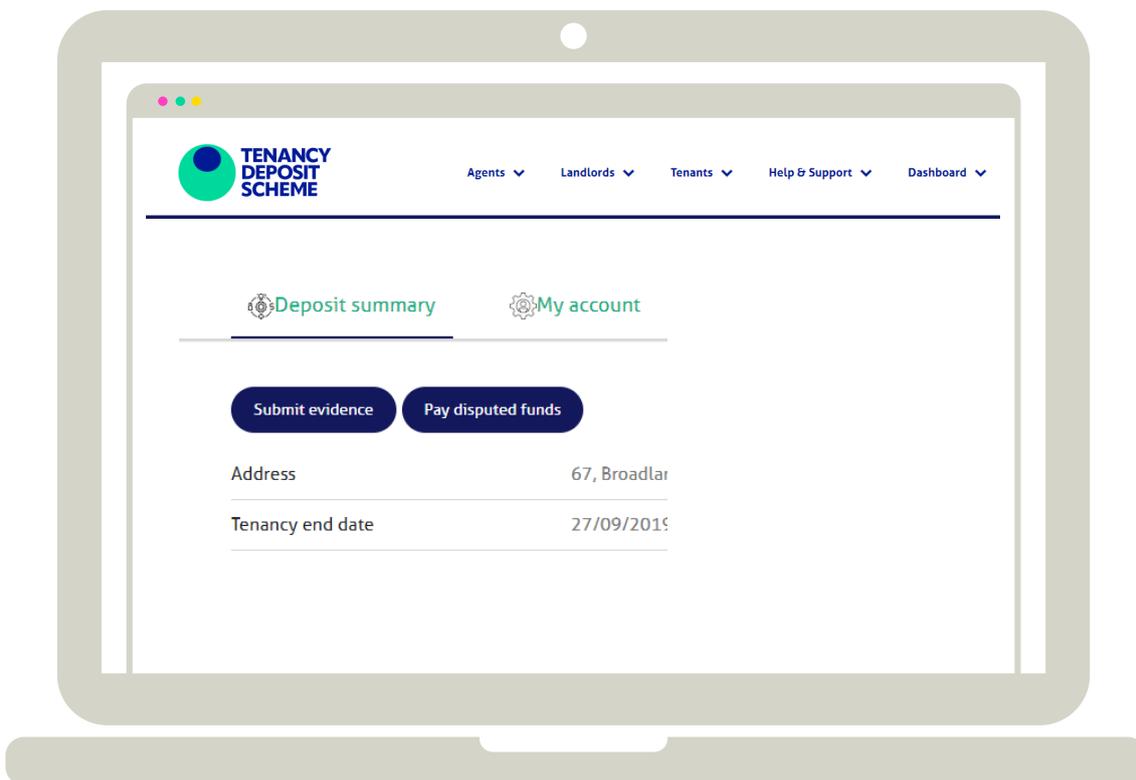


Your **deadline to provide your evidence** for the dispute is noted in the column to the right of the page.

Please note: You must make sure that you have **submitted all the evidence that you consider necessary** to prove your case to the adjudicator. TDS cannot accept evidence supplied by the parties via email. It is important that you provide any evidence that you wish for the adjudicator to consider via the **online portal only**.

You should make sure that you send the disputed funds to TDS within **5 working days** of TDS requesting you to supply your evidence. You will receive an email from our team advising you how to do this.

To continue to provide your evidence for the dispute, select **Submit evidence** at the top of the page.

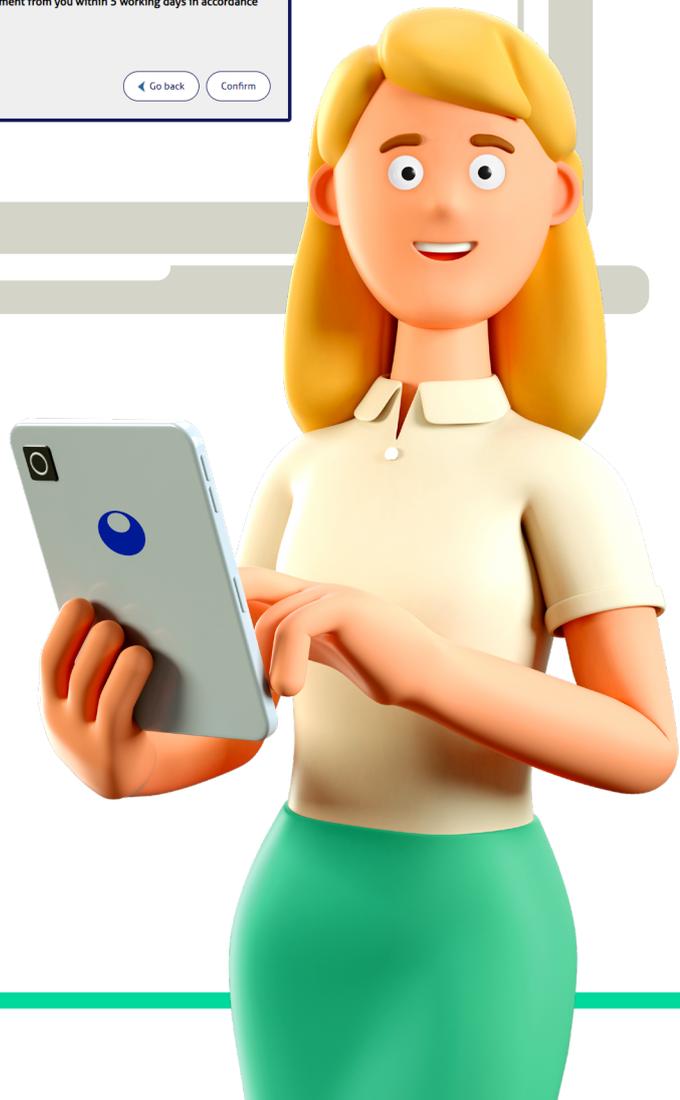
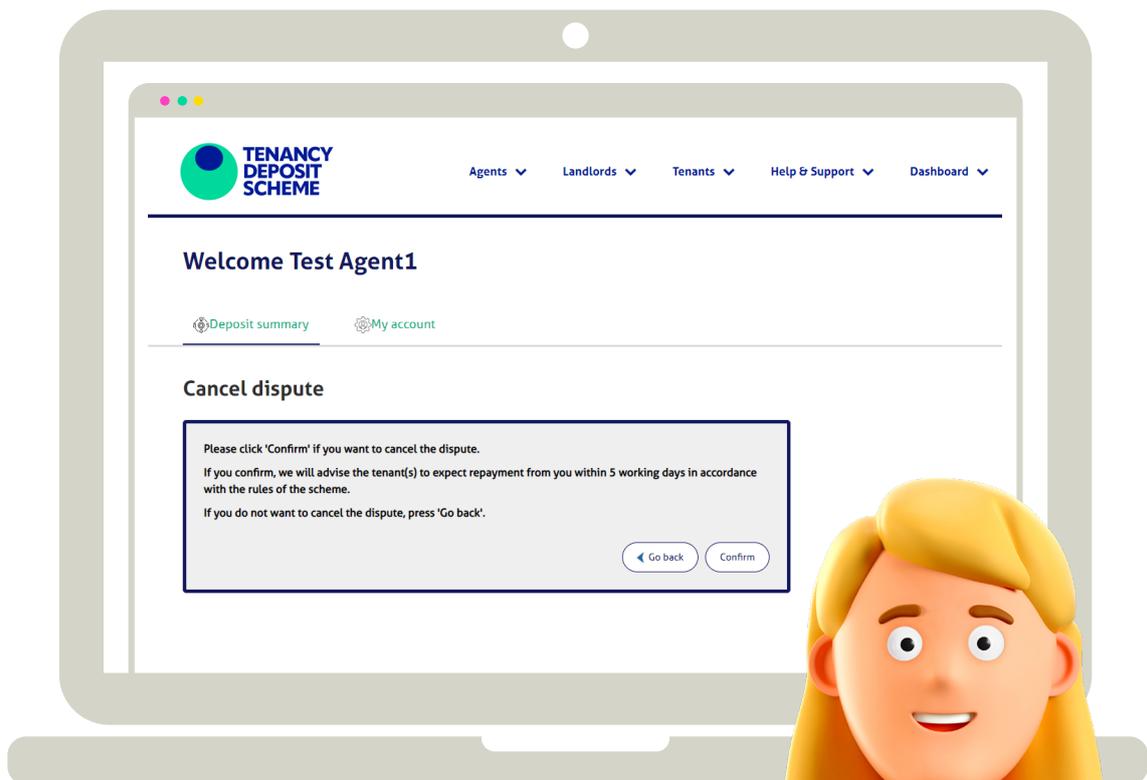




On the next page, you will see a summary of your proposal so far.

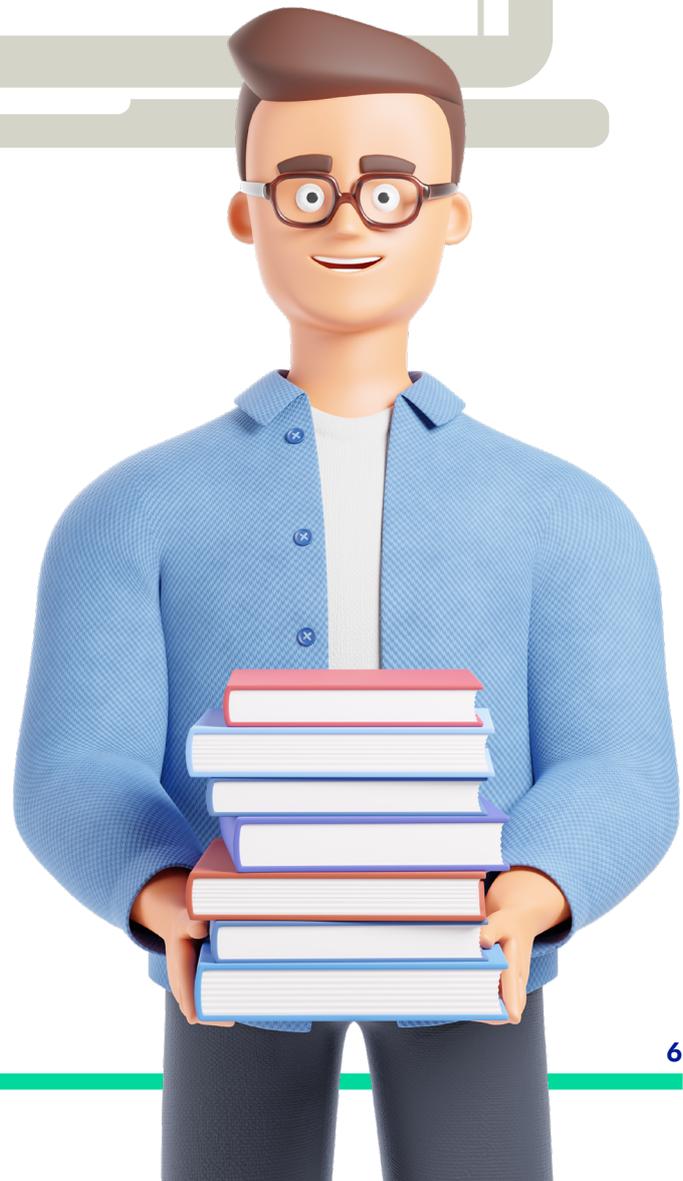
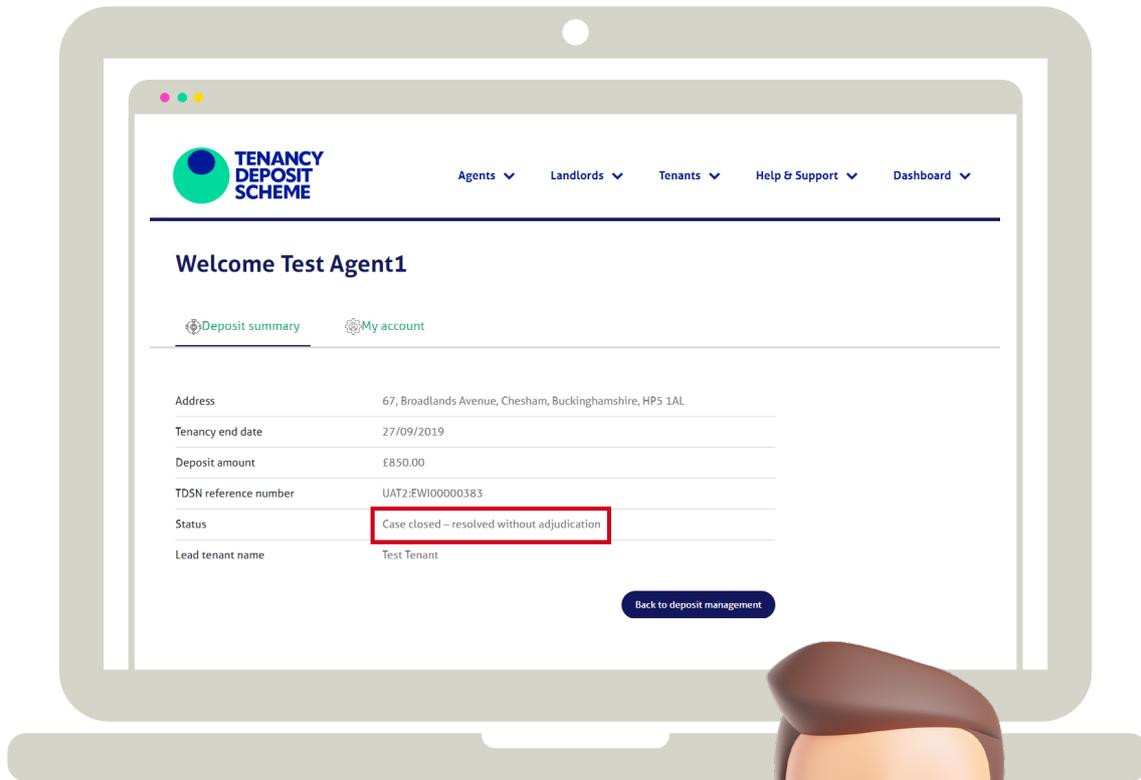
You can go back to the summary page or cancel your dispute at any time. If you want to cancel your dispute, simply select **Cancel dispute** at the top of the page.

If you choose to cancel your dispute, TDS Insured will ask you to confirm that you wish to cancel your dispute. If cancelled, our team will **release any disputed funds** that we currently hold **to the tenant(s) in full**.





We will also notify the parties that the **dispute has been canceled**. If we are holding any disputed funds, we will **release these funds to the tenant(s)** at this stage.





If you wish to **continue to provide evidence** for the dispute, you'll be asked to **confirm that you consent** to TDS handling the dispute.

By providing your consent, you'll be consenting to TDS Insured **sharing the information that you provide** with the other party and the adjudicator. You will also agree that the decision made by the adjudicator will be **final and binding** on the parties.

If you havent provided your payment details at this stage, you'll be asked to provide these details at this point.

The screenshot shows a web form with the following sections:

- Cleaning:** Input fields for £50.00, £0.00, and a dark blue button for £50.00.
- Damage:** Input fields for £100.00, £0.00, and a dark blue button for £100.00.
- Gardening:** Input fields for £150.00, £0.00, and a dark blue button for £150.00.
- Rent arrears:** Input fields for £50.00, £0.00, and a dark blue button for £50.00.
- Other:** A dropdown menu showing '500.00' and 'Early Release Fee [£300.00]', an input field for £0.00, and a dark blue button for £500.00.

Below the form, there is a paragraph of text: "Please provide us with or review your payment instructions. You are unable to continue to submit your evidence if you do not provide these. These payment instructions will be used for any award due to you following adjudication. Joint tenants will need to provide their payment instructions for their share, via their own TDS account."

There is a button labeled "Add bank details".

A red-bordered box contains the following text:

Please give your consent to the following:

I give authority to TDS to consider my dispute and confirm that:

- I accept responsibility for ensuring that any personal information I submit complies with the requirements of the Data Protection Act 2018, and the UK GDPR;
- I consent to the information I provide being shared with the other party to the dispute, the adjudicator and anyone else involved in resolving it;
- I agree that the decision of the adjudicator will be final and binding in accordance with the Rules for the Independent Resolution of Tenancy Deposit Disputes.

At the bottom right of the red box is a checkbox labeled "I consent to the above".

Below the red box is a button labeled "Continue".



Once you have provided your consent for TDS to handle the dispute, select **Continue**.

On the next page, you'll be asked to provide the key documents for the dispute.

The key documents for a dispute are:

- 1 A record of the tenant's obligations (normally in the form of a tenancy agreement)
- 2 A check-in report
- 3 A check-out report

If you are also claiming for rent arrears, you will be asked to provide a rent statement.

All the questions below are **mandatory to complete**. You must answer either **Yes** or **No** to these questions.

1 Key documents 2 Claim breakdown 3 Additional comments 4 Review submission

You have until 16/05/2023 to submit details of your case and your evidence.

Total claim amount	Does your total claim exceed the deposit amount?	<input type="button" value="Yes"/>	<input type="button" value="No"/>
Tenant's obligations and use of the deposit	Do you have a tenancy agreement?	<input type="button" value="Yes"/>	<input type="button" value="No"/>
Condition of the property at the start of the tenancy	Do you have an inventory/check-in report?	<input type="button" value="Yes"/>	<input type="button" value="No"/>
Condition of the property at the end of the tenancy	Do you have a check-out report?	<input type="button" value="Yes"/>	<input type="button" value="No"/>
Payment of rent	Do you have a rent statement?	<input type="button" value="Yes"/>	<input type="button" value="No"/>

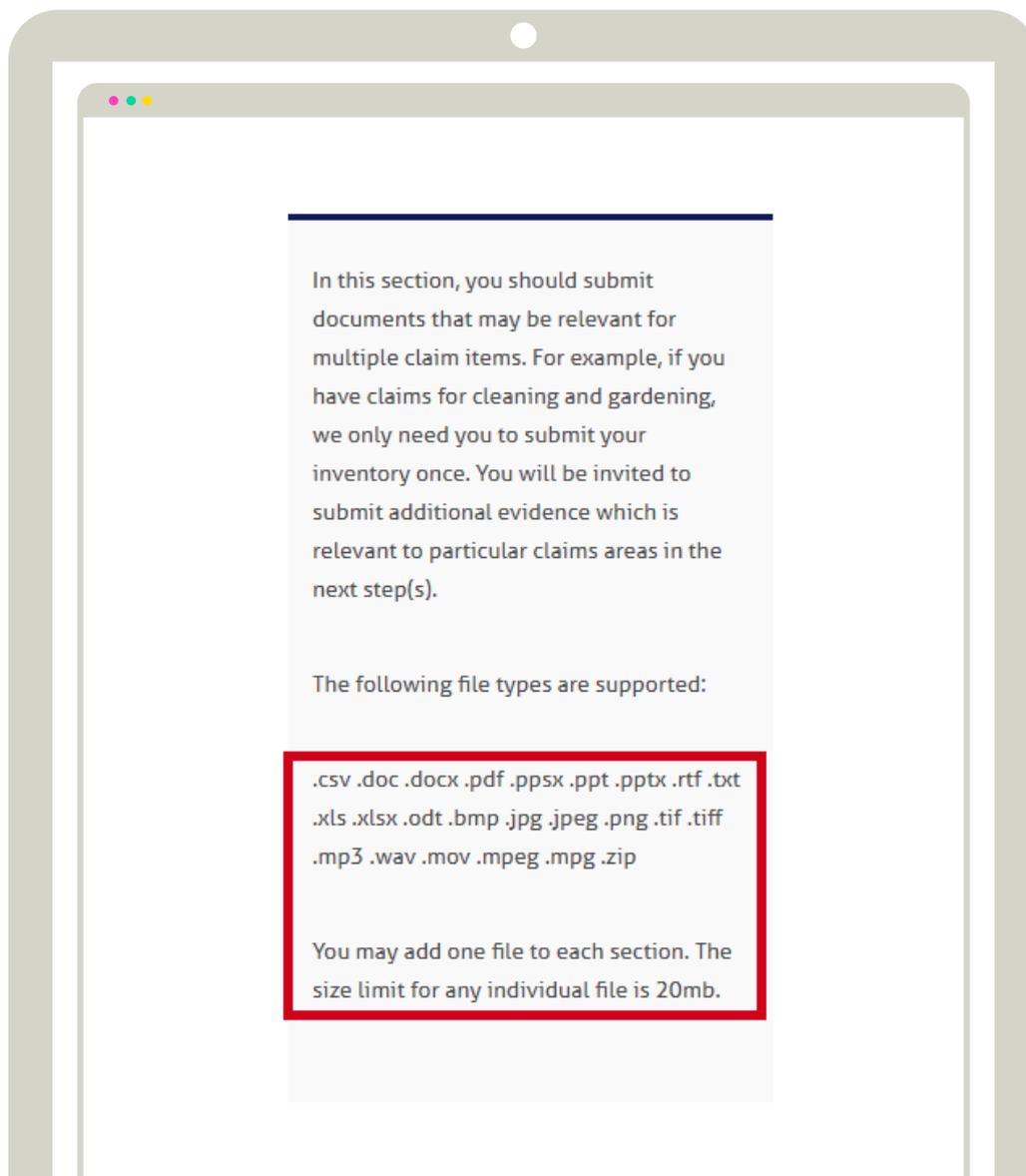


If you do not have one, or more, of the key documents required, can still continue with your submission, but please bear in mind that **failure to submit key documents may compromise your chances of success**. You may wish to reach out to the tenant to come to a resolution on this basis.

The documents that you submit must be **under 20MB** in size, and must be uploaded in one of the formats found on the grey sidebar to the right of the page.

You will only be able to add up to **one file per key document** at this stage. However, you will have the option to add further files in the following sections.

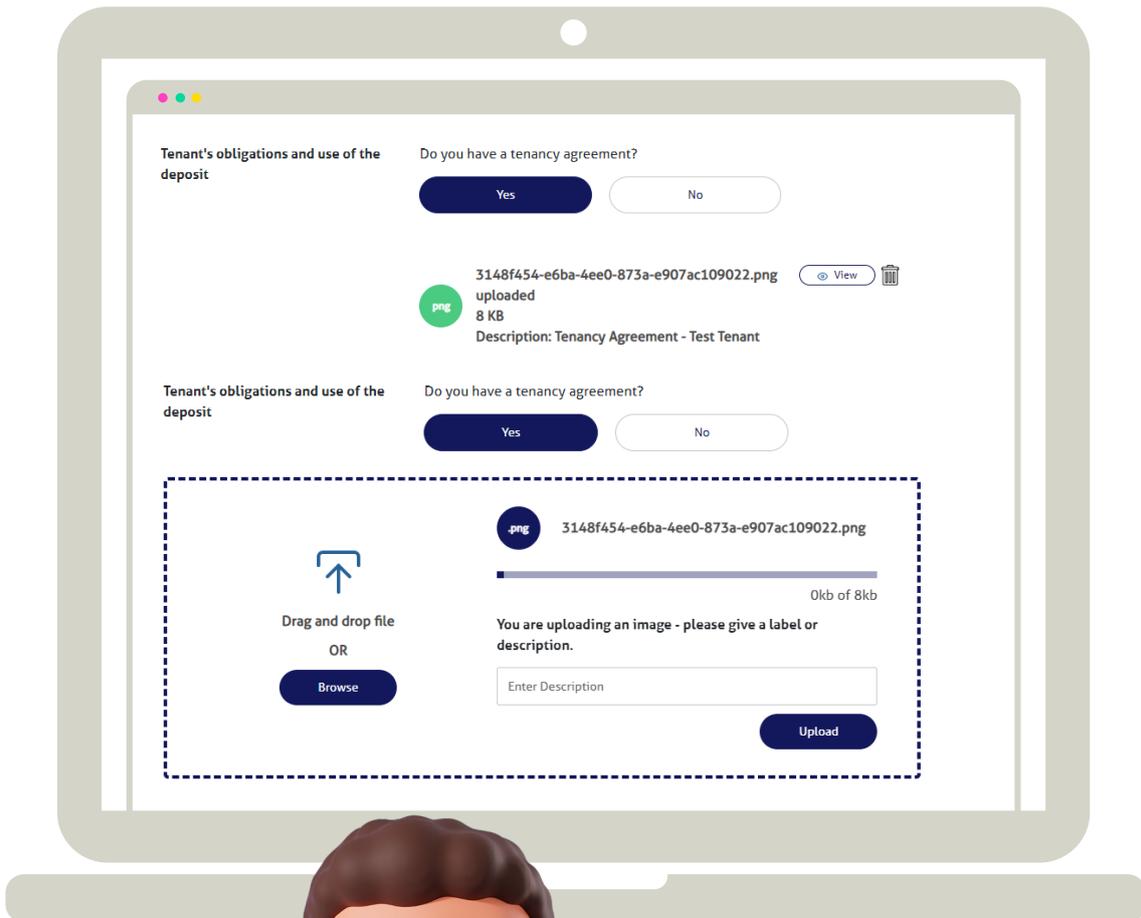
To add a document or file, select **Yes** next to each request. You will then be able to upload your chosen document from your local device.





If you need to **attach an image as evidence**, you will be asked to provide a label for the image.

Try to pick a label that describes the image you are uploading. In this example, we are uploading the **tenant's obligations**, so we will label the image as **'Tenancy Agreement'** followed by the tenant's name.



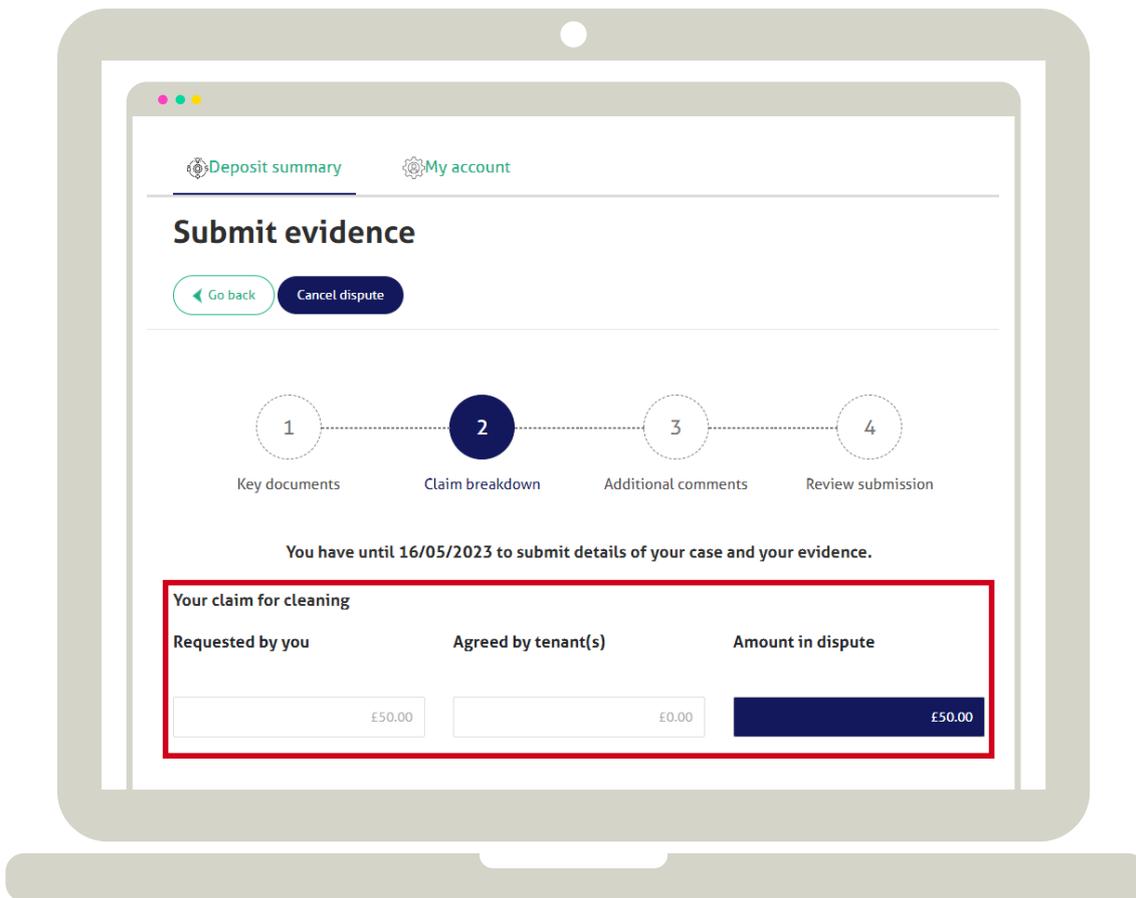


Once you are happy that you've submitted your key documents, select **Continue** at the bottom of the page.

You will then be asked to **provide further details and evidence** relating to each category of claim that you mentioned in your initial proposal.

At the top of each claim category you will see:

- 1 The amount requested
- 2 The amount agreed by the tenant(s)
- 3 The remaining amount in dispute





Below this, you will be asked to provide a **breakdown for your claim**, along with any clauses of the tenancy agreement and **evidence that you wish to rely on**.

Your claim for cleaning

Requested by you	Agreed by tenant(s)	Amount in dispute
<input type="text" value="£50.00"/>	<input type="text" value="£0.00"/>	<input type="text" value="£50.00"/>

Please describe your claim for cleaning and set out each cleaning claim separately by room
If your claim relates to more than one room, you will need to set out your claim room by room.

What clause(s) in the tenancy agreement support your claim for cleaning?
You need to point the adjudicator to exactly where the evidence is in the information provided. For example, page 2 of the tenancy agreement under clause 11.3. If you are making multiple claims, each one must be referenced.

What is your evidence of the property's cleanliness at the start of the tenancy?
You need to point the adjudicator to exactly where the evidence is in the information provided. For example, page 6 of the check in report under the heading 'Kitchen'. If you are making multiple claims, each one must be referenced.

What is your evidence of the property's cleanliness at the end of the tenancy?
You need to point the adjudicator to exactly where the evidence is in the information provided. For example, page 12 of the check out report under the heading 'Bedroom 1'. If you are making multiple claims, each one must be referenced.

What evidence supports the value of the claim you are making?
The invoice must clearly list each of the areas highlighted as cleaning claims above.

.csv .doc .docx .pdf .ppsx .ppt .pptx .rtf .txt .xls .xlsx .odt .bmp .jpg .jpeg .png .tif .tiff .mp3 .wav .mov .mpeg .mpg .zip

If you provide a photograph, you will be asked to label it clearly.

If you are able to break down each claim to provide more detail it will help the adjudicator understand more about the sum you are claiming. When answering the questions, please refer to all of your evidence, including the tenancy agreement, inventory/check-in and check-out information to demonstrate how your evidence supports the claim you are making.

The adjudicator will not construct the claim for you from the evidence you provide so you should point out clearly how the evidence you have provided supports each element of your claim.

If you are having difficulty providing evidence or answering the questions, you can return and complete or add to your submission before 16/05/2023. If you do not have relevant evidence, you may wish to consider cancelling the dispute. If you do so, the outstanding deposit will be due back to the tenant(s).

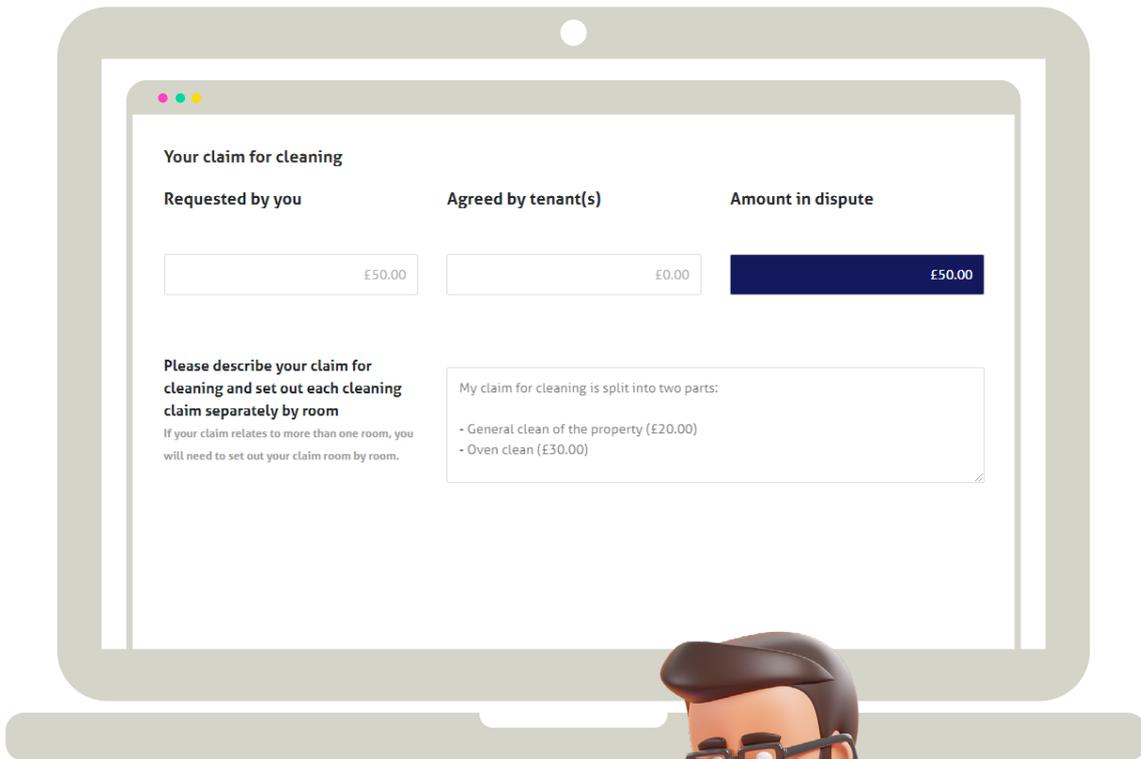
The size limit for any individual file is 20mb. You may add up to 10 files for cleaning and 5 files for damage, redecoration and gardening, in addition to the key documents previously added.

[View our help article here.](#)



The grey text under each point will **help you to understand what the adjudicator requires** under each category.

You should be as **explicit and clear as possible when providing a breakdown for your claim**. If the claimed category includes multiple amounts, you should list each amount clearly under the first section.



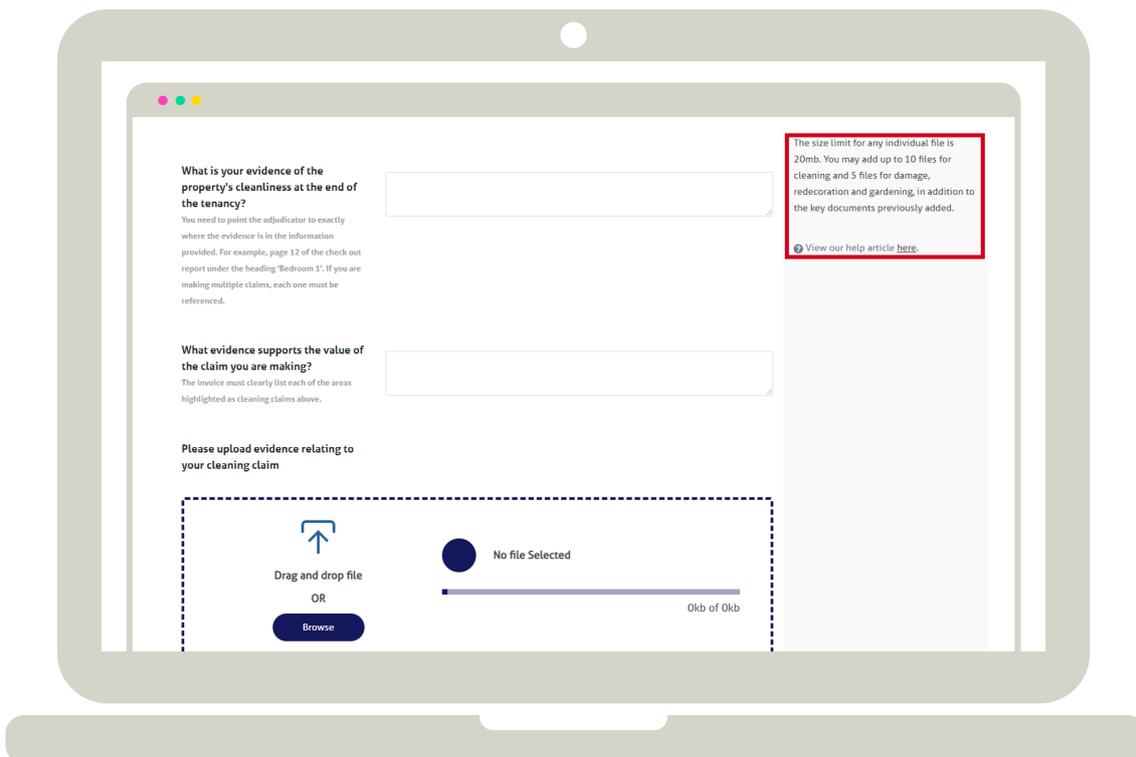


Please bear in mind that you will only be able to provide a **limited number of files under each claimed category**, excluding the key documents that you have submitted previously.

Our experience is that the **key documents** set out in the sections above are the most **important pieces of evidence** in any dispute involving a deposit or deposit replacement product. These should be comprehensive and clear and reduce the need for large volumes of additional evidence.

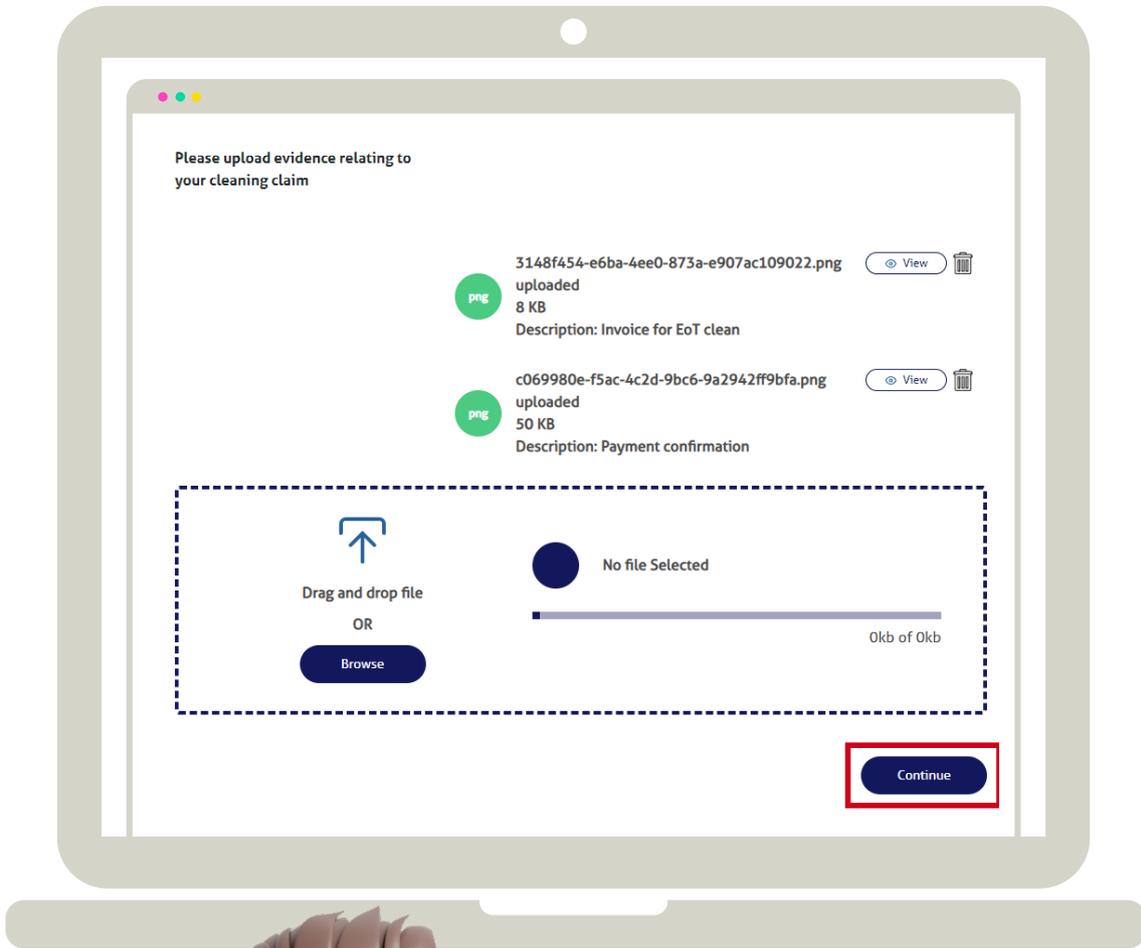
In the past, we have received evidence submissions running into many hundreds and sometimes thousands of pages, large parts of which are not relevant to the dispute. We limit the number of items that you are able to provide per individual claim area to **encourage the parties to focus on the most relevant additional information only**.

For further information on the evidence TDS can accept, please see the **Help Article** to the right of the evidence gathering journey





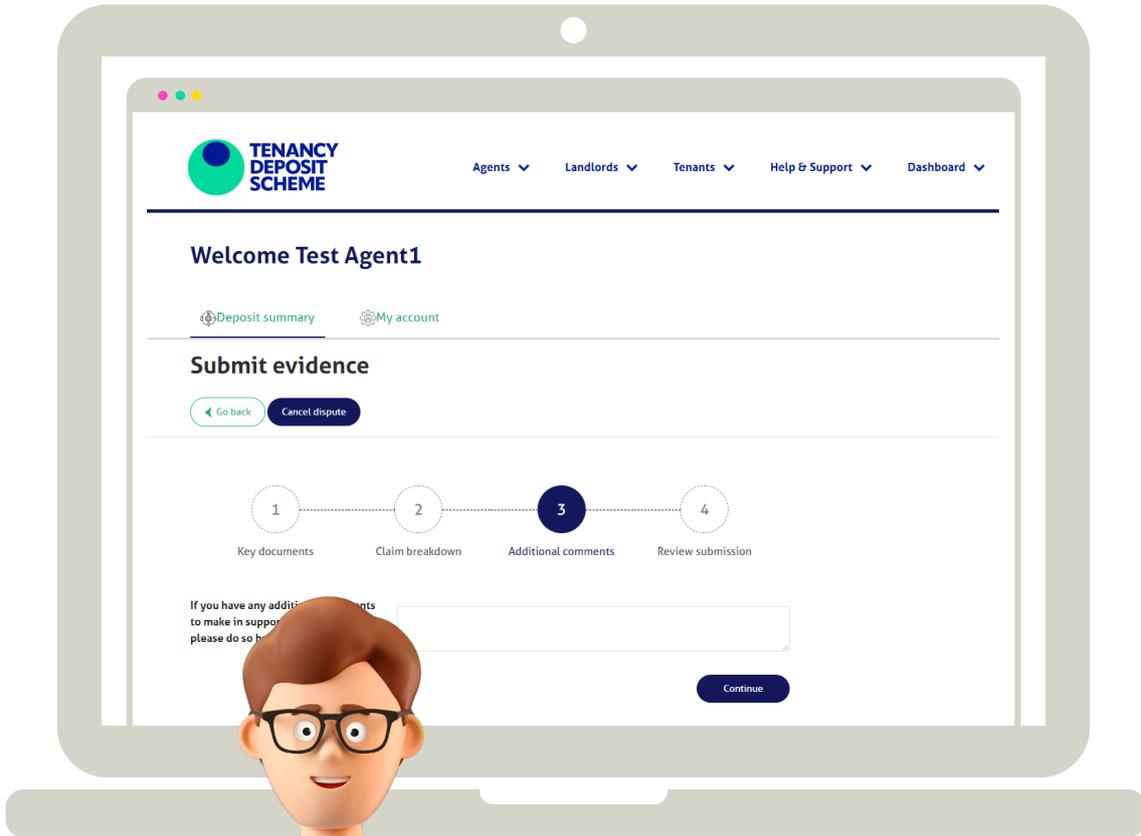
Once you're happy with your submission for this category, select **Continue** to proceed to the next category.





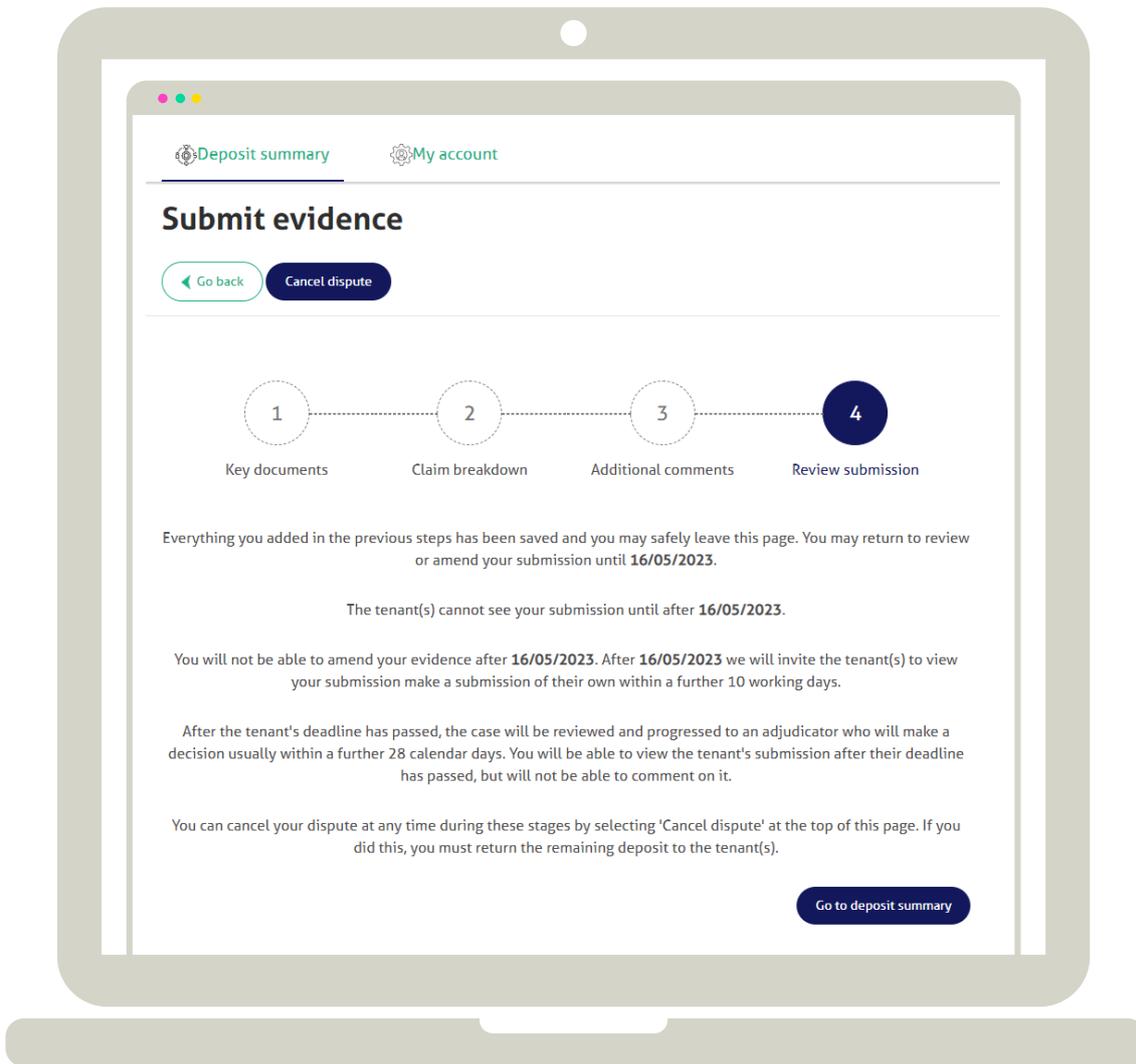
Once you've provided the details of your claim and your supporting evidence under each category, you will be asked to provide any additional comments in support of your claim.

Once you have provided your additional comments for your claim, select **Continue**.





You'll see a success page to inform you that your submission has been saved successfully.



To leave this page select **Go to deposit summary** at the bottom of the page. If you return to the deposit summary at any point before your deadline, you'll be able to review and amend your submission.

You will not be able to amend your submission once the deadline to provide your evidence for the dispute has passed.

Our team will contact the tenant(s) and **invite them to view your submission and make comments**. You can view the tenant's comments after their deadline, but you **will not be able to make any further comments in return**.

Once the tenant(s) have commented on your submission, **our team will review the evidence** provided by the parties. The case will proceed to adjudication if our team consider that an adjudication is required. Once the dispute has been reviewed, the adjudicator aims to issue their decision to the parties within **approximately 28 calendar days**

