



Fair Wear and Tear

This is damage or deterioration that occurs through normal use or is the normal change that takes place due to the ageing of the property.

The House of Lords has stated that a tenant cannot be held responsible for damage at the end of a tenancy caused by 'reasonable use of the premises and the ordinary operation of natural forces'. Conversely, the tenant has a duty of care to return a property in the same condition at the end of the tenancy as found at the start and as listed on the initial inventory report – with the exception of fair wear and tear.

It is also useful to be aware that the law does not allow for betterment or new for old when assessing the action needed to be taken after a check out inspection. If an item was old at check in and after a two-year tenancy there is some additional damage the law will not allow a landlord to simply replace this item with a new one. Instead some sort of compensation is allowable towards future replacement.

This betterment principle applies to cleaning issues also. If a carpet was badly stained at time of check in a landlord cannot expect the tenant to pay for cleaning at time of check out no matter how long the tenancy has been.

Factors considered when assessing for “Fair Wear and Tear” include:

- The age of the item at Check In
- The Quality of the item
- The original condition at Check In
- The type of Tenancy (i.e. single occupant or family with kid, cats, dogs, smokers, by agreement)
- The reasonably anticipated lifespan of the item

Examples of general “Fair Wear and Tear” could include:

- Woodwork paint that becomes scratched or chipped over time
- Plaster or brickwork cracks that appear as the building settles (known as settlement cracks)
- Wall and ceiling paint that fades or discolours over time
- Walls lightly marked by every day contact
- Carpets worn from day-to-day use
- Kitchen worktops marked or scratched by kitchen implements such as microwaves
- Wear to white goods that is the result of normal usage, rather than the Tenant’s misuse.

Stef Cooke Inventory Services uses the guidelines drawn up by the Association of Independent Inventory Clerks to help gauge Fair Wear and Tear and to assign any costs.