

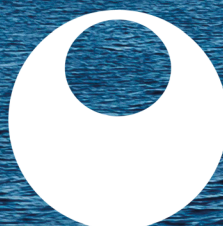
Key Matters

ISSUE 12 - JUNE 2023

SAFEDEPOSITS' NEW LOOK

SYSTEM UPDATES

MOULD, DAMP AND CONDENSATION



**SAFE
DEPOSITS
SCOTLAND**



**SDS
RESOLVE**

**FREE, INDEPENDENT RESOLUTION
FOR LANDLORDS AND TENANTS**



Owned and operated by SafeDeposits Scotland, SDS Resolve is a conciliation/mediation service that aims to facilitate a satisfactory resolution between landlords and tenants to help sustain tenancies and avoid the need for any further action.

Find out more at www.sdsresolve.com

Come on in...

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WELCOME

Welcome to this summer issue of Key Matters.

The first half of 2023 has been an action packed one for us here at SafeDeposits Scotland. On 1st June we launched the SafeDeposits Scotland Community Fund, and you can read more about this exciting new initiative within the magazine.

Our team continues to grow, reflected in our previously reported extension to opening hours, and to accommodate this expansion and our continued commitment to customer service we will soon be moving to new, bigger, premises in Glasgow. More on this to follow!

Elsewhere in the magazine, with it being summer we go into the garden for Household Hotspots and take a trip down the Ayrshire coast for our latest Spotlight feature.

We hope you enjoy this latest insight into SafeDeposits and our perspective on the sector.

Mike Smith
Head of SafeDeposits Scotland



SafeDeposits in Numbers

The most recent figures from SafeDeposits Scotland

DEPOSIT PROTECTION

At 30th April 2023 we were protecting:

- 157,381 deposits
- with a combined value of £128,120,669
- and an average deposit value of £814

CUSTOMER SERVICE

Between 1st February and 30th April 2023 we:

- answered 8,479 telephone calls, with an average answer time of 11 seconds
- handled 5,905 emails, with an average response time of 9 minutes

UNCLAIMED DEPOSITS

Between 1st February and 30th April 2023 we:

- proactively tracked down and reunited tenants with their money for 638 unclaimed deposits, with a combined value of £256,089

At 30th April 2023 there were approximately 3,700 unclaimed deposits.

Have You Heard?

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

Competition and Markets Authority launches rented homes project

At the end of February the Competition and Markets Authority (CMA) announced it will start a consumer protection project related to rented accommodation. A separate market study into housebuilding was announced at the same time, with both being in response to what the CMA described as widespread concerns about housing availability and costs.

The rented sector project, which will include stakeholder engagement across Scotland, England, Wales and Northern Ireland, will focus on the end-to-end experience from a tenant's perspective and identifying consumer protection issues that may arise.

Further information can be found at www.gov.uk/cma-cases



New statutory guidance for the Repairing Standard published

In March the Scottish Government published new statutory guidance for private landlords on the Repairing Standard.

This incorporates new elements that landlords will be required to comply with from 1st March 2024, including: requirement to have safely accessible food storage and food preparation space in a private rented house; specification that there must be a fixed heating system in a private rented house; specification that where a private rented house is a flat in a tenement, the tenant must be able to safely access and use any common parts of the tenement, such as common closes.

Further information can be found at www.gov.scot



New Scottish Minister for Housing

Constituency MSP for East Lothian, Paul McLennan, has been appointed Minister for Housing in the government of new First Minister Humza Yousaf.

Mr. McLennan's specific responsibilities are listed as the Affordable Housing Supply Programme, Housing to 2040 strategy, homelessness and rough sleeping, cladding remediation, welfare and debt advice and regulation of existing housing systems.

Patrick Harvie MSP continues as Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights.



SafeDeposits holds fundraising pyjama day

On 28th April, SafeDeposits Scotland held its own pyjama day in aid of Scottish mental health charity, SAMH.

Team members dressed in their comfies for the day and raised £75 for the charity.

SAMH operates over 70 services in communities across Scotland, providing mental health social care support, addictions and employment services, among others. Read more about the work of SAMH at www.samh.org.uk





SAFE DEPOSITS SCOTLAND CHARITABLE TRUST

The latest from SafeDeposits' grant-giving charity

SafeDeposits Scotland donates £200,000 to Charitable Trust

SafeDeposits Scotland has provided a boost to the promotion of education, training and best practice in Scotland's private rented sector by donating £200,000 in surplus funds to its grant-giving charity, the SafeDeposits Scotland Charitable Trust.

The SafeDeposits board, chaired by Ian Potter, made the donation after a strong financial year for the not-for-profit tenancy deposit protection scheme.

Ian Potter said: "For the eighth consecutive year we have been in the position to make a sizeable donation to the SafeDeposits Scotland Charitable Trust. As these donations are made possible as a result of scheme operations, this is a reflection of SafeDeposits' success and we are pleased to fulfil our commitment of putting money back into the private rented sector for the benefit of those who live and work in it."

John Duff, Chairman of the SafeDeposits Scotland Charitable Trust, said: "The Trustees and I welcome this generous donation from SafeDeposits Scotland and look forward to responsibly administering the distribution of these funds to organisations across Scotland. We are keen to receive applications for projects that benefit landlords, letting agents and tenants alike and I would encourage all interested parties to read more about the Trust and reach out to us via www.safedepositsscotlandtrust.com"



Ian Potter



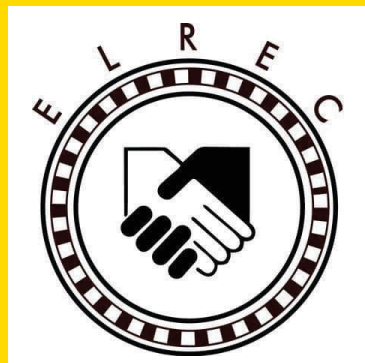
John Duff

Edinburgh & Lothians Regional Equality Council awarded funding grant

Edinburgh & Lothians Regional Equality Council (ELREC) is the latest charity to have been awarded a funding grant by the SafeDeposits Scotland Charitable Trust. Trustees agreed to award £39,830 for the organisation's Tenancy Rights and Support Services project.

ELREC Manager Parveen Ishaq said: "Edinburgh & Lothians Regional Equality Council is a small charity organisation with the main aim to help minority communities living in Edinburgh and the Lothians on issues of discrimination, inequality and support them to access statutory services and break down any barriers they may face. We have been around for over 40 years and have vast experience working with diverse communities from our staff to volunteers and the board team."

"This new project directly meets the SafeDeposits Scotland Charitable Trust's primary objectives by promoting the advancement of education and legal rights for tenants in private rented housing and finding alternative and efficient dispute resolution processes between tenants and landlords. We have many diverse communities who need support as well as the new Scot and refugee communities, so this fits well with our nature of work. We are very grateful to the SafeDeposits Scotland Charitable Trust for this opportunity and look forward to starting this new project."



INTRODUCING THE



SAFE DEPOSITS SCOTLAND COMMUNITY FUND

On 1st June, SafeDeposits Scotland launched a Community Fund designed to provide small grants to projects enhancing communities across Scotland.

The SafeDeposits Scotland Community Fund will award grants up to a maximum value of £2,000 to organisations who commit to deliver a project that meets at least one of five criteria, namely:

- Sustainability and the environment
- Employability and career skills
- Social inclusion
- Technology and digital inclusion
- Improving the local community



Mike Smith, Head of SafeDeposits Scotland, said: "Through this new fund we aim to contribute to initiatives that will benefit people across Scotland, including our landlord, letting agent and tenant customers and their wider communities. From enhancing play areas to planting trees, and from providing isolated individuals with social opportunities to helping young people prepare for work, these are the types of project we hope to support."

Grants will be awarded on a quarterly basis and interested parties are invited to submit an application

by one of the following dates, to be considered for the subsequent funding round:

- Friday 30th June 2023
- Friday 29th September 2023
- Friday 29th December 2023
- Friday 15th March 2024



The SafeDeposits Scotland Community Fund's rules and guidance outline in more detail what can and cannot be funded, and the requirements of any organisation applying for funding. A set of FAQs has also been prepared for members of the general public who require further information on the SafeDeposits Scotland Community Fund. These documents and the funding application form can be found at www.safedepositsscotland.com/community-fund

The SafeDeposits Scotland Community Fund is a completely separate initiative to the SafeDeposits Scotland Charitable Trust.





Household Hotspots

with Resolution Team Leader Samantha Gardner

In this instalment of Household Hotspots we go outside for a look at the garden.

Compared to other heads of claim, such as cleaning, damage and redecoration, claims relating to gardening are relatively infrequent - in the first quarter of 2023 they appeared in 11% of all disputes handled by SafeDeposits Scotland.

This is likely due to the simple reason that not every property has a garden, whereas cleaning issues for example can arise in any house or flat. Gardening disputes are no less serious than any other kind however, with an average claim of £153 in 2023 Q1.



Metal garden furniture can rust when exposed to the elements. State in the tenancy agreement if protective covers are provided for items such as this, and be clear on expectations for their use.

Be sure to list any out buildings, such as sheds or greenhouses, and any of their contents on the inventory.

If tools are made available for use by the tenant, ensure that the tenant is also provided with instructions for these where applicable - for example, lawnmowers.

Do any features such as decking or fences require particular treatments at a certain frequency? If so, ensure that any expectations of the tenant here are set out in the tenancy agreement.

Likewise instructions and expectations for any plants that require specific care should be outlined.

In some instances, landlords will employ a professional gardener to take care of outdoor areas. They should state in the tenancy agreement if this is the case, so that the tenant is clear on what they are required and not required to do.

Tenants should still show due care towards the garden, even if its maintenance is carried out by a professional. For example, don't allow litter to accumulate.

While we are outside, another area where the tenancy agreement should be clear about who is responsible is the guttering...

If a garden feature such as a fence or tree suffers unpreventable damage as a result of, for example, strong winds, the tenant should notify the landlord at the earliest opportunity. This communication will both explain the circumstances and give parties the opportunity to rectify the issue.

Tenants should meet any obligations relating to the garden set out in the tenancy agreement. However, seasons and weather are outside of the tenant's control - therefore a landlord should not expect a flowerbed that was blooming at the start of the tenancy in July to look the same when the tenant checks out following a snowstorm in February...

TDS AT A GLANCE

Through this magazine and other communication channels, you may have noticed a stylish new look to SafeDeposits Scotland recently.

Our new branding reflects that of our parent group The Dispute Service (TDS), the UK's leading deposit protection and resolution service provider. We thought this was a good time to share some statistics on the group and the part SafeDeposits plays in it...

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DIRECT EMPLOYEES

SafeDeposits Scotland is based in Glasgow and is the only tenancy deposit protection scheme based in Scotland. Our team in Glasgow numbers over 20 people and we're growing.

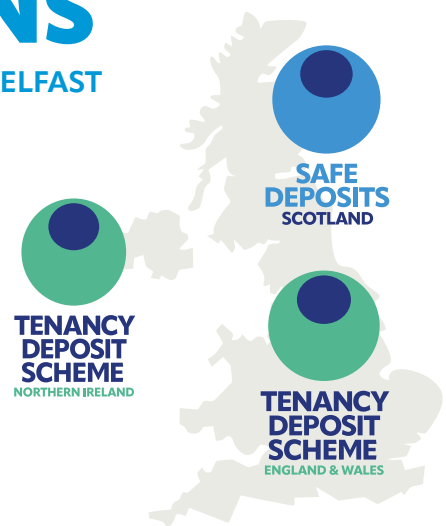
We work closely with our colleagues at TDS group headquarters in Hemel Hempstead and at TDS Northern Ireland in Belfast.

Our Glasgow office also houses the team delivering the New Homes Ombudsman Service - the most recent resolution service offered by the TDS group.

SafeDeposits Scotland holds Customer Service Excellence accreditation independently of TDS, which is also accredited, and the group including SafeDeposits was recognised as one of the top five not-for-profit organisations to work for in The Times 2021 Best Companies awards.

3 LOCATIONS

GLASGOW - HEMEL HEMPSTEAD - BELFAST



£12M

REVENUE

1.8M

DEPOSITS PROTECTED

£2BN

VALUE OF DEPOSITS

£1.8M

AWARDED OVER 6 YEARS BY



..We're proud to serve Scotland, and to be part of a customer focused group dedicated to raising standards in the private rented sector across the length and breadth of the UK.

PARAMOUNT PAPERWORK

Customer Relations Manager Carol Bradburn on two important documents in deposit protection, and how SafeDeposits makes it easy to ensure your tenants get these



The Deposit Protection Certificate and Prescribed Information form are two crucial documents in deposit protection... If you have taken a deposit from your tenant, you must protect this in line with the Tenancy Deposit Schemes (Scotland) Regulations 2011 and it is essential that they promptly receive their Deposit Protection Certificate and Prescribed Information form. We're here to help make sure your tenants receive these important items.

Let's start with the Deposit Protection Certificate. As long as you lodge the deposit, we'll take care of the certificate. As soon as you protect a deposit with us we'll automatically email the tenant inviting them to download their certificate, providing them with peace of mind and the knowledge that you as a landlord or letting agent have fulfilled your obligations in respect of the deposit.

You will also be able to download the certificate via your SafeDeposits user account for your own records should you wish, and thanks to a recent enhancement to our system you can now download Deposit Protection Certificates in bulk - saving you from a repetitive task if you have a large portfolio to manage.

Regulation 42 of the legislation requires you to provide your tenant with prescribed information about their deposit within 30 working days of the tenancy start date.

We make this easier by having a Prescribed Information form template available whenever you lodge a deposit with us. Simply fill in any additional clauses you might have, and then you can download the Prescribed Information form and issue this to your tenant.

As with Deposit Protection Certificates, you can also download your completed Prescribed Information forms from our portal in bulk. Do remember though that the responsibility for sending the prescribed information form to the tenant lies with the landlord or letting agent.

Mould, Damp and Condensation

Resolution Manager David Morgan poses some frequently asked questions about common issues



In February and March we hosted two (the second added due to popular demand) fully subscribed sessions on the subject of mould, damp and condensation.

That these saw the highest attendance since we started delivering regular online sessions in 2020 shows how much of a concern these commonplace problems are

to landlords, letting agents and tenants.

Here you will find a selection of frequently asked questions and answers relating to mould, damp and condensation in the context of deposit disputes.

The extractor fan in the bathroom is broken and the tenant has reported this issue but it does not get fixed. Who is liable if mould forms?

Landlords have a responsibility to ensure that any extraction systems in a property are fully operational. If there is no other form of ventilation in the bathroom and mould forms, the tenant in this scenario can point to the fact that they reported the extractor fan wasn't working and the landlord did not remedy this. The landlord here would have to take responsibility for any mould damage.



What if the tenant has admitted to not opening windows when showering?

If there is mould in the bathroom and the tenant has admitted to not opening windows when showering, that will likely have had an impact, however an automatic award should not necessarily be expected. Some properties have extractor fans or trickle vents, which provide an alternative route of ventilation. Therefore closed windows and mould will not go hand in hand in every case.

What are the tenants obligations when properly ventilating the property?

This depends on the tenancy agreement and what it says. Adjudicators see a number of clauses in agreements, such as "The tenant is obliged to take reasonable care of the property." "Reasonable" is an important word here as while the tenant does have an obligation it is limited by reasonableness. For example, for security reasons the tenant may not want to leave windows open if the windows are at street level. Equally, expecting the tenant to have all windows open at all times would not be seen as reasonable.



The silicone seal around the bath is black with mould. Can I claim for this?

Yes. This is something that could be prevented by the tenant wiping or cleaning the silicone regularly. The landlord or agent may wish to claim for either cleaning or replacement of the seal. An adjudicator will look at the condition of the silicone seal at the start of the tenancy, and will take fair wear and tear into account if the claim is for replacement of the seal.

What evidence does the adjudicator need to come to a fair decision?

If a landlord is making a claim for damage caused by mould, damp or condensation, it is for them to prove that this has resulted from the tenant breaching their obligations under the tenancy agreement. The adjudicator will need to see a tenancy agreement and a check-in report, inventory or schedule to see the condition of the property at the start of the tenancy. They also need to understand what has happened during the tenancy, and the best kind of evidence to establish what the property was like when the tenant moved out is a check-out report. Adjudicators like to see independent evidence, but bear in mind that a report from a damp specialist or surveyor will need to show that the damage was caused by the tenant's actions.

Spotlight On...

NORTH AYRSHIRE

North Ayrshire is one of three local authorities into which the historic county of Ayrshire is split. Home to 136,000 people, its 340 square miles incorporate the islands of Arran, Great Cumbrae and Little Cumbrae, as well as mainland spanning from the Firth of Clyde coast on the west to its border with Renfrewshire in the east.

Irvine, with a population of 33,698, is North Ayrshire's administrative centre and its largest settlement. Although designated a new town in 1966, it differs from many of its peers in that it was already a well established town by that time and had been a Royal Burgh since 1372. Among its roles in more recent history, it is the birthplace of two of Scotland's former First Ministers.

Other towns in the area include Ardrossan, Beith, Kilwinning and Largs, which hosts an annual Viking Festival. Largs is also the ferry departure point for Cumbrae, where you can sail to the slipway a few miles north of Millport. Great Cumbrae's tallest building, the Cathedral of The Isles, is regarded as the smallest cathedral in the British Isles.

The average deposit held by SafeDeposits Scotland for tenancies in North Ayrshire is currently £509, which is notably lower than the national average of £814 for deposits held by the scheme.

During the first quarter (January-March) of 2023, disputes relating to deposits held by SafeDeposits Scotland for tenancies in North Ayrshire were minimal, accounting for only 1.16% of total disputes during those three months.

Claims for cleaning appeared in all North Ayrshire disputes during that quarter, with 75% of disputes involving damage, 50% relating to rent arrears and 25% with a claim for redecoration.



Irvine

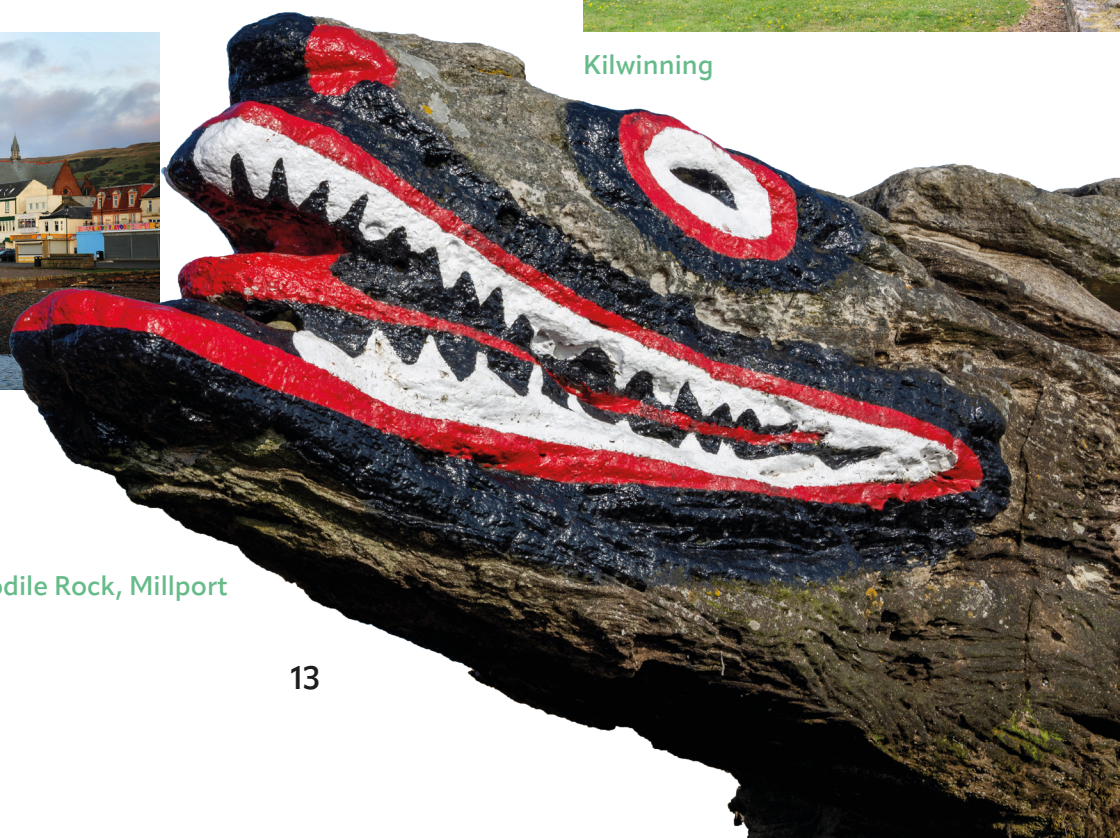


Kilwinning



Largs

Crocodile Rock, Millport



Calendar of Events

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.

Tuesday 22nd August - Talking Deposits with SafeDeposits and SAL

11.30am Online
Book at www.scottishlandlords.com/events

Online meeting for Scottish Association of Landlords (SAL) members with SAL Chief Executive John Blackwood in conversation with Head of SafeDeposits Scotland, Mike Smith. The featured topic for this session is planning for the unexpected.



Wednesday 13th September - Scottish Housing Day

All day Nationwide
Read more at www.scottishhousingday.co.uk

With Scotland's rented sector managing around one million homes and employing tens of thousands of practitioners to help manage these homes and support their tenants, this year's Scottish Housing Day is celebrating housing as a career.

SAVE THE DATE



13 SEPTEMBER 2023

Thursday 28th September - The Herald Property Awards for Scotland

7pm DoubleTree by Hilton Glasgow Central, Glasgow G2 3HN
Book at www.newsquestscotlandevents.com/events/heraldpropertyawards/

The Herald Property Awards for Scotland 2023 will honour the achievements of Scotland's most innovative and successful home and commercial builders, developers, agents, interior designers and registered social landlords. SafeDeposits Scotland is proud to sponsor the Residential Lettings Team category in these Awards.



Friday 27th October - CIH Scotland Housing Awards

6.15pm Radisson Blu Hotel, Glasgow G2 8DL
Book at <https://www.cih.org/events/scotland-housing-awards-2023>

Another opportunity to celebrate the sector, with SafeDeposits this time sponsoring the Excellence in the private rented sector award. The Chartered Institute of Housing (CIH) Scotland Housing Awards recognise and celebrate the creativity, passion and innovation of housing organisations and individuals across the sector in Scotland.



Chartered
Institute of
Housing
Scotland

Wednesday 8th November - Scottish Letting Day

8.45am BT Murrayfield Stadium, Edinburgh EH12 5PJ
Book at www.scottishlandlords.com/events/scottish-letting-day/

The UK's largest landlord and letting agent conference returns for 2023 offering an unmissable programme of high profile speakers and a huge trade exhibition. SafeDeposits Scotland is conference partner for this SAL event.



SCOTTISH
LETTING DAY

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:

arla naea
propertymark

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.



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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