
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No.

The Tenancy Deposit Schemes
Regulations (Northern Ireland) 2012

PART 5

Procedures for safeguarding and repaying tenancy deposits

Application for repayment of a deposit – insurance schemes

25.—(1) This paragraph applies where the scheme administrator gives a direction under regulation 24(4) to a landlord.

(2) The scheme administrator must also send to the landlord a notice:—

(a) asking the landlord to indicate:—

(i) whether the landlord accepts that the tenant should be repaid the whole or part of the outstanding amount; or

(ii) if the landlord accepts that part of it should be repaid, the amount the landlord accepts should be repaid and his proposals to do so;

(b) warning that if the landlord does not accept that the tenant should be repaid the whole or part of the outstanding amount and fails to respond within the relevant period to the question mentioned in paragraph (2)(a), the dispute will be resolved through the use of the dispute resolution mechanism.

(3) If the scheme administrator does not, within 5 working days receive a response from the landlord indicating whether the landlord accepts that the whole or part of the outstanding amount should be repaid to the tenant the scheme administrator must:—

(a) treat the lack of a response as an indication that the landlord does not accept that the tenant should be repaid any of the outstanding amount;

(b) determine forthwith whether the notice was received by the landlord;

(c) if satisfied that the notice was received by the landlord, that the dispute will be resolved through the use of the dispute resolution mechanism;

(d) inform the tenant and the landlord that the dispute will be resolved in this way; and

(e) inform the tenant and the landlord the date on which all papers referring to the dispute have been forwarded to the dispute resolution mechanism.

(4) If within the relevant period the scheme administrator receives a response to the notice under paragraph (2) to the effect that the landlord does not accept that the tenant should be repaid the whole or part of the outstanding amount, the dispute will be resolved through the dispute resolution mechanism:—

(a) the scheme administrator must inform the tenant and the landlord that the dispute will be resolved in this way; and

(b) the date on which all papers referring to the dispute have been forwarded for dispute resolution.

(5) In this paragraph:—

the “outstanding amount” has the same meaning as in regulation 24(2)(b);

the “relevant period” means the period of 10 working days beginning with the day after that on which the notice referred to in paragraph (2) is sent.