



# Tenant Fees

A guide for tenants

## Tenant Fees Act 2019

Under this Act, landlords and agents are prohibited from charging any fees to tenants, other than those 'permitted' by the Act. The Act applies to any tenancy that was signed on or after 1 June 2019.

The Regulations apply to all assured shorthold tenancies [ASTs], tenancies of student accommodation and licences to occupy housing in the private rented sector. It also applies to housing associations and local authorities, where they are letting an AST in the private rented sector

There are several fees that are 'permitted'. These include:

- the rent
- a refundable tenancy deposit capped at no more than five weeks' rent [if the total annual rent does not exceed £50,000]
- a refundable holding deposit capped at no more than one week's rent
- payments to change the tenancy when requested by the tenant, capped at £50, or reasonable costs incurred if higher
- payments associated with early termination of the tenancy, when requested by the tenant
- payments in respect of utilities, communication services, TV licence and council tax; and
- A default fee for late payment of rent and replacement of a lost key/security device giving access to the housing, where required under a tenancy agreement

Other steps you can take to minimise fees that you need to pay:

- Tenancy deposit deductions - The deposit must be refunded in full at the end of the tenancy. However, deductions can be made for repairs etc. These deductions must be reasonable and justifiable. You should leave the property in the same condition as when you moved in. Make sure to take plenty of pictures to challenge any deductions you disagree with
- Default fees [payments for lost keys etc] - Ask for invoices, receipts or evidence in writing that show that what you're paying matches the cost of whatever is being charged

*If you entered into a tenancy before 1 June 2019, a landlord or agent will still be able to charge fees up until 31 May 2020.*

Any fees not listed on the government's 'permitted' fees list are prohibited. Landlords and agents are NOT able to charge fees, **for example**, for:

- Property viewing
- Referencing
- Administration charges
- Guarantors (this can be a condition of the tenancy but no charge can be made)
- Inventory checks (both check in and check out)
- Right to Rent checks (the landlord or agent are liable for this cost, unless the tenant fails the check)

**What to do if your landlord / agent demands an unlawful payment or refuses to repay monies paid;**

**You can; -**

**1 – Complain to the redress scheme your agent belongs to**

**2 – Contact your local authority/trading Standards service**

**3 – Take your landlord/agent to tribunal to recover monies already paid**

A landlord or agent cannot evict you until they have repaid any unlawful fee or holding deposit.

If your landlord or agent fails to refund the unlawful payment you could make an application to recover the payment via a First-tier Tribunal. The First-tier Tribunal is easy to access for tenants. You will be required to submit evidence to support any application you make.

Contact your local authority if your landlord or agent makes an unlawful demand for payment or does not return any payment already made. Local authority **trading standards** services are responsible for enforcing the ban. They can take formal enforcement action against the landlord or agent and require them to repay any fee that has been unlawfully charged. They may also require the landlord or agent to pay interest on this amount. You can access their services by contacting Consumer Advice Consumer Services on 03454 04 05 06.

Download and keep a copy of the Government's ["Guidance for Tenants" document](#).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/819635/TFA Tenant Guidance 190722.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819635/TFA_Tenant_Guidance_190722.pdf)

This is a much more detailed look into what is, and isn't, allowed with the ban.

Contacts;

Waltham Forest Housing Advice; 020 8496 3000

Citizens Advice Consumer Services; 03454 04 05 06