

# Key Matters

Opening the door to tenancy deposit protection in Scotland

**ISSUE 2 - AUGUST 2020**



NEWS - STATISTICS - ADVICE



SafeDeposits  
Scotland



# SCOTLAND'S LEADING TENANCY DEPOSIT SCHEME



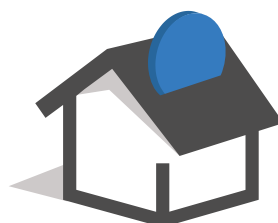
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# Come on in...



## WELCOME

Welcome to the August issue of Key Matters, released as we get ready for a new academic year – albeit one with very different circumstances from last year.

This edition includes findings from a post-pandemic survey conducted with landlords in the student market, advice for new student tenants and news of a grant awarded to the University of Stirling by the SafeDeposits Scotland Charitable Trust.

Recently we have introduced a brand new service – SDS Resolution – which aims to support both landlords and tenants on rent arrears issues during these challenging times. You can read more about SDS Resolution within.

Topping off a busy spell, we were delighted to have our service officially recognised with our Customer Service Excellence accreditation.

As lockdown has gradually eased and house moves have started again, we hope that you are finding something resembling normality returning to your day to day life. As always we are here to help, so please do get in touch with us if there is anything we can do to make things go as smoothly as possible for you.

**Mike Smith**  
**Operations Manager**  
**SafeDeposits Scotland**

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Published in Glasgow by SafeDeposits Scotland



# 5 Months of Lockdown: The View from SafeDeposits

Customer Relations Manager Carol Bradburn reflects on developments since March



Throughout lockdown the SafeDeposits team has been on hand to advise and assist in all things related to tenancy deposit protection during these unusual times, but we have also listened to and learned from our customers about the experiences many in the sector have had over the past five months.

We know first hand that the COVID-19 crisis has turned any seasonal patterns on their head. As universities closed their doors, students started to serve their 28 days' notice – for some this would have been a quick decision, while others would need time to weigh up other arrangements in their life, so the departure of students was staggered as well as coming early. On the flip side, there have been instances of students extending tenancies due to the change in circumstances.

We take a closer look at the experience of landlords in the student market on pages 6 and 7 of this magazine, but the upheaval in the sector has certainly not been exclusive to student tenancies. Across the board there have been accounts of tenants vacating their rented property during lockdown without giving notice.

Meanwhile the pandemic has not necessarily been a cause of increased disputes, however it has been a busy spell for our ADR team nonetheless, as tenancy endings have been expedited and with them any disagreements that might have been bubbling under – regardless of lockdown – have reached dispute stage. You can catch up on our latest dispute statistics on page 10.

Among the positives noted during lockdown has been the resilience shown by agents and landlords amidst the crisis. Through adapting and conforming to social distancing measures, many were able to continue moving in tenants – a vital service for many, including key workers and those who had experienced changes to their personal circumstances.

We have spoken before about SafeDeposits' response to lockdown, but alongside the practical continuity of our services another new test has been the first-time scenario of deposit repayments outnumbering deposits coming into the scheme over a prolonged period. Happily our treasury policy has proven to be robust, and as the number of new deposits gradually starts to increase again (at 31st July we were protecting 135,021 deposits with a combined value of £100,042,958) we are in a healthy position to continue serving the sector. In fact, we are delighted to have welcomed two new Customer Relations Executives – David and Frankie – on board, providing an extra layer of support to our customers across Scotland.

We are also pleased to have maintained our high levels of service during lockdown. In the first quarter (1st April to 30th June) – the height of the pandemic in Scotland – we answered over 6,000 phone calls and handled over 5,000 emails, with an average email response time of just 17 minutes.

Finally, you will read on the news page opposite about our Customer Service Excellence Accreditation – another cause for positivity after what has been a challenging time for us all.





# Have You Heard?

The latest news from SafeDeposits Scotland and the wider private rented sector

## SafeDeposits Celebrates Customer Service Excellence Accreditation

SafeDeposits Scotland is celebrating an official accreditation recognising the scheme's commitment to customer service.

Following a detailed assessment, the Customer Service Excellence accreditation confirms that SafeDeposits meets the criteria in accordance with the requirements of the Cabinet Office's Customer Service Excellence Standard.

The assessment looked at a range of factors, including customer insight, organisation culture, information and access, delivery, timeliness and quality of service.

SafeDeposits Scotland Operations Manager Mike Smith said "I am delighted for our whole team that our unrivalled customer service has been officially recognised with the Customer Service Excellence accreditation. We will build on this success and continually seek to enhance our service for every customer."

**CUSTOMER  
SERVICE  
EXCELLENCE<sup>®</sup>**



## Charitable Trust Funds New 'Making a House a Home' Study by the University of Stirling

The SafeDeposits Scotland Charitable Trust has awarded a grant of £7,279 to fund a new research project that will advise landlords on how they can support tenants in the private rented sector to make their leased property a 'home'.

The 'Making a House a Home' project is being led by Dr Kim McKee of the University of Stirling's Faculty of Social Sciences, supported by Dr Steven Rolfe (also University of Stirling), Dr Tom Simcock of Edge Hill University and Dr Jenny Hoolachan of Cardiff University.

Key considerations in the research include the extent to which renters are allowed to personalise a property and keep pets, how landlords conduct property inspections and the support which landlords provide for older and vulnerable tenants. The study's findings will be featured in a new guidance leaflet.

See page 13 of this magazine for further information on the SafeDeposits Scotland Charitable Trust.

## Confirmation of Payee Bank Industry Code Introduced

All major banks in the UK have signed up to a new industry code called Confirmation of Payee (CoP) – an account name checking service that verifies if the payment details entered for a person or business match the details their bank holds.

The measure has been introduced by the banking industry to help tackle fraud and also aims to prevent payments being sent to wrong accounts.

SafeDeposits Scotland is encouraging users to ensure that they enter the correct details – exactly as they appear on the bank account – when requesting repayment, to avoid any unnecessary delays under these new guidelines.

Likewise when paying a deposit into the scheme, any cheque payments should be made out to SafeDeposits Scotland Ltd. Entering the payee name correctly will ensure there is no delay in the payment being made and, importantly, no delay in the deposit being lodged.





# SafeDeposits Survey - COVID-19 and Scotland's Student Rental Market

While COVID-19 and the associated lockdown measures have caused disruption across the whole private rented sector, it is perhaps the student rental market which is currently facing the biggest challenge – even as restrictions on house moving ease and some sense of normality returns to other parts of the sector.

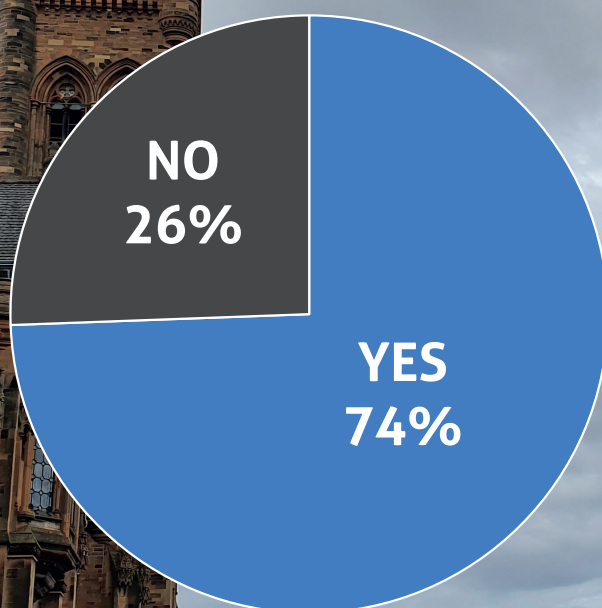
As with schools, those in charge of universities and colleges have been faced with the daunting task of maintaining a programme of learning while taking social distancing into consideration – lecture theatres and classrooms, particularly those in some of our older academic institutions, do not always lend themselves to the arrangements required. Remote learning – via video conference for example – has therefore become a necessity at least for the first term of the new academic year.

With no requirement to be physically present at their place of learning however, will out-of-town students be staying away from our university cities for the foreseeable future? Anecdotally there have been varying experiences for landlords and letting agents practicing in the student rental market. Some have noted a dramatic drop in demand for properties traditionally rented by students, but there are still signs of students searching for accommodation – perhaps so that they can still focus on their studies away from parental homes, resume part-time jobs or reconnect with friends, even if the classrooms are out of bounds.

In June, SafeDeposits Scotland conducted a survey, inviting landlords of students from across the country to share their experience of the impact that COVID-19 has had on the market. We present the findings of this survey here.

The response to the question below suggests that a majority of landlords to students are nervous about what the near future holds for the market:

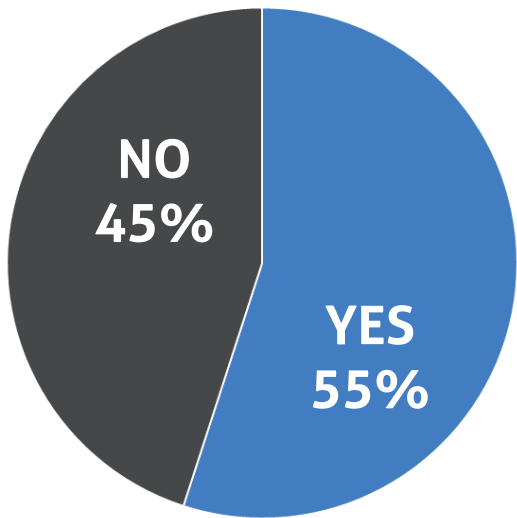
**Are you concerned about  
renting your property in the  
new academic year?**



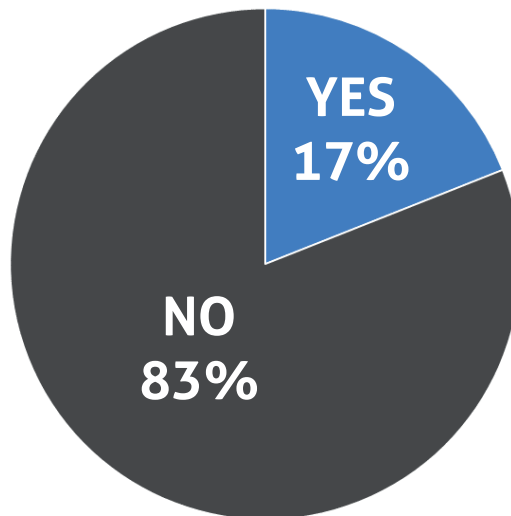


Depending on their individual circumstances, students living away from home will have responded to lockdown in different ways – some packing up and heading home early, and others deciding to ride out the storm in Scotland as travel became more complicated. With these two questions we were able to identify patterns for student tenancies that ended early, or went on longer than planned as a result of lockdown:

**Have you had students end tenancies sooner than planned as a result of lockdown?**



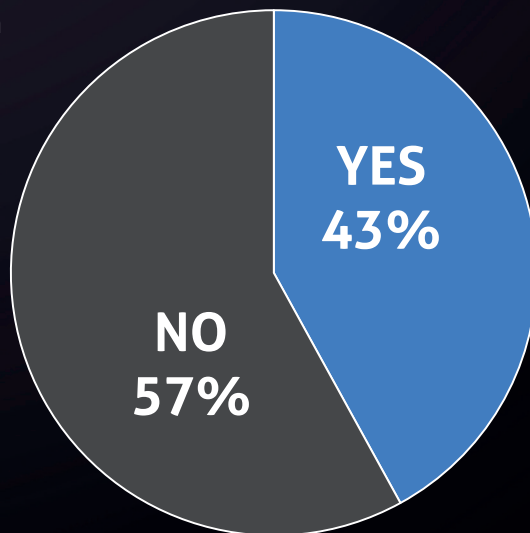
**Have you had students prolong tenancies as a result of lockdown?**



**Have you confirmed any new tenancies with students since lockdown commenced?**

With the market having been in lockdown and uncertainties surrounding employment and university practical arrangements for students, it does not come as a surprise that the respondents who had not confirmed any new tenancies with students between lockdown commencing and the survey being issued outnumbered those who had.

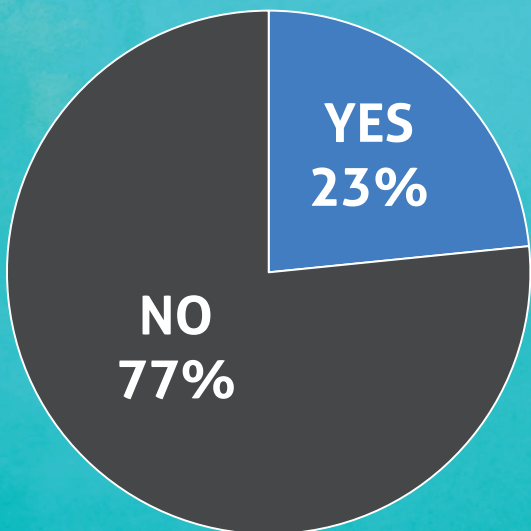
The figures do however show that there had been some movement in students looking to confirm new tenancies nonetheless.



**Have you considered selling your rental property as a result of the COVID-19 crisis?**

While the COVID-19 crisis has cast unprecedented uncertainty over the market, and raised very justifiable concerns – as shown in the chart on the opposite page – responses to this question suggest that a resilience remains among landlords.

The majority of respondents said they are not planning to sell their rental property as a result of the crisis. While it is difficult to place a timescale on recovery, this commitment to continuing to provide rental accommodation may provide some comfort to the sector moving forward.





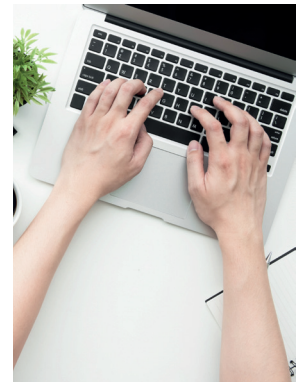
# The Basics...

## LODGING A DEPOSIT

Before lodging a tenant's deposit, there are certain things you will need to have to hand, namely: the tenancy address, tenant(s) name(s), tenant(s) contact details (phone number and email, if available), start date of tenancy, when you received the deposit amount, landlord registration number and landlord contact details. You should also have your tenancy agreement to hand, particularly if you want to pre-fill the Prescribed Information document – although you are able to complete that later if you wish.

When you have the above information go to [www.safedepositsscotland.com](http://www.safedepositsscotland.com), select Login Online and log in using your email/PIN and password. You will be met with a simple portal which gives you access to all tenancy deposit options and from there you can start adding tenancy deposits.

Once the deposit has been lodged we will send your tenant(s) a deposit protection certificate. Remember you must also provide the tenant with the Prescribed Information (detailed on the opposite page) within 30 working days of the tenancy start date.



## DEPOSIT REPAYMENT

After your tenant moves out, you should log in to your account to enter a repayment request. The repayment request will confirm if the full deposit should be repaid to the tenant, or if any should be paid to you. You can also contact us by phone, email or post and we can enter a repayment request on your behalf.

We will send a copy to the tenant to ask if they agree or disagree with the breakdown you have entered. If the tenant agrees, we'll pay the deposit within five working days.

Tenants can also start the repayment process by logging in at [www.safedepositsscotland.com/repayment](http://www.safedepositsscotland.com/repayment) and entering a repayment request. This will confirm if the tenant wants the full deposit repaid to them and any other tenants or if any should be paid to the landlord or agent. As with the process started by the other party, we will email the landlord or agent to ask if they agree or disagree and if they agree the deposit will be repaid within five working days.

## ALTERNATIVE DISPUTE RESOLUTION (ADR)



In the event that a landlord or agent wants to keep some or all of the deposit for reasons which the tenant disagrees with, either party can refer the repayment to our adjudication service. This means that both parties will be asked for further information about the tenancy. An impartial person will decide what repayment is fair based on that information.

During the adjudication process both parties will be asked to provide information as evidence, and each party will be able to see what the other provides as evidence.

The adjudication service is free to use for all parties. You can find out more about this service, including the type of evidence we look for, on our website.

# ...what you need to know about tenancy deposit protection

## THE TENANCY DEPOSIT SCHEMES (SCOTLAND) REGULATIONS 2011

Under the Tenancy Deposit Schemes (Scotland) Regulations 2011, if a landlord or agent in Scotland takes a deposit from their tenant, they must: Transfer the deposit to a government approved tenancy deposit scheme; Provide the tenant(s) with particular key information, known as Prescribed Information, detailed below.

The deposit must be transferred, and the Prescribed Information provided to all tenants on the tenancy agreement, within 30 working days of the tenancy start date.

If a landlord fails to comply with the Regulations, tenants can apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for financial sanctions. If the Chamber is satisfied that the landlord has failed to comply, they can order the landlord to pay the tenant up to three times the amount of the deposit.

### How to comply...

To comply with the Regulations, you should:

- Register an account with a tenancy deposit scheme online, over the phone or by post
- Add the tenancy details (i.e. address, start date, deposit amount and tenant's name and contact details) to your account
- Transfer the deposit by online banking, debit card or cheque
- Provide the tenant(s) with a copy of the following Prescribed Information:
  - ◊ Tenancy address
  - ◊ Total deposit paid and the date you received it from the tenant
  - ◊ Your registration status with the local authority
  - ◊ Date you paid the deposit into a tenancy deposit scheme
  - ◊ Name and contact details of the tenancy deposit scheme
  - ◊ The reasons why you might keep some or all of the deposit when the tenant moves out, with reference to the tenancy agreement (e.g. rent arrears, cleaning etc).

SafeDeposits Scotland covers those tenancies to which the landlord registration provisions in the Antisocial Behaviour etc. (Scotland) Act 2004 apply. Therefore, if a landlord is required to register with a local authority, and takes a deposit from their tenant, that landlord must also comply with the Tenancy Deposit Schemes (Scotland) Regulations 2011.





# Adjudication Digest

Resolution Manager Paula Guthrie explains the outcomes of another two adjudications



As with the rest of our team, our alternative dispute resolution department and external adjudicators have continued to work remotely throughout lockdown, handling tenancy deposit disputes that have arisen both before and during the pandemic. As noted opposite, we saw over 600 new dispute cases open between April and June alone.

Alongside more "day-to-day" cases we have started to see some disputes where circumstances arising from the lockdown have played at least a small part. This is reflected in the two case studies outlined on these pages.

## Case Study: After the Dust Has Settled

In this first example, the landlord was claiming £210 for cleaning at the property, stating that the tenant had not instructed a professional cleaner due to restrictions implemented during the COVID-19 outbreak.

In deciding any claim against a deposit for issues such as cleaning, damage or dilapidations, SafeDeposits considers all parties to a dispute are entitled to rely upon reasonably detailed check-in and check-out reports as being key documents recording the condition and the cleanliness of the property at the start and end of the tenancy. An adjudicator will consider whether the parties have put forward any other evidence to show the property's condition, such as invoices to show that a property was cleaned before a tenant moved in. However, without reasonably detailed check-in and check-out reports it can be extremely difficult to persuade an adjudicator that deductions from the deposit sought by the landlord are justified. This is because it is much more difficult to prove the property's condition both at the start and end of the tenancy, and the extent to which the property may have deteriorated. A comparison of such reports will therefore show if the property's condition had deteriorated during the tenancy and so identify a tenant's liability. The importance of a properly completed inventory cannot be underestimated. It must be detailed and defensible if it is to be held up as a proper indicator of the facts and therefore viewed as acceptable by an adjudicator or court. It is important that the inventory process is done well - landlords and tenants (as well as any adjudicator or a court, if there is a deposit dispute) need to be able to compare the condition of the property at the start and end of the tenancy.

In this case a combined inventory and check in report was provided to support the claim and it states that the property had been cleaned to a professional standard at the start of the tenancy. The check out report showed that there was additional cleaning required at the end of the tenancy, primarily dusting and minor marks to the shower cubicle. The tenants disputed the claim on the basis that the sum requested was excessive and stated that they were unable to employ a professional cleaner due to lockdown restrictions. The landlord argued that they are entitled to have the property returned to them in the same condition that it was given, and that they should not be unfairly charged because of the restrictions. Based on the evidence presented, the adjudicator was persuaded that the property was returned in a less clean condition, but that some allowance should be made in light of the restrictions. The cleaning quote submitted by the landlord was dated around five weeks after the tenancy ended; given the difference in these dates, the adjudicator could not reasonably hold the tenant liable for cleaning issues (such as dust) which may have occurred in the interim, and awarded an alternative amount to reflect this.



A reduced award of £150 was made to the landlord.

### Case Study: Assume the Norm Unless Advised Otherwise

In our second case study, the landlord claimed £700 for rent arrears in lieu of the tenant giving correct notice.

When considering a case for rent arrears, the adjudicator relies on a copy of a comprehensive rent statement which is relevant to the tenancy and details the rent amount owed, the date due, the amount paid and the amount outstanding. This helps demonstrate the negative balance accruing on the account and allows the adjudicator to easily establish the extent of the arrears. In lieu of a rent statement, a landlord can provide bank statements in support, so long as they provide several months worth of transactions before and after payments stopped. Because any evidence submitted into an adjudication will be shared with the other party, any sensitive information should be redacted from the bank statements.

On this occasion, the landlord sought the full deposit amount of £700 as the tenants had left the property without giving the required 28 days notice. In support of their claim, the landlord provided a copy of the tenancy agreement (outlining the tenant's obligations), a rent statement and a copy of an email from the tenant advising that they were leaving the property with "immediate effect" owing to the lockdown implemented by Government.

In response, the tenant explained that they were students at an Edinburgh university and that the rental property was far from where they were originally from. They went on to say that with the restrictions coming into force, they had left the property to return home to their families and isolate with them. The tenants believed the unprecedented nature of the COVID-19 crisis meant that there would be some lenience in leaving the property early. Whilst the adjudicator appreciated the tenant's view, no legislative changes had been made which absolved the tenant of their contractual obligations; nor were there any obligations on the landlord to allow a tenant to leave early without giving the appropriate notice. As a result, the adjudicator found in favour of the landlord and upheld their claim.

The landlord was awarded the full deposit of £700.

## Disputes and Negotiations - 2020 Q1

NEW CASES

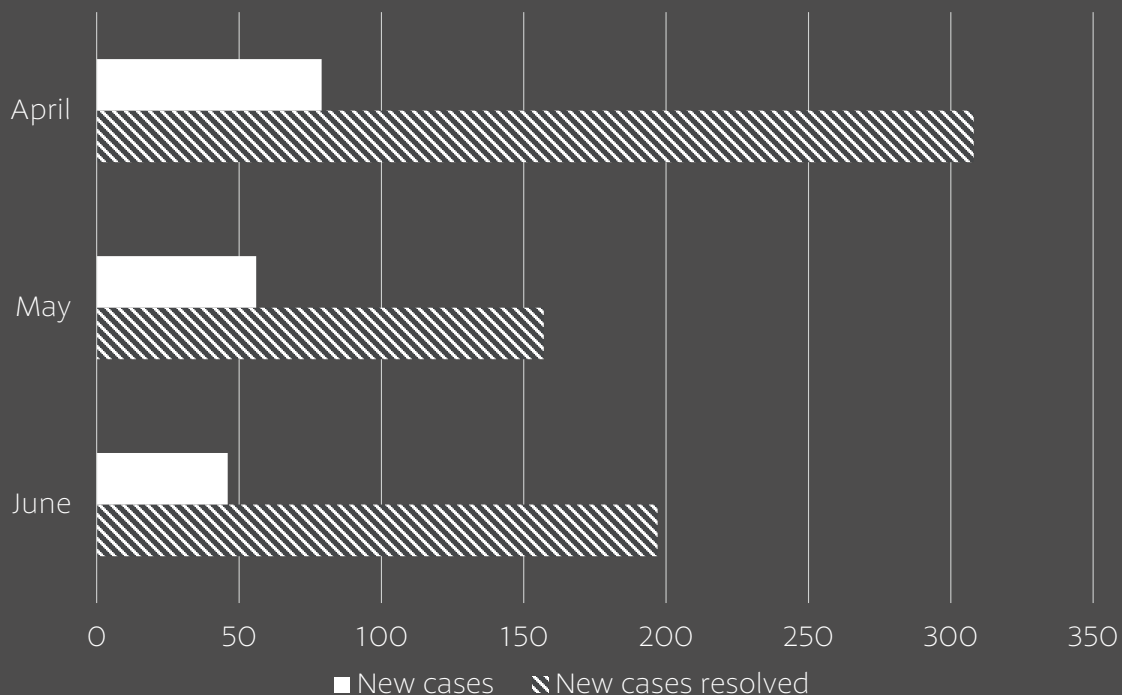
662

NEW CASES RESOLVED

181

PERCENTAGE OF NEW CASES RESOLVED

27%





# Tenant Matters



## Scottish Housing Day - Wednesday 16th September

Scottish Housing Day is an initiative – now in its fifth year – which celebrates the impact that housing makes to the lives of people and communities across the country, as well as communicating to people about their housing options.

SafeDeposits Scotland is pleased to support this campaign. The main focus of this year's Scottish Housing Day is the value of social housing, however we will mark the occasion with a special event for tenants in the private rented sector and those considering renting for the first time.

On Scottish Housing Day, Wednesday 16th September, we will host a webinar exploring the tenant's journey – from the moment they pay their deposit, through their rights and responsibilities, to what happens at the end of the tenancy. As it's a special day, there will also be a prize up for grabs for one lucky attendee!

Visit [www.scottishhousingday.co.uk](http://www.scottishhousingday.co.uk) for more information on Scottish Housing Day and see our Facebook event page for details on the webinar.

## New Term, New Tenancy?

Around the end of summer we always reach out to students to help prepare them for new tenancies at the start of the academic year. We've attended many freshers and housing fairs, as well as producing online resources. The start of the 2020/21 academic year will of course be somewhat different, but SafeDeposits Scotland is on hand as always for any students navigating the private rented sector for the first time.

As our survey of landlords (see pages 12 and 13) shows, students have still been expressing interest in accommodation – even amongst the uncertainties of lockdown and the landscape that will follow it.

New tenants and tenants-to-be can find details on tenancy deposit regulations on pages 8 and 9 of this magazine. We advise students, and indeed all tenants, to read the terms of the tenancy agreement carefully before signing and ensure they stick to these terms while living in the property. Likewise they should study the inventory too and add comments if they find anything broken or worn out when they move in. Communication is always King.

With indications of a strong reliance on virtual learning for the foreseeable future, a student flat may become not just home but library and classroom too. It is therefore more important than ever that parties work together to ensure a smooth tenancy that is as stress-free as possible during these unusual times.



# Introducing SDS Resolution

Free, independent resolution for landlords and tenants

Rent arrears are not a new phenomenon, but with the financial pressures placed on people across the country by COVID-19 it is an issue that many tenants and landlords may now find themselves dealing with for the first time.

To help support those parties experiencing such problems, SafeDeposits Scotland has introduced SDS Resolution – a brand new service designed to establish a satisfactory resolution specifically to rent arrears, without the need for further action.

The initiative offers a service in which SDS Resolution will seek to broker rent repayment agreements between landlords and tenants. The aim of this is to help avoid tenants being evicted by ensuring that landlords can recover some or all of the arrears over time.

The service is entirely separate from SafeDeposits Scotland's tenancy deposit handling and deposit dispute resolution procedures, and is available to all landlords and tenants in Scotland's private rented sector – whether or not their deposit is protected by the scheme. As with all services provided by SafeDeposits Scotland though, SDS Resolution is completely free to use.

SDS Resolution has been endorsed by the Scottish Association of Landlords (SAL), the largest and only dedicated national organisation that represents landlords and letting agents throughout Scotland.

SDS Resolution is also featured within [Private Rented Sector Tenant Support](#), which is a resource produced by Public Health Scotland in partnership with the Scottish Government, Citizens Advice Scotland and Shelter Scotland. The booklet has been published for people living in Scotland's private rented sector during the COVID-19 pandemic and contains support and information about tenant rights, managing housing costs, health and wellbeing, domestic abuse and general financial advice.



## SDS Resolution



## How SDS Resolution works

If you think SDS Resolution is a service that could help you with a rent arrears issue, visit [www.sdsresolution.com](http://www.sdsresolution.com) where you can read more about the service and start proceedings by completing the resolution referral form. If both the tenant(s) and landlord(s) are happy to engage, SDS Resolution will then schedule a telephone appointment with a view to reaching a mutually acceptable rent repayment plan and avoiding the need for parties to proceed with any legal action. When a satisfactory resolution has been reached, SDS Resolution will draft up a settlement agreement that sets out what has been agreed between the parties.



# Spotlight On...

# FIFE

The Kingdom of Fife is home to 371,910 people, making it the third most populous local authority region in Scotland, after the big cities of Glasgow and Edinburgh. Within its borders – which to the north, east and west are the Firth of Tay, North Sea and Firth of Forth respectively – you will find countless well known towns that are famous far beyond Scottish shores...

From historic Dunfermline, one-time capital of Scotland and final resting place of Robert the Bruce, to St Andrews – home of golf and celebrated seat of learning; from the picturesque harbourside houses of Pittenweem to Rosyth and its dockyard, the region is bursting with activity and a diverse range of communities.

We protect thousands of deposits for Fife tenancies and in fact Dunfermline was the site of a milestone in SafeDeposits history last year, when the scheme's half millionth deposit was lodged by a landlord in Dunfermline. While the average deposit amount we protect for tenancies in Fife is a little less than the national figure (£684 vs £713 Scotland-wide), drill down to specific areas and you will find St Andrews has the highest average deposit in the country at £1,340 – nearly double the national average.

When it comes to disputes, Fife has a relatively low dispute rate compared to the rest of the country. Of the tenancies we protected deposits for in 2019–20, just 1.19% ended in dispute. Where the region does closely reflect the national picture is in the nature of disputes – last year the most common reason cited for a dispute claim was cleaning, accounting for 60% of claims (nationally, cleaning was the cause of 63% of disputes and was also the most prevalent type of claim. Once more we mention Dunfermline and St Andrews as those towns had the most disputes in Fife, followed in third place by Kirkcaldy.



# Meet Our Partners

SafeDeposits Scotland is an innovative partnership in the private sector. We're governed by people who understand and have a wealth of experience in the Scottish private rented sector. Our partners are:



The over-arching aim of ARLA Propertymark is to promote the highest standards of professionalism and integrity among those working within the property industry and to encourage members of the public to proactively seek out their members when involved in any kind of property transaction. ARLA Propertymark also runs some 250 short courses each year covering a wide range of property and industry related subjects, as well as holding a number of specialist conferences and forums throughout the year.



The Scottish Association of Landlords (SAL) represents the interests of all landlords and letting agents throughout Scotland. Working with various Holyrood and Westminster government departments, plus Scotland's local authorities, SAL campaigns for recognition of their interests as a profession and provides information, training and advice to their members nationally, and through their local branch network.



SAL provides a comprehensive package of membership services, advice support and policy work for Scotland's registered letting agents via its Council of Letting Agents (CLA) membership plan. The CLA represents Scotland's leading letting agents and leads the lettings industry in Scotland.



The Royal Institution of Chartered Surveyors (RICS) provides the world's leading professional qualification in land, property, construction and the associated environmental issues. An independent organisation, RICS acts in the public interest: setting and regulating the highest standards of competence and integrity amongst their members; and providing impartial, authoritative advice on key issues for business, society and governments worldwide.



The Dispute Service (TDS) is an independent, not-for-profit company established in 2003 to resolve tenancy deposit disputes in the private rented sector in England and Wales. The company has achieved the UK Government Standard for Customer Service Excellence.





[safedepositsscotland.com](http://safedepositsscotland.com)

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