

# Key Matters

ISSUE 11 - FEBRUARY 2023

EXTENDED HOURS

SDS RESOLVE

AVOIDING LIVING ROOM ISSUES



**SafeDeposits**  
Scotland



# SCOTLAND'S LEADING TENANCY DEPOSIT SCHEME



## The only not-for-profit tenancy deposit scheme based in Scotland, offering:

- Client Support
- Training
- ADR Support
- Mid-tenancy mediation service
- Grant giving charitable trust
- Contact centre open 8am-10pm\*

\*Monday-Friday

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

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250 West George Street  
Glasgow G2 4QY

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## WELCOME

Welcome to another issue of Key Matters.

Challenge and uncertainty have continued to be words frequently used within the private rented sector in recent months. From public debate over laws to statistics such as those summarised by our friends at Citylets within this magazine, there has been a lot to take in.

During these turbulent times we remain as committed as ever to making at least one part of the renting process - deposit protection - as easy and reliable as possible for landlords, letting agents and tenants alike.

On that note I am pleased to report continued improvements to our system. New features are being added regularly and the enhanced, future-ready platform that has always been our aim is firmly taking shape.

We are extremely grateful for the positive and constructive conversations about the system we have had through in-person visits, online sessions and telephone conversations, and hope that our updates and training have been useful to our customers too.

**Mike Smith**  
Head of SafeDeposits Scotland

# Come on in...

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# SafeDeposits in Numbers

The most recent figures from SafeDeposits Scotland

## DEPOSIT PROTECTION

At 31st January 2023 we were protecting:

- 156,253 deposits
- with a combined value of £126,794,163
- and an average deposit value of £811

## CUSTOMER SERVICE

Between 1st November 2022 and 31st January 2023 we:

- answered 8,805 telephone calls, with an average answer time of 32 seconds
- handled 6,678 emails, with an average response time of 9 minutes

## UNCLAIMED DEPOSITS

Between 1st November 2022 and 31st January 2023 we:

- proactively tracked down and reunited tenants with their money for 1,289 unclaimed deposits, with a combined value of £505,221

At 31st January 2023 there were approximately 3,500 unclaimed deposits.



# Have You Heard?

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

## SafeDeposits Extends Opening Hours

SafeDeposits Scotland has extended its opening hours, expanding the availability of its contact centre by 30 hours per week compared to previous open times.

Customers can now speak to a member of the team between 8am and 10pm, Monday to Friday, providing more accessibility to people including those who have varied work shift patterns or who are based overseas.

Initially a smaller team is available from 8am-9am and from 5pm-10pm while the scheme gauges demand for these newly expanded hours. The contact centre continues to be fully staffed between 9am and 5pm.

To speak to a member of the team, 8am-10pm Monday to Friday, call 03333 213 136.



## SafeDeposits Team Takes Part in Christmas Jumper Day

The SafeDeposits team got cosy and colourful on 8th December when they took part in Christmas Jumper Day, an initiative of Save the Children.

£70 was raised in the office for the charity, whose mission is to make sure children in the UK and around the world keep safe, healthy and learning.

Further information about Save the Children can be found at [www.savethechildren.org.uk](http://www.savethechildren.org.uk)



## Changes to the Cost of Living (Tenant Protection) Act

In January the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights set out to Parliament the Scottish Government's proposals for the Cost of Living (Tenant Protection) (Scotland) Act 2022 beyond 31st March.

Subject to the approval of Parliament, changes to the Act will mean that from 1st April 2023:

- If landlords choose to increase private rents they will be capped at 3%.
- The safeguard for private landlords will be amended, allowing them to apply for increases of up to 6% to help cover certain increases in costs in defined and limited circumstances.
- Enforcement of evictions will continue to be prevented for all tenants except in a number of specified circumstances.
- Increased damages for unlawful evictions of up to 36 months' worth of rent will continue to be applicable.
- The rent cap for student accommodation will be suspended, recognising its limited impact on annual rents set on the basis of an academic year.

## Pub Quiz Raises Funds for Homelessness Charity

Generous letting agents, colleagues, friends and family helped SafeDeposits Scotland raise a record amount at the return of its annual fundraising pub quiz event.

On 27th January the scheme hosted its fourth quiz in Glasgow, raising £1,547 for Scottish youth homelessness charity Rock Trust.

This year's winners were a team from The Property Store, who saw off fierce competition to take the prize hamper and quach home to East Kilbride.







# SafeDeposits Scotland Charitable Trust

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

## Glasgow North West Citizens Advice Bureau awarded funding for private rented sector project

The most recent grant (£20,000) awarded by the SafeDeposits Scotland Charitable Trust was to Glasgow North West Citizens Advice Bureau in December.

This funding will go towards a project aimed at empowering tenants and landlords in the private rented sector through rights and responsibilities workshops and holistic advice. As people face a range of housing issues during the cost of living crisis, the project will see the Bureau offer free advice to help with disputes, bills and conflict resolution to reduce homelessness and promote best practice.

Alana Forsyth, CEO of Glasgow North West Citizens Advice Bureau, said: "GNWCAB is delighted to offer this new, dedicated service to vulnerable people experiencing private rental housing issues across the city."

"As a result of the funding grant from the SafeDeposits Scotland Charitable Trust, GNWCAB will help private rental sector tenants resolve disputes with their landlords and prevent homelessness, as well as promoting best practice for landlords as legislation on rent changes this year."



The key aims of the SafeDeposits Scotland Charitable 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.

Interested parties can find further information, bid guidance and an application form at [www.safedepositsscotlandtrust.com](http://www.safedepositsscotlandtrust.com)



# Problems Resolved

Resolution Advisor Gurjit Deol shares one of SDS Resolve's success stories

SDS Resolve (formerly SDS Resolution) was first introduced in the summer of 2020 as a response to the COVID-19 pandemic. With lockdowns resulting in loss of or reduced earnings for people in a number of sectors, many tenants and landlords found themselves dealing with the issue of rent arrears - often for the first time.

This free-to-use mediation and conciliation service, operated by SafeDeposits Scotland, was introduced to help parties establish a satisfactory resolution to rent arrears cases and ultimately sustain tenancies.



## SDS Resolve

The service has since expanded to support landlords and tenants in dealing with disagreements relating to property standards, repairs, entry rights, threatened evictions, breaches of tenancy terms and noise and anti-social behaviour.

Although it has been over a year since the country has been under any form of official lockdown restriction, new challenges have arisen that affect almost every household. The ripple effects of world affairs have threatened incomes while simultaneously increasing outgoings such as energy bills, perhaps for some making rent arrears even more of a threat than they were at the height of the pandemic.

SDS Resolve therefore remains available to assist landlords, letting agents and tenants in coming up with mutually agreeable solutions to problems without the need for further action.

The SDS Resolve process has been set up so that it is easy to use and not daunting to any party. You can read how it works and submit a referral via the service's website at [www.sdsresolve.com](http://www.sdsresolve.com), but let us take the opportunity here to exemplify the effectiveness of SDS Resolve with a recent case study...

A Glasgow letting agent had reason to contact SDS Resolve regarding two separate tenancies. One tenant had amassed arrears of £1,950. Through the intermediary service of SDS Resolve an agreement was reached whereby the tenant is now paying a sum of £150 weekly to repay the amount in arrears. In the other instance, the total rent arrears stood at £2,500; the parties have agreed that the tenant will now pay £150 each month in addition to their monthly rent. Both cases represent tenancies sustained, with the agent having rent recovered via a route that is manageable for the tenant, and all parties having a say in the proceedings.

The letting agent involved in these mediations told us: "It has been a pleasure dealing with Gurjit at SDS Resolve. Having an independent third party has alleviated the stress of trying to negotiate a payment plan for the tenant, landlord and agent. A third party has the unique perspective to be neutral as well as able to view the situation with fresh eyes."





# 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), log in using your user name 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 or email 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](http://www.safedepositsscotland.com) 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.



# ...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.







# Household Hotspots

with Resolution Team Leader Samantha Gardner

This time in Household Hotspots we visit the living room (or the lounge or the sitting room, depending on what you call it!)

Perhaps more than any other room, the part the living room plays in day to life really can vary from household to household. In some homes it is the hub of all activity, from children's playroom to home office while in larger properties it might only be used when there are visitors. It can be the scene of parties or simply a nice dinner in front of the TV.

Once again we look at the issues that can arise, how they can be handled and prevented.

From burst springs to retaining odours, sofas can be a magnet for all sorts of problems. If an item of furniture like this is damaged during a tenancy, the tenant should report the damage straight away. If a claim arises as a result of damage to a sofa, the adjudicator will study all evidence although they will have to consider the principle of fair wear and tear when it comes to making an award. In claims involving sofas we often see deductions made for removal of pet hairs and repair of cigarette burns, two separate issues which touch on the subject of tenancy agreements - were pets or smoking even permitted in the property?

Advice on windows anywhere in the property is simple. They should be returned at the end of the tenancy as clean as they were at the start. If professional window cleaners are employed however, the tenancy agreement should make clear whether the tenant or landlord is responsible for arranging this.



Where electronics are included on an inventory, the landlord should make sure that the tenant has access to the relevant user manual(s) - this not only makes life easier for the tenant, but can help avoid damage arising from misuse. The inventory should list the make and model of any electronic items.

Claims for replacement of lightbulbs are common. If the bulbs were in place and working at the start of the tenancy, then it is the tenant's responsibility to ensure there are working lightbulbs in place at the end of the tenancy. Claims for lightbulbs are easily preventable if the tenant replaces bulbs when they run out.

Many living rooms have working fires, and these can come in different forms. If they use fuel such as wood or coal, the tenancy agreement should provide clear instruction on this. If there is a chimney, the agreement should also state which party is responsible for cleaning of the chimney.

Stains, holes and burns are among the carpet calamities that can result in claims being made against deposits. Most stains can be tackled by professional cleaners, if not by shop bought cleaning products. If damage is irreparable, the correct evidence should see an award for damage made, however this will be relative to the area damaged and not for the replacement of a full carpet which would be classed as betterment.



# Guest Feature:



## Citylets presents its Market Review for Q4 2022

Q4 2022 will go down in history as one of the challenging periods for private rented residential accommodation providers in Scotland. A disastrous September UK mini-budget unravelled spiking mortgage rates sharply to further concern for many (mortgaged) landlords already reeling from the shock announcement of the Cost of Living (Tenant Protection) (Scotland) Bill which introduced general bans on evictions and rent rises within pre-existing tenancies.

For the reported significant majority of landlords who don't adjust rents in line with inflation or open market rents, this co-incidental timing of events may destabilise the viability of their accommodation provisions at a time of chronic supply shortage. Further, BTR operators in Scotland, seemingly positioned as material providers of future rented accommodation, are reportedly also concerned at the policy environment.

Though predictions of landlord exodus have been historically dismissed, it may be 'different this time'; certainly it is hard to believe that small scale landlord sentiment in Scotland has remained intact.

Landlords saw increased costs through higher mortgage rates whilst their scope for mitigation was also substantively reduced. Landlords can apply for capped rent increases but must satisfy prescribed grounds. Many will feel the rules have been considerably changed. The pre-conception that the majority of landlords can withstand all, is being increasingly challenged.

Meantime, matters for tenants seem to have deteriorated. Rents in Scotland, as defined by initial rents on new tenancies, rose an unprecedented annualised 11.9%. Whether co-incidental and pre-determined by long standing underlying forces or not, it's unfortunate timing for

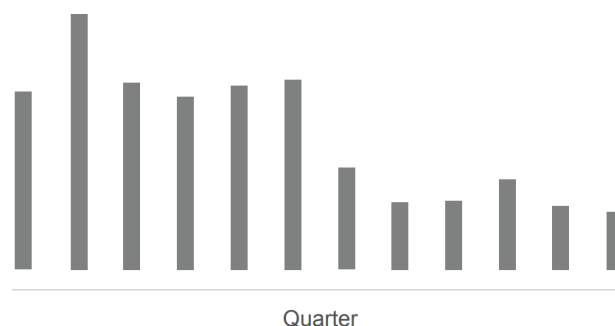
legislators who will be concerned to monitor the PRS for unintended consequences. Fears for continued double digit rent rises in most areas, premised on low stocks relative to demand, look well founded.

With forecasts for the UK economy ranging from stagnation to recession, it's unlikely that levels of rental stock placed on the market will outweigh demand, as seen in previous economic downturns.

Rent caps over time will highlight disparity between existing and new tenancy rents providing incentive for tenants to stay put, which will reduce turnover and see choice options stagnate.

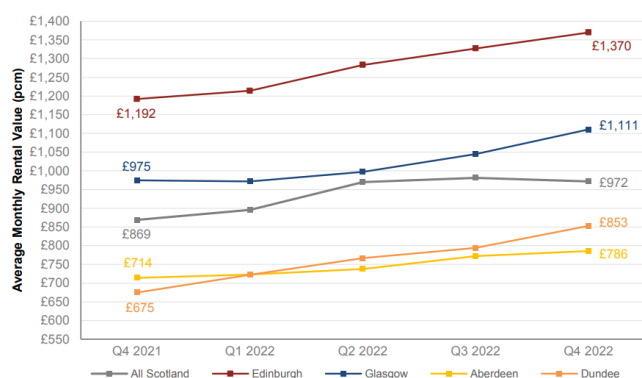
Whether ideologically favoured or not, PRS homes are needed in Scotland and the question must be asked, if the number of homes available reduces, where will its inhabitants go?

### Scotland - Average Stock Levels (Q1 2020 - Q4 2022)



Average monthly Scottish rents rose 11.9% Year on Year in Q4 2022 to £972 with properties taking just 16 days to let. Competition for rental property in Edinburgh and Glasgow remained fierce with average time to lets (TTLs) of 12 and 13 days respectively. Double digit growth was recorded for almost all major cities and regions covered by the report, including 10.1% for Aberdeen with TTL now reduced significantly to 21 days.

### Scottish Monthly Rent Analysis (Q4 2021 - Q4 2022)



Citylets is a Scottish rental property portal and publishes quarterly market reports which are widely regarded as the most authoritative and reliable barometer of rental information for the Scottish PRS.

For further information, visit [www.citylets.co.uk](http://www.citylets.co.uk)



# Spotlight On...

# EDINBURGH

Where to begin with a spotlight on Edinburgh? There's way too much about Scotland's capital city to fit on one page, but we'll do our best to bring together some of the highlights here...

Edinburgh is home to over half a million people, and around four million more visit the city each year to soak up all it has to offer. The famous Hogmanay celebrations on Princes Street and the Edinburgh Festival Fringe, the world's largest arts and media festival, are naturally big draws for visitors but away from the big events an abundance of attractions - natural and built, cultural and commercial - keep people coming all year round.

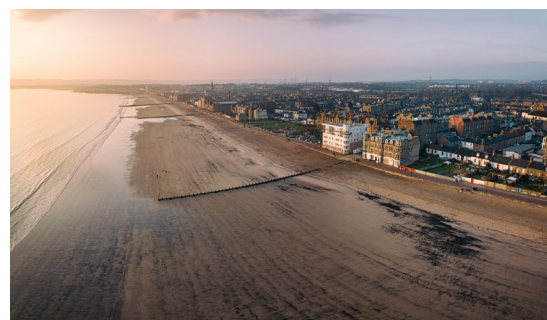
For those visitors flying in, the approach to Edinburgh Airport (a busy terminal whose network of direct routes spans from Calgary to Doha) will often involve descending over the sparkling Firth of Forth, with a bird's-eye view of the iconic Forth Rail Bridge and its two neighbouring road crossings. There may be glimpses of picturesque South Queensferry in the shadow of the bridges and before that, the sands of Portobello Beach or the port buildings of Leith - all which appear a world apart from the centre of the capital, but all within the same City of Edinburgh Council boundary.

The uniqueness of this historic city becomes apparent as the skyline emerges on the road or rail approach - its hilly landscape providing prominent perches for landmarks like Edinburgh Castle and the National Monument. The Scott Monument pierces the sky above Princes Street Gardens while nearby the clocktower of the Balmoral hotel is a beacon for those rushing for trains at Waverley station. These, and countless other historic buildings, are complemented by modern marvels like the Scottish Parliament and the St James Quarter shopping and lifestyle district.

With so much activity centred around this modestly sized capital, it is little wonder that there is high demand for residential property across its many distinct neighbourhoods. Figures published by Bank of Scotland at the end of 2022 put the average house price in Edinburgh at £330,607 - nearly £100,000 more than Glasgow's average of £246,209.

In terms of the private rented sector, as the data from Citylets on page 12 opposite shows, 2022 finished with the capital's average monthly rent higher than that of any other city at £1,370. The average deposit protected by SafeDeposits Scotland for tenancies in Edinburgh also exceeds £1,000 at the time of writing - the average deposit there is £1,004 compared to the current national average of £811.

23% of tenancy deposit disputes handled by SafeDeposits Scotland between October and December 2022 related to tenancies in Edinburgh. The breakdown of disputes arising in the city was largely similar to the national picture - cleaning claims were the most prominent at 65%, very slightly higher than the 63% national average for cleaning claims. The biggest gulf between Edinburgh and Scotland-wide figures related to claims involving redecoration - while 19% of all Scottish disputes had a redecoration claim attached, this was the case for only 13% of Edinburgh disputes.



Portobello



Bruntsfield



South Queensferry



Tollcross



# Calendar of Events

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

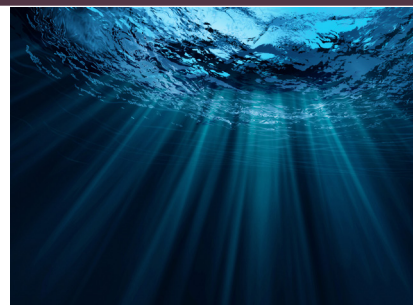
On this page you will find information on a selection of PRS related events taking place in Scotland during the coming months. Please note that all events are subject to change and places are subject to availability. Booking details are provided below.

## Wednesday 1st March - Another Deep Dive into Disputes

11.30am - 12.30pm Online

Book at [www.safedepositsscotland.com/resource-centre/events](http://www.safedepositsscotland.com/resource-centre/events)

Following a similar session in November 2022, SafeDeposits Scotland will once again present case studies based on real life examples of how disputes have arisen, how adjudicators have approached them and the lessons that can be taken from them to help present similar disputes arising.



## Wednesday 15th March - Spring Cleaning

11.30am - 12.30pm Online

Book at [www.safedepositsscotland.com/resource-centre/events](http://www.safedepositsscotland.com/resource-centre/events)

Cleaning is by far the most common type of claim made against deposits at the end of a tenancy. Of the disputes handled by SafeDeposits in 2021-22, 71% involved a claim due to cleaning. With spring in the air we will discuss in this session all things cleaning, including how cleaning disputes are approached by adjudicators and what steps can be taken to prevent cleaning issues arising.



## Thursday 16th March - Propertymark Scottish National Conference

9.15am - 4pm John McIntyre Conference Centre, Edinburgh EH16 5AY

Book at [www.propertymark.co.uk](http://www.propertymark.co.uk)

Conference with networking, exhibitors and a programme of sessions including All things legal with Rory Cowan of BKF & Co, Where are we now? with Dr John Boyle of Rettie & Co and Propertymark industry update presented by Propertymark Head of Policy and Campaigns, Timothy Douglas.

propertymark

## Wednesday 29th March - Gardening Disputes

11.30am - 12.30pm Online

Book at [www.safedepositsscotland.com/resource-centre/events](http://www.safedepositsscotland.com/resource-centre/events)

The volume of claims made for issues relating to gardening may be much lower than those for cleaning and damage, but that does not make gardening disputes any less significant for the parties involved - particularly in terms of the potential financial implications. In this session we take a further look at gardening disputes, how they arise and how they can be prevented.



## Various Dates - Adjudication Workshops

Tuesday 16th May

Station Hotel, 78 Guild Street, ABERDEEN AB11 6GN

Wednesday 17th May

The Scotsman Hotel, 20 North Bridge, EDINBURGH EH1 1TR

Thursday 18th May

citizenM Glasgow, 60 Renfrew Street, GLASGOW G2 3BW

All dates 10am - 3pm

These interactive workshops for private rented sector landlords and letting agents will cover all things adjudication.

Attendees will learn how to appropriately record inventories, manage changes at properties and calculate fair deductions from tenancy deposits where these are felt to be necessary.

Book at [www.safedepositsscotland.com/resource-centre/events](http://www.safedepositsscotland.com/resource-centre/events)



# 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 Ltd (TDS) was originally set up in 2003 to provide a voluntary deposit disputes service for letting agents. Since then the company has secured Government backed tenancy deposit protection services across the UK, undertakes conciliation and mediation activities in the private rented sector, operates an insurance claims adjudication service, develops dispute resolution software solutions and has recently launched an Ombudsman redress service for purchasers of new homes.





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