

Using photos and video as evidence

A guide for landlords and agents



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As a landlord or letting agent you will be aware that good quality photographic and video evidence is of great value in demonstrating the extent of any damage or dilapidations to your rental property during, and particularly at the end of a rental period.

If you feel that it is reasonable to make deductions from your tenant's deposit at the end of the tenancy for things like cleaning charges, damage or redecoration, then photographic/video evidence will assist in your negotiations with the tenant. In the unlikely event that you and your tenant cannot agree on the proposed deductions and you need to use an Alternative Dispute Resolution service, you will need to submit evidence to an impartial adjudicator to support your claim to the deposit money.

Written by **my|deposits Scotland** Head Adjudicator, Suzy Hershman, this guide contains best practice advice for taking clear and reliable photographs and video evidence to help maximise their value in the event of a dispute.



NOTE: It is important to note photographs should **support** the written description within your check in report or inventory and should not be relied on exclusively.

What should I photograph/record at the beginning and end of the tenancy?

At the beginning of the tenancy you should take photographs/video of each room within the property, clearly showing any existing damage or wear and tear. Visual evidence can be beneficial in covering a wide area within the property in a short space of time and helps give an overall view of the property for an impartial party. Photographs can, in some cases, be used to show greater detail and it is just a matter of preference which method you use (however, see quality).

On check out, video and photographs should clearly show any dilapidations and damage.

TOP TIP: Remember to concentrate on any areas in the property you know cause issues and often require negotiation at the end of the tenancy.

Quality

It goes without saying that good quality photographs/video are paramount when negotiating with your tenants or painting a clear picture for an adjudicator. Make sure your photos/video are taken in good lighting with a good picture resolution, particularly if you are taking video footage on a digital camcorder or mobile phone, as lighting and clarity can vary considerably. If you intend on printing the images then ensure you use a good quality printer.

Format and scaling

You should provide an indication of scale, either with a ruler or household item such as a pen.

It is also helpful to have a referencing system within your inventory/check-in report where photographs can be numbered and paired with the descriptive condition and areas of the property.

Authentication

Photographs/video, especially in a case referred for adjudication, will need to be authenticated to show the date they were taken.

If photographic or video evidence is not date stamped then an adjudicator cannot verify when it was taken. For this reason best practice is to embed photographs into the inventory and condition report, get a signature from the tenant at the start and end of the tenancy and have the date stamped on the photo. If photographs taken at the start are not embedded or date stamped you should ask your tenant to sign and date each photograph to verify the detail. Video footage can also have the date shown digitally on the screen.

NB: If you are relying on your computer's properties page to show the date the photograph was taken, you should provide the Scheme with a print screen image of the properties page as the date may be lost during the file upload.

Relevance

Although it is helpful to take photographs of the whole property at the beginning of the tenancy, an adjudicator only requires evidence which is relevant to the issue in dispute so only submit those that support your claim. If you are submitting video evidence, ensure that you reference the time in the footage that is relevant to your case. This is important for ensuring your case is dealt with quickly and helps to clearly highlight your claim to an adjudicator.

Using the my|deposits Scotland ADR service

my|deposits Scotland provide a free and impartial dispute resolution service to members and their tenants. The following information is specific to members using the my|deposits Scotland ADR service:

Will images or footage sent by post be returned to me?

We reserve the right only to return original documentation to you upon prior agreement and at your written request. If we do not receive clear instruction at the time of receiving your evidence, we reserve the right to destroy the evidence. If we do agree to return your evidence you may be charged an administration fee to cover our postage and packaging costs.

What is the maximum size file I can upload?

The maximum file size our current system will accept is 20MB per file upload.