



SafeDeposits
Scotland

How SafeDeposits deals with tenancies with more than one landlord or tenant



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SafeDeposits recognises that many tenancies involve more than one landlord or tenant. It is in the interests of tenants, landlords and agents that the process of registering and protecting deposits, applying for their repayment and managing any dispute over a deposit repayment is as simple and efficient as possible. SafeDeposits aims to achieve this by applying the following guidance.

Tenancies involving more than one landlord

Registration of joint landlords to use SafeDeposits

SafeDeposits will treat all landlords of a tenancy as being jointly and severally liable for the landlord's obligations and will treat the authority of any one or more joint landlords as binding on the others.

This means that there is no need for a lead landlord. SafeDeposits will regard the landlord who completes registration as a scheme user as having authority to act on behalf of any other joint landlords. It is only therefore necessary for one landlord to register in order to protect a deposit subsequently, but this does not prevent all landlords registering as users should they wish to do so.

Submission of deposits to SafeDeposits by joint landlords

When a landlord who is registered as a user with SafeDeposits wishes to submit a deposit, he will be required to provide his local authority registration details. The landlord will then be asked to provide the details of any joint landlord(s) for the tenancy, including their local authority registration details.

ADR process involving joint landlords

Where there is more than one landlord, the landlords should decide between them who is to manage the process on behalf of them all.

Tenancies involving more than one tenant

Nomination of a lead tenant by a landlord

Where a tenancy involves more than one tenant, the landlord will be asked to nominate one of the tenants as the lead tenant, who is authorised by all the joint tenants to act on behalf of them all when dealing with the protection of the deposit, the claim for its repayment at the end of the tenancy, and any dispute about it.

When submitting the deposit for protection with SafeDeposits, the landlord will be asked to confirm that:

- All tenants have agreed to the appointment of the lead tenant;
- The lead tenant is aware of how SafeDeposits will deal with joint tenants.

When the deposit has been registered, a Deposit Protection Certificate will be sent to all joint tenants to confirm the deposit has been protected. The Deposit Protection Certificate will

show the names of all joint tenants and will highlight who the lead tenant is. All joint tenants will receive the Deposit Account Number and an individual Deposit Repayment Number, and may contact SafeDeposits regarding their deposit at any time.

Any deposit for a tenancy involving joint tenants can only be registered with SafeDeposits once. It is not possible to register the deposit in 'shares' individually for each joint tenant.

Responding to a Proposal for Deposit Repayment from a landlord

When SafeDeposits receives a Proposal for Deposit Repayment from a landlord, a copy of the proposal will be sent to all joint tenants.

We will explain to all joint tenants that a response to the landlord's proposal must be received within 30 working days. If no response is received, payment will automatically be made in accordance with the landlord's proposal.

The lead tenant will be asked to respond to the landlord's proposal on behalf of all joint tenants.

If SafeDeposits does not receive a response to a landlord's proposal within 15 working days, we will contact the other joint tenants and give them the opportunity to appoint a replacement lead tenant to continue the process and provide a response to the landlord's proposal within the 30 working days.

Proposal for Deposit Repayment from the lead tenant

The lead tenant is responsible for entering a Proposal for Deposit Repayment if the landlord or letting agent does not enter one first. The lead tenant must use their personal Deposit Repayment Number to access the 'Request repayment' option. The Deposit Repayment Number accompanies the Deposit Protection Certificate which we send when the deposit is first transferred to us.

Any proposal received from the lead tenant will be sent to the other joint tenants.

If any of the other joint tenants wishes to submit a Proposal for Deposit Repayment, the landlord must contact SafeDeposits to authorise the change of lead tenant.

If the lead tenant enters a Proposal for Deposit Repayment first, the landlord will have 30 working days to respond to agree or disagree. If the landlord disagrees with the lead tenant's proposal, the landlord can disagree and enter an alternative Proposal for Deposit Repayment.

Repayment of the deposit to joint tenants

As tenants are jointly and severally liable, SafeDeposits does not provide an alternative dispute resolution service for disputes between tenants. If the lead tenant specifies that the deposit should be split in a way that any other joint tenants are unhappy with, the joint tenant(s) should contact SafeDeposits as soon as possible. SafeDeposits will contact the lead and joint tenants to try to reach a compromise which all tenants agree with. If an agreement can't be reached, SafeDeposits will split the deposit equally between all tenants.

Please note that the joint tenant(s) must contact SafeDeposits before the deposit has been repaid. Once the deposit has been repaid, there is nothing further that SafeDeposits can do

and the joint tenant(s) must contact the lead tenant directly.

Changing the lead tenant

If the landlord wishes to nominate one of the other joint tenants to replace the lead tenant during the tenancy, they can do so online via the SafeDeposits website, or by contacting SafeDeposits. The landlord will be asked to confirm that:

- All tenants have agreed to the appointment of the replacement lead tenant;
- The replacement lead tenant is aware of how SafeDeposits will deal with joint tenants;
- The landlord will indemnify SafeDeposits against any claims from the joint tenants.

If the lead tenant does not respond to a proposal entered by the landlord, after 15 working days another joint tenant can apply to become the new lead tenant in order to submit a response. The joint tenant should contact SafeDeposits directly to apply to become the replacement lead tenant.

Any tenant applying to become a replacement lead tenant must:

- Confirm in writing that all tenants have agreed to their appointment as lead tenant;
- Confirm in writing that they have made the other joint tenants aware of how joint tenants are deal with;
- Indemnify SafeDeposits against any claims from other joint tenants.

The appointment of a replacement lead tenant will take effect from the date SafeDeposits processes their application as long as it has been properly completed.

If a response from the original lead tenant is received before the appointment of the replacement lead tenant has been confirmed, SafeDeposits will regard the response from the original lead tenant as having been submitted on behalf of all the joint tenants.



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