

What are tenancy deposit protection schemes?

On 7th March 2011 the Tenancy Deposit Schemes (Scotland) Regulations 2011 came into force. These regulations have changed the way landlords and letting agents handle tenancy deposits in Scotland.

Since 2nd July 2012, landlords and agents in receipt of a tenancy deposit are obligated to transfer the deposit to a government approved scheme, such as SafeDeposits Scotland, who will hold the deposit until the end of the tenancy.

At the end of the tenancy, the tenant will need to agree with the landlord or agent how the deposit should be paid back, before advising the scheme holding the deposit. The scheme will then repay the deposit in accordance with this agreement.

However, if the tenant and landlord or agent do not agree on how the deposit should be repaid, the scheme will ask each to submit evidence to support their claim. The scheme will then refer the dispute to an independent adjudication process, and issue a draft report for review by all involved. Once comments have been received from all parties, a final decision will be made by the adjudicator and the scheme will pay out the deposit in accordance with that decision.

SafeDeposits will ensure that:

- all tenancy deposits are securely held and protected;
- all disputes about the return of the deposit are resolved quickly and fairly;
- if required, expert impartial dispute resolution will be applied by an independent team of adjudicators, including specialists in Scottish property law;
- our service will be achieved without any additional cost to either tenant, landlord or agent.

What the tenant should expect

If you are required to pay a deposit at the beginning of a tenancy, then you should still pay this to the landlord or agent, as before the new regulations came into force. It is then the responsibility of the landlord or agent to pay your deposit into one of the approved schemes, such as SafeDeposits.

When a landlord, or an agent acting on a landlord's behalf, has registered a deposit with SafeDeposits and paid the deposit to us, a Deposit Protection Certificate will be sent to the landlord, the agent and all tenants named on the tenancy agreement.

The Deposit Protection Certificate provides confirmation that SafeDeposits will hold the deposit in a client account, separate from other money, which means that it will be kept safe throughout the tenancy.

The Deposit Protection Certificate will tell you:

- The Deposit Account Number (DAN) - this number identifies the deposit for your tenancy. You can use it online, or in other communications with us, to check the status of your deposit, and to check the progress of the return of your deposit, or any dispute about it, when the tenancy ends;
- The amount of the deposit;
- The date we received the deposit;
- The address of the property to which the tenancy deposit relates;
- The name and contact details of the landlord and their agent, if applicable;
- The name of the lead tenant, if applicable;
- The names of all the tenants.

Tenancy Deposit Protection Schemes:

Information for tenants

- 🔒 Free dispute resolution service
- 🔒 Only not-for-profit tenancy protection provider
- 🔒 Only provider bringing together tenant, landlord and agent representative groups
- 🔒 Scotland-based

If any information on the Deposit Protection Certificate is incorrect, please let SafeDeposits know as soon as possible. You can complete an online enquiry form at www.safedepositsscotland.com, email us at info@safedepositsscotland.com, or call us on 03333 213 136.

You should also receive specific information from your landlord, including: landlord details; the address of the property; the full amount of deposit paid to SafeDeposits; and the circumstances in which all or part of the tenancy deposit may be retained at the end of the tenancy.

Your contact details

Once you have received your Deposit Protection Certificate, there is nothing else that you need to do. You only need to contact SafeDeposits during the tenancy if the contact details we hold for you are incorrect. It is essential that these details are correct and up-to-date throughout the tenancy and afterwards, as these are the details SafeDeposits will use to notify you of any changes to the protection of your deposit.

If you do not ensure that SafeDeposits holds correct contact information, you could miss the opportunity to respond to your landlord's Proposal for Deposit Repayment, which may result in some or all of your deposit being returned to your landlord.

When a tenant fails to respond to a Proposal for Deposit Repayment from their landlord (or an agent acting on the landlord's behalf) within 30 working days from the date SafeDeposits contacts them, the landlord will automatically receive the full amount of the deposit that they claim.

Returning your deposit

Once the tenancy has ended, the tenant, landlord and agent can apply for the deposit to be repaid, by completing a Proposal for Deposit Repayment form, either online or by post.

SafeDeposits will advise the other parties to the tenancy agreement (i.e. the tenant, landlord and agent, if there is one) that a Proposal for Deposit Repayment has been made. SafeDeposits will ask the other parties to confirm whether they agree with the claim that has been made, or whether they wish to dispute the amount.

The other parties will have 30 working days, from the date SafeDeposits contacts them, to complete a Response to the Proposal for Deposit Repayment, if they wish to either:

- specifically agree to the repayment of the deposit as specified in the Proposal for Deposit Repayment; or
- dispute the Proposal for Deposit Repayment, in which case the parties must notify SafeDeposits of the amount of the deposit which they consider should be repaid to them, if different to the amount specified in the Proposal for Deposit Repayment. They will be asked whether they wish the dispute to be referred to adjudication.

To complete a Proposal for Deposit Repayment form online, you will need to know your DAN (Deposit Account Number) and DRN (Deposit Repayment Number). SafeDeposits will have sent these to you alongside your Deposit Protection Certificate. You can use your DAN and DRN to login to the simple deposit management system on our website.

Once you are logged in, you will need to let us know:

- the date the tenancy ended;
- the breakdown of how the deposit should be repaid between the tenant, landlord and agent;
- your bank details for repayment.

If you do not have access to the internet, and wish to complete a Proposal for Deposit Repayment by post, then please contact our Glasgow-based customer call centre on 03333 213 136, to have a Proposal for Deposit Repayment form sent out to you.

Joint tenant?

If you are a joint tenant, your landlord will need to nominate one tenant as the lead tenant. The lead tenant will act on behalf of all tenants when dealing with the deposit, including its repayment and any dispute about it.

When the deposit has been paid to SafeDeposits, a Deposit Protection Certificate will be sent to all joint tenants, which will show the names of all joint tenants and highlight who the lead tenant is. All joint tenants will receive an individual Deposit Repayment Number (DRN), and may contact SafeDeposits regarding their deposit at any time during the period the deposit is held by SafeDeposits. However, SafeDeposits requires any instruction about repayment or a dispute to come from the lead tenant. The nomination of the lead tenant is not final, and can be changed at any point during the tenancy.

Get in touch

03333 213 136

Email: info@safedepositsscotland.com

www.safedepositsscotland.com

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

