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Wear and Tear vs. Damages

Security deposits can be used to repair damage for which a resident is responsible. However, the landlord cannot apply the security deposit to normal wear and tear. The question is: "What's the difference?"

NORMAL WEAR AND TEAR DEFINED

Normal wear and tear means that deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident or abuse of the premises or equipment or chattels by the tenant or members of his household, or their invitees or guests.

Notice that normal wear and tear does not include dirt---excessive dirt is considered negligence, carelessness, accident or abuse.

The following incomplete list of examples are intended as a guide to reasonable interpretation of the differences between expected "wear and tear" from normal residential use and irresponsible, intentional or unintentional actions that cause damage to a landlord's property.

Courts have also ruled that the length of time a tenant has occupied a property must also be taken into consideration when accessing damages in relation to deductions to a tenant's security deposit. The longer a resident has resided in a property, the more allowance must be given for "wear and tear" over damage.

Wear and Tear	Damages
Small nail holes caused by a 6-penny nail or smaller. A 6-Penny nail is 2 inches long and is used for hanging picture frames and other items on walls.	Large holes from hanging shelving, pictures, screws, wall anchors, flat screen TV brackets or any other wall hanging that causes damage larger than a 6-penny nail.
Faded Paint	Spot painting and patching or touch up painting of any kind.
Faded caulking around the bathtub and tiles.	Missing caulking around the bathtub and tiles.
Hard water deposits	Buildup of dirt, mold, mildew or water stains from a preventable or unreported water leak or drip.
Worn out keys	Broken, lost or unreturned keys

Loose or stubborn door lock	Broken or missing locks.
Loose hinges or handles on doors	Damage from a door from forced entry or damage from using feet to open doors.
Worn carpet traffic patterns	Torn, burned, stained, missing, ripped, scratched, or snagged carpet, pet damage.
Faded finish on wood floors	Scratched, gouged, warped or water damaged wood floors
Linoleum worn thin	Linoleum with tears, chips or holes
Worn countertops due to daily use.	Burned cut, stained, scratched or water damaged countertops
Drywall cracks from settling.	Holes in walls, doors, screens or windows from misuse, negligence, carelessness, accident or abuse.
Faded, chipped or cracked paint	Unapproved or poor tenant paint job
Loose wallpaper	Ripped or marked up wallpaper
Worn or heat blistered mini blinds	Broken, bent cracked or missing slats, wands or hardware. Broken strings.
Dirty window and door screens	Torn or missing screens
Sticky window	Broken window
Loose or inoperable faucet handle	Broken or missing faucet handle
Running toilet	Broken toilet seat, tank top or chipped or cracked toilet bowl
Musty odor	Urine or pet odor throughout unit
Closet bi-fold door off track	Damaged or missing bi-fold door
Non-functioning smoke or CO detector	Missing or detached smoke detector or CO detector or missing batteries
Nonfunctioning light fixture	Missing, burnt out, or incorrect style light bulbs
Dry Lawn	Lawn with pet urine spots, dead areas, excessive weeds
Slow draining drains	Drains that are clogged by hair, toys, or other non-flushable objects