

Key Matters

Opening the door to tenancy deposit protection in Scotland

ISSUE 7 - NOVEMBER 2021



NEWS - STATISTICS - ADVICE



**SafeDeposits
Scotland**

SCOTLAND'S LEADING TENANCY DEPOSIT SCHEME



**The only not-for-profit tenancy deposit scheme
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- Client Support
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Come on in...



WELCOME

Welcome to another packed issue of Key Matters.

It has been a busy few months for Scotland's PRS – not just in terms of the high demand for property that our customers have been telling us about, but with changes and developments including those mentioned on the news page within this magazine.

We had a lot of interest in our recent "Preparing for Pets" webinar, so we are pleased to feature more about this hot topic on pages 12 and 13 – looking at the opportunities and risks presented by allowing pets in rented property.

2022 will see SafeDeposits Scotland celebrate its 10th year of operation and to help guide you through the coming 12 months we've once again included a handy planner which includes our festive opening hours as well as next year's Scottish bank holidays.

As 2021 draws to a close, may I take this opportunity on behalf of the whole SafeDeposits team to wish you the very best for the festive season and a Happy New Year when it comes!

Mike Smith
Operations Manager
SafeDeposits Scotland

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SafeDeposits
Scotland

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Service Matters

The latest statistics from SafeDeposits Scotland

**TELEPHONE CALLS
ANSWERED**

10,209

(9 seconds average wait time for call
to be answered)

EMAILS HANDLED

8,228

(9 minutes average response time)

Figures 1st August – 31st October 2021

DEPOSITS PROTECTED

153,051

COMBINED VALUE

£116,148,338

**AVERAGE DEPOSIT
VALUE**

£759

Figures at 31st October 2021



See page 11 for the
latest statistics on
Disputes and Negotiations

Have You Heard?

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

Trio of Citizens Advice Bureaux Awarded Grants by SafeDeposits Scotland Charitable Trust

Three Citizens Advice Bureaux across Scotland are the latest beneficiaries of funding from the SafeDeposits Scotland Charitable Trust, having each been awarded grants for separate projects.

Glasgow North West Citizens Advice Bureau will advance education and conflict resolution for vulnerable people in the private rented sector with its Applied Human Rights – Housing Advice & Training project.

The PRS Advice project initiated by Inverness Badenoch & Strathspey Citizens Advice Bureau aims to increase capacity and early access to specialist housing advice for all tenants in the area, as well as improving links and engagement with landlords and letting agents.

And in central Scotland, Stirling District Citizens Advice Bureau will deliver a Housing Advice Mediation Project & Education Resource Service, supporting tenants and landlords alike.

Combined, the three grants awarded totalled £89,666. You can read more about the SafeDeposits Scotland Charitable Trust and how to apply for funding overleaf.

New Faces in Parliament for Housing and Tenants' Rights

Since the last issue of Key Matters, political developments have seen two new names become key parliamentary figures for the private rented sector.

Following May's Scottish Parliament election, Shona Robison MSP was appointed Cabinet Secretary for Social Justice, Housing and Local Government. The MSP for Dundee City East has previously held the office of Cabinet Secretary for Health and Sport and succeeds Aileen Campbell in the role, which has been re-named from Cabinet Secretary for Communities and Local Government.

More recently, in August, Glasgow region representative and co-leader of the Scottish Greens, Patrick Harvie MSP, became Scotland's first Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights.

This followed the signing of a cooperation agreement between the Scottish Greens and governing Scottish National Party. In campaigning for the May election, the Greens had pledged a new deal for renters to enshrine people's right to a home and looking at matters such as rent controls.

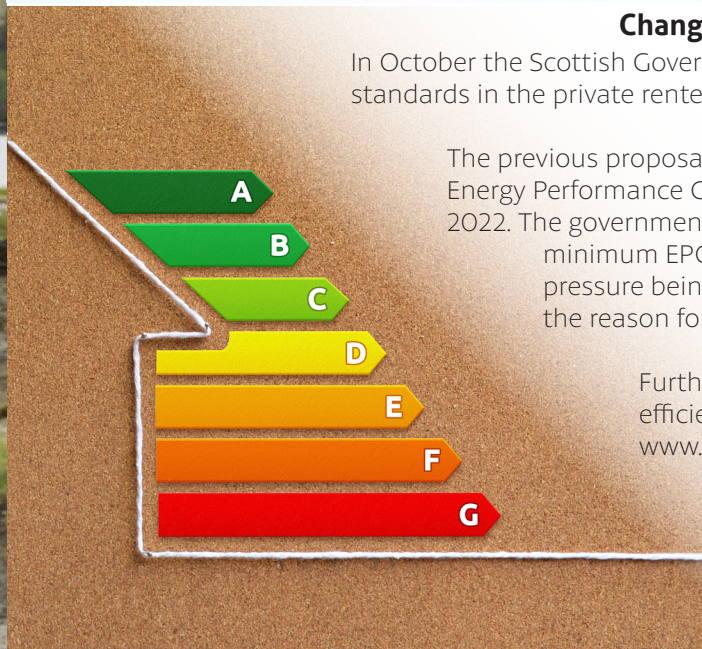


Change to EPC Requirements

In October the Scottish Government announced a change to its proposals for energy efficiency standards in the private rented sector.

The previous proposal had been for properties in the PRS to have a minimum Energy Performance Certificate (EPC) rating of D at change of tenancy from 1st April 2022. The government has however now altered this to require for properties to have a minimum EPC rating of C by 2025, citing its recognition of the ongoing pressure being faced by the sector as a result of the COVID-19 pandemic as the reason for the change.

Further information on the government's proposals for energy efficiency in homes can be found at www.gov.scot/policies/energy-efficiency/energy-efficiency-in-homes



SafeDeposits Scotland Charitable Trust

Do you know of a project that could qualify for funding?



**SafeDeposits Scotland
Charitable Trust**

About the Trust

The SafeDeposits Scotland Charitable Trust is a grant giving charity designed to promote education, training and best practice in Scotland's private rented sector.

As a not-for-profit organisation, any surpluses generated by SafeDeposits Scotland are donated to the Trust.

To date the Trust has awarded over £640,000 to projects delivered both at local and national level by charities and organisations across Scotland.

The Aims of the Trust

The key aims of the Trust are:

- To advance education, particularly in relation to best practice in the management of private rented housing; and to legal rights and obligations which are of particular relevance to those who are involved in the provision or management of private rented sector housing or who hold tenancies within the private rented housing sector.
- To advance conflict resolution through promoting the use of alternative dispute resolution processes for the more efficient resolution of disputes between landlords and tenants within the private rented housing sector.

How to Apply for Funding

An application form and bid guidance can be found at www.safedepositsscotlandtrust.com
We also welcome enquiries via info@safedepositsscotlandtrust.com

The deadline for applications ahead of the next funding round is Thursday 17th February.

Case Study - Blairgowrie & Rattray Development Trust

Blairgowrie and Rattray Development Trust was in 2020 awarded a funding grant of £52,800 to help deliver an initiative called The Heat Project.

Serving the areas of North and East Perthshire, including Coupar Angus, Blairgowrie and Rattray, Pitlochry, Dunkeld, Birnam and Perth, The Heat Project is primarily for households, private landlords and tenants and offers free, clear and impartial home energy advice.

The aim with the advice provided is to help individuals reduce their energy consumption and energy bills, and improve household energy standards, house insulation and alternative heating systems. The service also helps private landlords to cost effectively meet the Scottish Government's Energy Performance Certificate (EPC) standards.

During the first year of funding, 33 properties were assisted, with results including: a detached property increasing its loft insulation from 10cm to 30cm and having an air source heat pump fitted through a loan from Home Energy Scotland; two flats having internal wall insulation installed via the LA Flex extension of the Energy Company Obligation (ECO) scheme; two flats having free underfloor insulation installed, also via the ECO scheme.

For further information on The Heat Project visit www.theheatproject.org



Spotlight On...

PERTH & KINROSS

Covering a sizeable chunk of eastern Scotland (parts of the PH, DD, FK and KY postcode areas all fall within its boundaries), Perth & Kinross takes in some of the country's most scenic spots ranging from the Grampian Mountains down to Loch Lomond and the Trossachs National Park.

The region largely covers the historic counties of Perthshire and Kinross-shire, and today the fair city of Perth is the administrative centre for the local authority; the burgh of Kinross meanwhile lies approximately 13 miles south of Perth. Glance at a map of Perth & Kinross and you will see many more well known towns and villages stand out, including Auchterarder (home of the famous Gleneagles hotel), Birnam (as mentioned by William Shakespeare in MacBeth) and Dull (twinned with Boring, Oregon), as well as Aberfeldy, Blair Atholl, Crieff, Dunkeld and Pitlochry.

In this largely rural area of the country, the average amount for deposits protected by SafeDeposits Scotland is £661 – lower than the current national average of £759.

End of tenancy disputes in Perth & Kinross accounted for 1.41% of all cases handled by SafeDeposits' adjudicators in 2020/21 and the number of disputes represented 0.58% of all deposits held for tenancies in the region. The pattern for the nature of claims made in the area reflected that of the national picture, although there were notable differences in percentage; for example, cleaning was the most common cause for deposit claims made both in Perth & Kinross and Scotland-wide, but accounted for 50% of claims in the area compared to a larger 70% nationally. In contrast, 33% of claims made in the region involved redecoration, compared to only 21% nationally.



2022 Year Planner

SafeDeposits Scotland's lines are open Monday to Friday, 9am to 5pm throughout the year, excluding Scottish bank holidays. This year planner highlights those bank holidays, which are also taken into account when calculating the number of working days in relation to deposits being lodged, repayments being made and timescales for the alternative dispute resolution process.

As the festive season approaches, we have also included our Christmas and New Year opening hours for this year below.

 = Scottish bank holiday

 = SafeDeposits Scotland Charitable Trust application deadline

JANUARY

Mo	Tu	We	Th	Fr	Sa	Su
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31						

FEBRUARY

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28						

MARCH

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APRIL

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MAY

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30	31					

JUNE

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SafeDeposits Scotland Festive Opening Hours

Friday 24th December:
Monday 27th December:
Friday 31st December:
Monday 3rd January:
Tuesday 4th January:

OPEN 9am–4pm
CLOSED
OPEN 9am–4pm
CLOSED
CLOSED

Regular opening hours apply on all other working days over the period.

The online portal is available to use 24/7.



SafeDeposits Scotland is 10

Safeguarding Scotland's tenancy deposits since 2012

JULY

Mo	Tu	We	Th	Fr	Sa	Su
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AUGUST

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SEPTEMBER

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OCTOBER

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31						

NOVEMBER

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DECEMBER

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Scottish Bank Holidays in 2022

Monday 3rd January
 Tuesday 4th January
 Friday 15th April
 Monday 18th April
 Monday 2nd May
 Thursday 2nd June

Friday 3rd June
 Monday 1st August
 Wednesday 30th November
 Monday 26th December
 Tuesday 27th December



Adjudication Digest

This issue's case studies have been prepared by Adjudication Advisor Samantha Gardner

Claims for damage appear in both of the case studies featured in this issue's adjudication digest.

The dispute in the first case relates exclusively to damage, with a number of different issues adding up to the total claim.

Damage to the property is part of a wider claim that also incorporates cleaning and gardening in the second case. The gardening element of that claim – in which weather plays a role – is topical as we head into winter. It is true that landlords should not always expect a garden to have the same appearance in the depths of winter as it had at the height of summer, but the case here is a reminder that tenants do, within reason, still have a duty of care for outside areas if detailed in the tenancy agreement.



Case Study: Lights Out

The landlord of a flat in Glasgow city centre sought to claim £425 of the tenant's deposit for damage to the property.

In the landlord's overview of the dispute they highlighted damage to the lounge floor in the form of deep scratches, stains and marks (including chewing gum and a burn mark), which required the surface to be sanded and varnished. A two-piece suite was damaged, including the removal of the legs from both sofas, and the internal front door handle was broken.

The flat's electrics in particular seemed to have suffered, with the claim also incorporating broken spotlights, loose wires on the alarm panel, the bathroom fan not working, a burned out immersion switch and a missing bedroom lamp and smoke detector.

The landlord supported their claim with the inventory, check-out report, tenancy agreement and an invoice for repair works carried out, as well as a selection of date and time stamped photographs.

In response to the landlord's claim, the tenant had said they raised issues with both the sofa and the lighting early in the tenancy, however they did not provide any evidence to support this. From a tenant's point of view this is an example of the importance of keeping a paper/electronic trail of any correspondence they have with their landlord or letting agent. As adjudicators must base their decisions on the evidence provided by parties, they were unable to accept the tenant's word alone on these matters.

The adjudicator took fair wear and tear into account for some areas of the claim – for example, they felt that it was not reasonable to award for the full cost of sanding the floor when some marks were present at check-in (although did still factor in a contribution to this work due to the deeper scratching and burn that could not be classed as fair wear and tear). Similarly whereas the removal of the sofa legs was unquestionably damage, the wearing of their faux leather surfaces would count as fair wear and tear.

Despite the above fair wear and tear considerations, the adjudicator found the overall amount claimed (which was less than the work costs itemised) to be justified and awarded the disputed amount in full to the landlord.



Case Study: The Grass is Greener... and Longer

The landlord of this property in Ayr claimed £408 in total from the deposit, with the highest portion of this relating to cleaning followed by gardening and damage.

The adjudicator awarded only £80 of the £204 claimed for cleaning as they felt that the full cleaning work itemised would constitute betterment. While they were satisfied that some cleaning was required to return the property to the level of cleanliness it had been in at the start of the tenancy, there was no evidence of cleaning deficiencies, marks or stains on the bedroom and stair carpets for which professional cleaning had been claimed for.

The £96 damage element of the claim related to the living room door and this was awarded in full, with evidence provided by the landlord and no dispute from the tenant.

The full claim of £108 for gardening was also awarded to the landlord. They had said that grass was up to their knees and weeding was required, although the tenant countered that in the three weeks prior to the tenancy ending it had been raining continually. The adjudicator was satisfied from the evidence provided that the grass cutting, weeding and disposal of waste was required, irrespective of the the weather conditions that may have prevented the tenant from carrying out this work in the short period immediately prior to the end of the tenancy.

Disputes and Negotiations - 2021 Q2

In the event of a dispute surrounding repayment of a tenancy deposit arising, our team will in the first instance engage with all parties to establish if the disagreement can be resolved through self-resolution before progressing to formal alternative dispute resolution. The below statistics show how many disputes were resolved without the need for ADR between July and September 2021.

NEW CASES

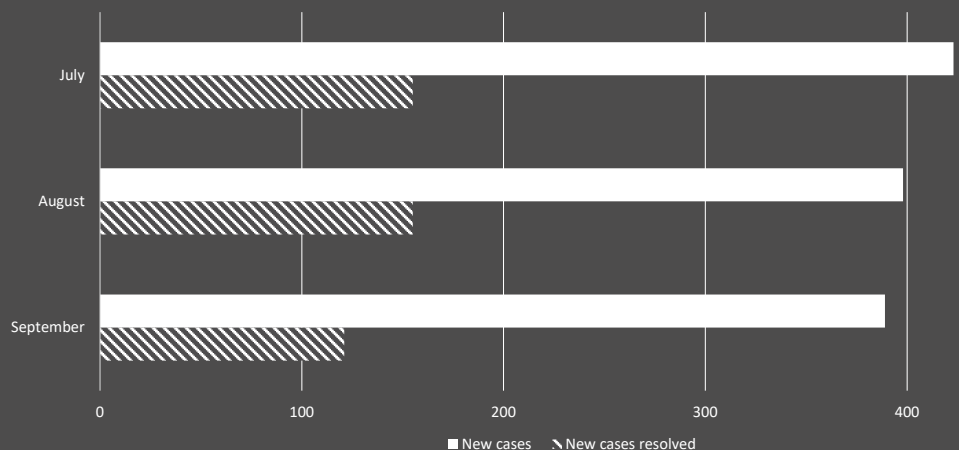
1,210

NEW CASES RESOLVED

431

PERCENTAGE OF NEW CASES RESOLVED

36%



Preparing for Pets

Resolution Manager Paula Guthrie takes a closer look at a hot topic in the private rented sector

In August of this year, following his party's cooperation deal with the SNP, it was announced that Scottish Greens co-leader Patrick Harvie had been appointed Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights. The latter part of that brief will see the Minister oversee a pledged "new deal for tenants", the aims of which include championing the right for tenants to decorate and to keep pets.

This news from Holyrood is the latest – and most pertinent to Scotland's private rented sector yet – chapter in a story that has been gaining momentum over the past year. Alongside developments here in Scotland, industry press has featured stories about the "pet-friendly debate" taking place south of the border, while academic studies have presented the benefits to tenants' health and wellbeing of living with a pet.

Many landlords welcome pets but others have reservations, so what points can be considered by landlords and letting agents to help them overcome concerns?



The business case: a big market and long term tenancies

There is a business case for allowing pets in a property. The "Making a Home in the Private Rented Sector" guide, produced from research lead by Dr Kim McKee of the University of Stirling and funded by the SafeDeposits Scotland Charitable Trust, states "...pet owners tend to stay longer, because they don't want the disruption of moving, so they can offer a really stable long-term income."

Statistics meanwhile point to a significant market to tap into – the 2018 PDSA Paw Report showed that 45% of adults in Scotland own a pet. 25% of adults in Scotland own a dog – that's 800,000 canine companions.

The problem: Perceived risks

In most cases, hesitancy to permit pets is likely due to perceived risk of property damage or mess rather than a simple dislike of animals. This is not unreasonable given that accidents do happen, and pets bring natural behaviours not generally associated with humans into the house. Sometimes actions of the pet itself is not even the problem – in a recent online Q&A session we heard from a landlord who was having repeated issues with their tenant's tropical fish tank leaking...



Preparing for pets: What landlords can do

The first thing that landlords should take into account regarding any fears about having a pet in the property is that the presence of the pet doesn't negate the tenant's responsibility to return the property in the condition that they found it. At the end of the day, if a property is not returned to the landlord in the condition it was found at the start of the tenancy and they need to make a deduction from the deposit, the deposit scheme adjudicator will be looking for proof of the damage done – regardless of whether this has been caused by a pet, its owner or a visitor.



There are also steps that landlords can take to help a tenancy run as smoothly as possible for all concerned, where furry, feathered or scaly friends are involved. You could start by asking prospective tenants to provide you with a reference for their pet from their previous landlord, to confirm that there's no history of pet vs property problems. For extra peace of mind, you may also wish to consider taking out a landlord's insurance policy that covers for accidental damage caused by pets.

As with most matters relating to a tenancy, perhaps the most important document when renting out to a tenant with a pet is the tenancy agreement – where you can include a pet clause. Alongside the standard expectations within the agreement about how you expect the property to be returned at the end of the tenancy, this clause should confirm that you give permission to keep the specific pet – identifying its type, breed and name – in the property. It is worth noting that if you do not permit pets in your property, then that should be specified in the tenancy agreement.

Preventing problems: What tenants can do

It is important as a tenant to be aware of the potential damage risks of pets in a property, and how to prevent these.

The LetswithPets resource from animal charity the Dogs Trust identified some typical behaviours, such as the natural tendency of cats to claw – providing them with a scratching post and toys to occupy them when indoors should help to prevent them clawing at carpets and furniture. Boredom can be the trigger for dogs to cause damage to property and furnishings when left alone so again toys and other suitable distractions can help here, although the Dogs Trust does recommend that dogs are not left alone for more than four hours at a time. Sometimes the smallest pets can cause the most significant damage... Hamsters, gerbils and rabbits have sharp teeth and like to gnaw, and when it comes to wires and cables there's a risk to them as much as there is to the property. The advice here is to supervise small pets at all times when they are let out of their cages to exercise.



As for fouling by cats and dogs, the advice here should come as no surprise to responsible owners. Most dogs are toilet trained when they are puppies so hopefully indoor fouling should not be commonplace, but if your dog has not been toilet trained then this should be arranged as soon as possible. Dog faeces must always be picked up from communal areas, walkways and gardens. Cats should be provided with a litter tray to discourage them from fouling elsewhere. Also be mindful that some animal urine can be damaging to lawns if regularly concentrated on the same patch.

For the tenant's part when it comes to documentation they should ensure they get written permission from the landlord to keep a pet in the property, and can help move things along by having the pet reference mentioned above ready to present to the landlord.

Finishing with a nice suggestion, also from LetswithPets, why not introduce your pet to your prospective landlord – if you're confident the pet is well behaved and has not caused any problems at a previous property then it's a great opportunity for the landlord to see this first hand.



Calendar of Events

Online and in-person events coming up in Scotland's private rented sector

On this page you will find information on a selection of PRS related events taking place in Scotland during the coming months. Please note that all events are subject to change and places are subject to availability. Booking details are provided below.

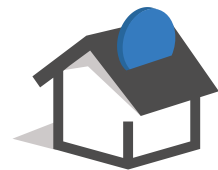
SafeDeposits Scotland Online Training Sessions - ONLINE, VARIOUS DATES

SAFEDEPOSITS SCOTLAND CHARITABLE TRUST Q&A
Tuesday 23rd November - 11.30am

PREPARING FOR PETS
Tuesday 7th December - 11.30am

MEET AN ADJUDICATOR
Tuesday 18th January - 11.30am

Booking links via
www.safedepositsscotland.com



**SafeDeposits
Scotland**

Our online sessions are free to attend and we regularly update our website with details of forthcoming training.

Talking Deposits with SafeDeposits Scotland and SAL* - ONLINE, VARIOUS DATES

Thursday 20th January - 11.30am
Thursday 24th February - 11.30am

Booking via
www.scottishlandlords.com/events

*Available to SAL members only. Details on how to join can be found on the SAL website.



Informal online session for SAL members to ask questions or chat in general about deposits. SAL Chief Executive John Blackwood speaks to SafeDeposits Operations Manager Mike Smith on 20th January and 24th February.

Under One Roof Private Landlord Webinars - ONLINE, VARIOUS DATES

ASK THE TENEMENT EXPERTS
Tuesday 30th November - 6.00pm

STRUCTURAL ALTERATIONS - HOW TO GET CONSENT AND WHAT TO DO IF CO-OWNERS WORK WITHOUT YOUR CONSENT
Tuesday 14th December - 6.00pm

HOW TO COMPLAIN TO THE FIRST-TIER TRIBUNAL
Tuesday 11th January - 6.00pm

ASK THE TENEMENT EXPERTS
Tuesday 25th January - 6.00pm

Further information and booking via
www.underonerroof.scot



A series of webinars supported with funding from the SafeDeposits Scotland Charitable Trust and dedicated to addressing the issues faced by private landlords and letting agents of tenement flats in Scotland. CPD certificates are available for professionals who take part in the webinars.

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 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 among their members; and providing impartial, authoritative advice on key issues for business, society and governments worldwide.



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 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.



**SafeDeposits
Scotland**

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