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FAIR WEAR AND TEAR

The tenant has a duty of care to return the property at the end of the tenancy in the same condition as that recorded on the Inventory at the start of the tenancy, Fair Wear and Tear accepted. A tenant cannot be held responsible at the end of a tenancy for changes in a property's condition caused by what the House of Lords has called "reasonable use of the premises by the tenant and the ordinary operation of natural forces (i.e. the passage of time)".

It is also an established legal tenet that a landlord is not entitled to charge his tenants the full cost for having any part of his property, or any fixture or fitting, ".....put back to the condition it was at the start of the tenancy."

This means taking into account:

- The original age, quality and condition of any item at commencement of the tenancy
- The average useful lifespan to value ratio (depreciation) of the item
- The reasonable expected usage of such an item
- The number and type of occupants in the property
- The length of the tenant's occupancy

Damage beyond Fair Wear and Tear

Where damage has been caused for which the landlord can fairly be allowed to claim recompense, there is a duty to adopt the most reasonable, practical and appropriate approach to assessing remedy.

The law does not allow for betterment, which means a landlord cannot expect to have old replaced with new at the tenant's expense, or clean for that soiled at the start of the tenancy.

To avoid betterment, the allocation or apportionment of any costs, charges or compensation for damage must take into account all the factors relating to

- (a) fair wear and tear,
- (b) the most appropriate remedy and,
- (c) that the landlord should not end up either financially or materially in a better position than he was at the commencement of the tenancy or as he would expect to be at the end of the tenancy having considered (a) and exercised (b).