

Headline: Students Reclaim Deposit from Landlord

Teaser: Questionable practices at Munich's "UNity B" student residence revealed as Mietergewerkschaft assists tenants in recovering withheld deposits.

"Young living guaranteed," the "UNity B", a student and apprentice housing complex in the northern part of Munich, promises on its homepage, however while at the same time passing on the costs of pre-existing damages in the housing facilities to their tenants. Since early 2022, the "Mietergewerkschaft" has received numerous complaints from the 480-apartment complex, managed by Grammer Immobilienverwaltung GmbH.

Local staff's hostility adds to the complaints, alongside hot water and WLAN issues. The "Mietergewerkschaft" held an online meeting to address concerns and draft demands but individual tenants continued seeking help.

In a recent case, two tenants who shall remain anonymous were prepared to leave their flat when at the final inspection multiple defects were recorded by the landlord —the same ones that the tenants had previously reported to them to no avail. Surprised to see them listed in their handover certificate, the tenants refused to sign entering yet another conflict with their landlord. However, with the support of the "Mietergewerkschaft", they succeeded to reclaim their deposits.

One tenant told us: "We made it clear that we wouldn't sign and would be leaving. Visibly surprised, the Grammer staff resorted to the threat of retaining our deposits in case we didn't sign. Once we asked for further contact details, they became aggressive and insisted they didn't have the time to answer. We were completely on our own in finding the right contact address. Another employee stepped in threatening yet again to add more damages to our handover certificates in case we continued resisting."

Ultimately, the two tenants gave in and signed the handover protocol. Amongst others, factors such as the blatant intimidation, their unfamiliarity with the law and language barriers played a role in this apart from the fear of potentially losing a significant portion of their 3000 Euro deposit upon refusing to sign.

According to German law, only claims deriving from the rental agreement can be offset against the rent deposit. This implies that if tenants are required to cover the cost of cosmetic repairs, this must be explicitly stipulated in the contract. Landlords can only retain part of the deposit for damages attributable to the tenants, and this only up to the actual cost of the cosmetic repairs. Opportunities should be offered to tenants to rectify any issues themselves prior to moving out.

Unfortunately, the Mietergewerkschaft notes that similar incidents are not limited to this specific dormitory. When under pressure, tenants often choose not to challenge the situation. The inability to recover a deposit of thousands of euros, combined with the likely need to deposit a similar amount with the next flat, can be a significant financial burden for students and young professionals. At the same time, landlords benefit from applying only a small amount of pressure.

We encourage tenants to be well-prepared for the handover process. "Tenants anticipating a deposit dispute when moving out should bring a witness to the handover. There is no obligation to sign the handover protocol. As a general rule, do not sign the protocol if any issue remains unresolved. Otherwise, reclaiming the money can prove quite challenging," advises Maximilian Rathke, second chairman of the Mietergewerkschaft.

In this case, even after signing the handover protocol, the outcome was favorable. The two tenants reached out to the Mietergewerkschaft. Collaborating with the affected tenants and with legal

support, a letter of complaint was crafted. While the complaints of the individual tenants remained unanswered, Grammer responded to the letter from the Mietergewerkschaft and returned the full deposit.

"I am so relieved that we have got our money back. Without the quick and effective intervention of the Mietergewerkschaft, I would have come away empty-handed. This ordeal made me realize that we tenants are vulnerable without proper organization," one of the students remarks.

In response, Grammer distanced itself from the allegations raised by the two tenants. The company denied making any threats related to the deposit. Nonetheless, the Mietergewerkschaft has received similar accounts from other former UNity ß tenants.

We encourage other tenants of the housing complex and others who are in similar situations, to not hesitate to reach out and contact us via email or phone.