



**SafeDeposits
Scotland**

Adjudication digest No 01/2016

Oil on troubled waters

- **The adjudication digest takes a recent decision by a SafeDeposits adjudicator and sets out the reasons behind it. We hope that you will find these digests informative in understanding how we reach our adjudication decisions.**
- **This document is for guidance only – it is not intended to guarantee when an award will be made.**
- **Each dispute is different and the actual award made will be based on our interpretation of the specific evidence presented to us.**



03333 213 136
safedepositsscotland.com

The aim of these digest reports is to help tenants, landlords and agents better understand how we make our adjudication decisions. The names of the parties involved have been removed and this is only a brief summary of the dispute.

Oil on troubled waters

In this month's issue of the digest, we look at an adjudicator's approach to claims for oil replacement.

Amount of deposit in dispute	£330.00
Award to tenant	£55.00
Award to agent (on behalf of landlord)	£275.00

The landlord claimed at the end of the tenancy for the cost of topping up the oil tank at the end of the tenancy.

The tenant agreed that they should make a contribution towards the oil, but stated that the meter was faulty and there were no agreed readings/measurements. While they accepted that the tank had been left less full, they disputed that they had used the amount of oil the landlord was claiming for during the tenancy.

The landlord agreed that the gauge was difficult to read and so a measuring stick was used to determine oil levels. The inventory did not contain measurements but stated that the oil tank was 'fairly full' at the start of the tenancy, but less than half full at the end.

The landlord provided 2 invoices for the delivery of oil. The first was for the delivery of 500 litres of oil 3 weeks before the start of the tenancy; the second was for the delivery of 700 litres at the end. The price per litre charge had fallen by 30% during the course of the tenancy.

In the absence of more detailed information the adjudicator concluded that the sum offered by the tenants (£275.00) was reasonable in the circumstances.

So what are the key points here?

Establishing a claim for oil is similar to a claim for gas or electricity usage and relies primarily on accurate readings or agreed measurements.

Where there is difficulty in using a gauge measurement, alternatives such as a dip stick measure can be helpful. However, the adjudicator will also need additional information, such as the capacity of the tank, to understand what measurements mean in volume terms.

The landlord may wish to ensure that a delivery is made to ensure the tank is full at the start of the tenancy. The tenant will then be responsible for ensuring the tank is left full at the end.



**SafeDeposits
Scotland**

**SafeDeposits Scotland
Lower Ground
250 West George Street
Glasgow
G2 4QY**

**E: info@safedepositsscotland.com
W: safedepositsscotland.com
T: 03333 213 136**