

The Falmouth & Exeter Students' Union Advice Service

Holding Deposits & Tenancy Deposits

Book an appointment,
get in touch with us:

 01326 255861

 www.thesu.org.uk/advice

 advice@thesu.org.uk

 **THE** FALMOUTH & EXETER
STUDENTS' UNION

When renting private sector accommodation, one of the biggest complaints and concerns students have involves tenancy deposits – in particular, in relation to landlords or agents deducting money from a deposit and sometimes not returning any of the deposit at all.

Holding deposits

To secure accommodation you have found, you may be asked to pay a 'holding deposit'. Ordinarily this has the effect of the landlord taking the property 'off the market' while they undertake any checks such as credit references, guarantor references and previous landlord references (if applicable). A holding deposit should be no more than one week's rent.

If you pay a holding deposit, but you decide not to move in, probably you will not be entitled to a refund. The position is different if it's the landlord who decides not to proceed, in which case your holding deposit should be returned.

Always:

- Ask for written confirmation of the terms of a holding deposit; and
- Get a receipt for your payment of the holding deposit.

Tenancy deposits

Most private landlords will ask you to pay a deposit. This can be no more than 5 weeks' rent. If you are in a [joint tenancy](#), then all tenants can pay towards the total of one deposit.

All [Assured Shorthold Tenancy](#) deposits must be protected in a government approved tenancy deposit scheme. Currently there are three such schemes:

- The Deposit Protection Service
- My Deposits
- The Tenancy Deposit Scheme

Within 30 days of receiving your deposit, your landlord must confirm to you which of the schemes they are using, the relevant contact details and reference number.

Resolving a dispute

Each of the schemes operates a free dispute resolution service. Should a deposit-related dispute arise between you and your landlord, you can use the scheme to try and resolve it.

Renting as a lodger

If you rent as a lodger, your deposit does not get the same level of protection. Rather than having to pay it in to one of the approved schemes, the landlord can 'hold it'. Sometimes that can make it more difficult to recover.

Getting advice

If you need advice about your deposit or any other tenancy-related matter, you can book an appointment with one of our advisers on our website.

Alternatively, email your enquiry to advice@thesu.org.uk