

Key Matters

Opening the door to tenancy deposit protection in Scotland

ISSUE 3 - NOVEMBER 2020



NEWS - STATISTICS - ADVICE



SafeDeposits
Scotland

Free, Independent Resolution for Landlords and Tenants...



SDS Resolution



We know that rent arrears are causing serious concerns for both landlords and tenants at the moment. SDS Resolution is here to offer a service which will seek to broker repayment agreements between parties. Our aim is to help avoid tenants being evicted by ensuring that landlords can recover some or all of the arrears over time.

Free and impartial, SDS Resolution is available to all landlords and tenants in Scotland's private rented sector – whether your deposit is protected with SafeDeposits Scotland or not.

**Getting started couldn't be easier.
Complete our interactive resolution referral form at
www.sdsresolution.com**

Come on in...



WELCOME

Hello and welcome to another edition of Key Matters – the first ever "festive" issue of our magazine as we head towards Christmas and New Year.

In the centre pages you will find a handy year planner, which includes details on our seasonal opening hours and Scottish bank holidays during 2021.

There's also the opportunity for one lucky reader to get 2021 off to a great start, thanks to our friends at IKEA – see page 14 to find out how you can win a £250 gift card.

And we are pleased to welcome a guest feature from our partner the Scottish Association of Landlords (SAL), providing further insight on the impact COVID-19 has been having on landlords and agents.

2020 has been a turbulent year for everyone, and as it draws to a close I would like to thank landlords, letting agents and tenants for their continued co-operation with the tenancy deposit protection process throughout these unusual times. I hope that this festive season can be enjoyable as possible for you, and wish you a peaceful and prosperous 2021.

Mike Smith
Operations Manager
SafeDeposits Scotland

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Last year we partnered with IKEA for Business and others on landlord energy efficient breakfast events. Read more about IKEA for Business and its 2021 Leap Year of Sustainability, with your chance to win a fantastic prize.



Published in Glasgow by SafeDeposits Scotland

Service Matters

Statistics and other service updates from SafeDeposits Scotland

DEPOSITS PROTECTED

140,047

COMBINED VALUE

£107,678,034

AVERAGE DEPOSIT VALUE

£769



Figures at 31st October 2020

TELEPHONE CALLS ANSWERED

10,441

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

EMAILS HANDLED

7,565

(11 minutes average response time)



Figures 1st August – 31st October 2020

A Fond Farewell to David

At the end of August David Bogie, one of our Senior Client Advisors, hung up his SafeDeposits lanyard to start his well earned retiral after a rich and varied working life.

If you have been using SafeDeposits Scotland for a while, the chances are you will have spoken to David at some point – he has been with the scheme since its inception in 2012 and has been a much valued member of the team; his perfect blend of personability and professionalism being a great influence on the office atmosphere and service culture.

With lockdown having consigned our team to homeworking we feel robbed of getting to spend these last few months with David, but we're looking forward to catching up with him, and we wish him and his wife a long, happy and healthy retirement full of his many passions including travel (particularly to Italy), the great outdoors, music, food and drink and Partick Thistle Football Club! David – it has been a pleasure.



Have You Heard?

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

Rent Arrears Pre-Action Requirements Come Into Force

On 30th September the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 came into force. The Scottish Government has introduced these regulations through the Coronavirus (Scotland) (No. 2) Act 2020, and the requirements are what private rented sector landlords should comply with prior to seeking to end assured, short assured and private residential tenancies in relation to rent arrears that occur during the ongoing COVID-19 crisis.

The pre-actions consist of action in three areas, namely the provision of clear information, reasonable efforts to agree a payment plan and reasonable consideration to steps the tenant is taking.

To assist landlords and letting agents in meeting these requirements the government has published guidance, the aims of which include providing landlords with a clear understanding of the steps they should take before considering an eviction of a tenant, and helping landlords understand how they can support tenants to sustain their tenancies. Guidance relating to the rent arrears pre-action requirements, along with other useful PRS content, can be found at www.gov.scot



Deaf Action Awarded Funding for Safe & Sound PRS Project

Edinburgh-based charity Deaf Action has been awarded £20,000 in funding by the SafeDeposits Scotland Charitable Trust, to support Scottish landlords and tenants affected by hearing loss.

Approximately 150,000 people affected by hearing loss live in Scottish households with a private tenancy agreement and the Safe & Sound project seeks to close the gap where specialist advice and support for this group is lacking.

Among the resources Deaf Action will create and maintain as part of the project are: expert advice on safety and security measures for deaf tenants; deaf awareness workshops for landlords and letting agents; a package of British Sign Language (BSL) videos which translate guidance documents from organisations including SafeDeposits Scotland.

For further information on Deaf Action visit www.deafaction.org



SafeDeposits Scotland Charitable Trust

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

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 £590,000 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



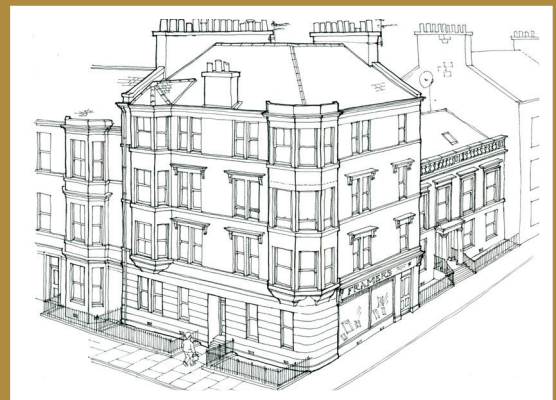
SafeDeposits Scotland Charitable Trust

Case Study - Under One Roof

Under One Roof provides impartial advice on repairs and maintenance for flat owners in Scotland, and is partnered with the environmental charity Changeworks.

The Trust has previously awarded funds to Under One Roof for two series of seminars taking place around Scotland, which have provided PRS landlords with advice and information on common repairs.

Under One Roof is now hosting a series of free webinars for landlords which will further explore common repairs, looking at matters such as co-operation between co-owners and common insurance. For details on these webinars, and other resources, visit www.underoneroof.scot/articles/1574



Guest Feature: SCOTTISH ASSOCIATION OF LANDLORDS (SAL)

Landlord and letting agent COVID-19 surveys - what landlords and agents told us

At the start of August SAL conducted a survey of member landlords and letting agents to explore the impact of COVID-19 on their businesses. Below is an outline of the main findings of the survey.

Profile of respondents

We received 518 responses from landlord members (a 21% response rate) and 91 responses from letting agent members (a 17% response rate). Landlords responding manage a total of 3,300 properties. 65% of landlords replying let out 5 or fewer properties, and the other 35% operate 6 or more. The agents who responded manage a total of 20,546 properties (an average of 223 per agent).



SAL
SCOTTISH
ASSOCIATION
OF LANDLORDS

Helping tenants

The survey found that many members have provided financial assistance to their tenants during the pandemic. 44% of landlord and agent respondents gave a discount to their tenants. 66% of letting agent respondents have reduced rents with the most common reduction percentage stated as 20%. Of the landlords who responded to the survey, 41% have reduced rents for their tenants. The most common discount given by landlords was 20% corresponding to the reduction in income of those tenants on furlough but there were several instances of 100% discount where tenants in need were granted a rent free period.

Void properties

At the start of the lockdown period many younger tenants and students ended their tenancies to return to their family home. 96% of agents responding to the survey reported that tenants had moved out as a result of the pandemic. At the point the survey was carried out, a fifth of agents responding still had 10% of their properties unoccupied.

Business losses

The impact of the pandemic on members' businesses has been significant with 66% of survey respondents reporting that they have lost money due to the pandemic. 95% of letting agent respondents have lost rental income owing to coronavirus. The average loss reported was £9,825. 39. Letting agent respondents (43%) have received no government funded business support whatsoever. Amongst the landlords who responded, the combined total loss reported was £1,478,648, which equates to an average of £4,894 per respondent for those reporting some loss.

Extra costs

53 respondents (58%) have incurred extra costs as a result of the pandemic e.g. on purchasing PPE, setting staff up for home working and making adaptations to their office. For the 33 agents who gave a figure, the average cost of PPE and other costs related to pandemic was £2,323.

What has been your experience so far? Do you need any specialist help and support? If so you're invited to join SAL and benefit from unlimited access to our helpline plus many other member benefits. Find out more at www.scottishlandlords.com



"The survey found that many members have provided financial assistance to their tenants during the pandemic."

John Blackwood
Chief Executive - SAL

2021 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. Also highlighted are application deadline dates for the SafeDeposits Scotland Charitable Trust funding rounds in 2021.

As the festive season approaches, we have 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
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
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22	23	24	25	26	27	28

MARCH

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL

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			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY

Mo	Tu	We	Th	Fr	Sa	Su
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE

Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				



SafeDeposits Scotland Festive Opening Hours

Thursday 24th December:
 Friday 25th December:
 Monday 28th December:
 Thursday 31st December:
 Friday 1st January:
 Monday 4th January:

OPEN 9am–4pm
 CLOSED
 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

JULY

Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

Mo	Tu	We	Th	Fr	Sa	Su
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER

Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER

Mo	Tu	We	Th	Fr	Sa	Su
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Scottish Bank Holidays in 2021

Friday 1st January
 Monday 4th January
 Friday 2nd April
 Monday 5th April
 Monday 3rd May

Monday 31st May
 Monday 2nd August
 Monday 30th November
 Monday 27th December
 Tuesday 28th December



Adjudication Digest

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

In this adjudication digest we look at two cases where the evidence – or rather lack of evidence – has sealed the fate of claims made against tenancy deposits.

The journey of a claim doesn't start when the tenant moves out and damage, for example, is spotted; it starts before they have even moved in. Photographs and detailed inventories showing the condition of the property and its contents at the start of the tenancy are fundamental to an adjudicator's decision making process. Without such evidence they would have no way of fairly concluding that any deterioration has occurred through the tenant's actions.

Case Study: Evidence is Everything

In this case from Dumfriesshire, a dispute arose surrounding the landlord's claim for £125 against the deposit to cover cleaning and gardening charges after the tenants had moved out.

The landlord provided a receipt from a company who had carried out a house clean and garden tidy at the end of the tenancy, therefore that the work had taken place was not in doubt. This was however the only item of evidence provided by the landlord, which presented the adjudicator with extremely limited scope to connect the requirement of the works with the actions of the tenants, and in turn to justify a deduction from their deposit.

SafeDeposits Scotland considers that all parties are entitled to rely upon properly completed and detailed check-in and check-out reports. While there is no legal obligation to commission such reports, these record the condition and cleanliness of a property at the start and end of the tenancy and a comparison of the two would show if the property has been returned in the same condition as it was at the start of the tenancy.

Without check-in and check-out reports, and further documentary evidence such as dated photographs, the adjudicator was unable to determine whether or not the tenants had fulfilled their contractual obligations as set out in the tenancy agreement, or to form a view as to whether the landlord's claim was justified and the amount sought reasonable.

In this case neither a check-in nor a check-out report was provided, but it is worth emphasising that it is important to have both documents. A detailed check-out report with pictures showing, for example, dirty kitchen surfaces would not be strong enough evidence on its own. Without a check-in report showing the same surfaces clean and sparkling at the start of the tenancy, the adjudicator would have nothing to confirm that the decline in cleanliness had happened purely within the timeline of the tenancy.

In the case concerned here, the adjudicator was unable to make an award to the landlord due to the distinct lack of evidence.



Case Study: A Difference in Detail

As with the first example opposite, the depth of evidence is a key factor in the outcome of this dispute from Shetland. In this case, which related to various items of damage, some areas of the £421 claim were supported with thorough evidence, while others were lacking.

On the plus side for the landlord for example, they had provided photographs of a damaged chest of drawers at both the beginning and the end of the tenancy. With this evidence the adjudicator was able to see that the piece of furniture was in a worse state on exit than it had been on entry, also noting they did not consider that the damage could have resulted from normal wear and tear. The adjudicator therefore awarded the full amount sought for this portion of the claim.

Similarly they had provided photos of the bedroom carpet at the start and end of the tenancy, which showed that stains had appeared during the course of the tenancy. Although the full amount was not awarded for this portion of the claim, as the adjudicator felt that professional cleaning help could have been sought before resorting to replacement of the carpet, the evidence nonetheless helped the landlord secure part of the amount sought in relation to the carpet.

On the other hand the adjudicator was unable to award any monies to the landlord in relation to damages listed for a shower room sink and a kitchen window handle. No evidence had been submitted to show that a crack in the sink was not there before the tenants moved in to the property, nor to show the extent of the handle's deterioration over the course of the tenancy.



In total a reduced award of £143 was made to the landlord.

Disputes and Negotiations - 2020 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 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 this year.

NEW CASES

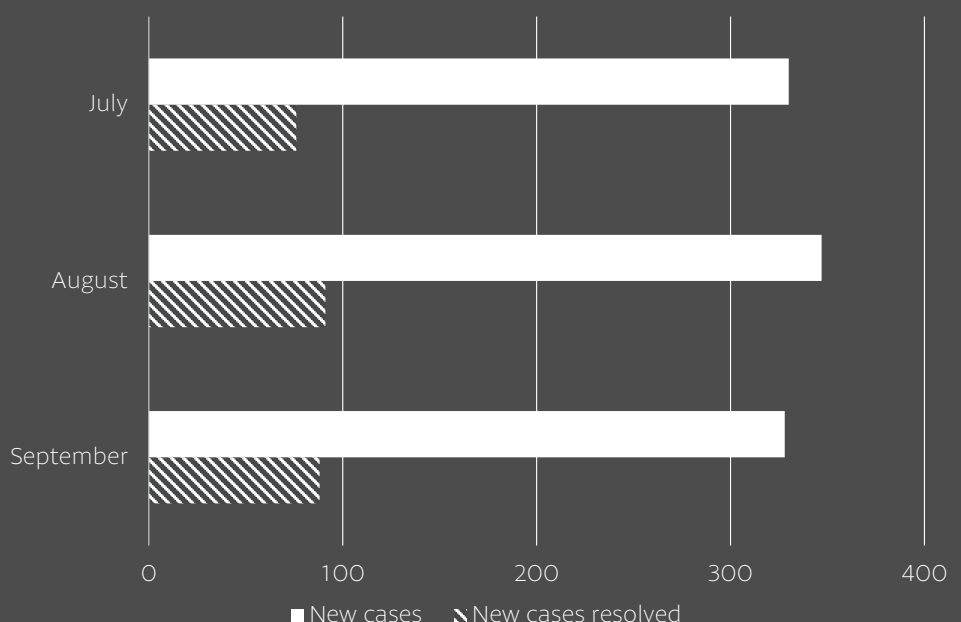
1,005

NEW CASES RESOLVED

255

PERCENTAGE OF NEW CASES RESOLVED

25%



Tenant Matters

A special focus on unclaimed deposits

Over Half a Million Pounds in Deposits Remain Unclaimed

The festive season can be financially draining at the best of times, and the events of 2020 will mean a more challenging Christmas and New Year for many people. However at SafeDeposits Scotland we estimate that over 2,500 people have hundreds of pounds sitting waiting to be reunited with them, giving bank balances a welcome boost.

Unclaimed deposits are those deposits where tenancies have ended and the landlord has instructed or agreed for the money to be returned to the tenant, however the tenant has not yet provided bank account details to complete the process and allow us to return funds to them. At the time of publication there are 2,513 unclaimed deposits with a combined value of £690,383 – some of these date back years. We proactively work to track down and get in touch with tenants in order to reunite them with their unclaimed monies, but if you believe you have not yet received deposit funds for a tenancy that ended some time ago and where repayment was agreed by the landlord do get in touch with us on 03333 213 136 or info@safedepositsscotland.com

Below you will find the current number and value of unclaimed deposits in each of Scotland's postcode areas.

AREA	NUMBER OF UNCLAIMED DEPOSITS	VALUE OF UNCLAIMED DEPOSITS
AB (Aberdeen etc)	295	£85,858
DD (Dundee etc)	236	£58,858
DG (Dumfries etc)	50	£11,120
EH (Edinburgh etc)	700	£210,776
FK (Falkirk etc)	128	£29,483
G (Glasgow etc)	572	£153,458
HS (Harris)	7	£2,320
IV (Inverness etc)	47	£11,585
KA (Kilmarnock etc)	75	£14,509
KW (Wick etc)	14	£3,459
KY (Kirkcaldy etc)	181	£65,641
ML (Motherwell etc)	30	£4,608
PA (Paisley etc)	84	£16,276
PH (Perth etc)	68	£14,670
TD (Galashiels etc)	24	£6,896
ZE (Shetland)	2	£860

Back in Time... Tenancies that Go Far Beyond our Average Tenure

The average tenure length for tenancies that SafeDeposits Scotland holds deposits for is two and a half years, however our research shows that we protect deposits for a significant number of tenancies that exceed that. Around 4,500 active deposit accounts relate to tenancies starting 10 or more years ago, with one in Port of Menteith dating all the way back to 1975.

This is an encouraging sign that landlords have been retrospectively protecting deposits for tenancies that started before tenancy deposit legislation came into force in 2012, as the regulations require.

But it is also further food for thought in relation to money never claimed. Could some of these deposits be for long forgotten tenancies, where the tenant has moved out years ago but neither party has instigated the repayment process? If you think there's a historic deposit from the 70s, 80s, 90s or 00s waiting to be returned we'll be happy to help you start the process.



Spotlight On... GLASGOW

Glasgow. Hometown of Billy Connolly, Irn Bru... and SafeDeposits Scotland. We call this regular Key Matters feature "Spotlight On...", and Scotland's biggest city has never been far from the spotlight. From music to football, architecture to cuisine, education to industry, Glasgow has made its mark.

In a different world, at the time of this magazine going to print, the city would be under the beam of perhaps the most intense spotlight yet as host of the COP26 United Nations climate conference – one of many planned events disrupted by COVID-19 this year. All being well, the world's leaders will now meet at the SEC for these potentially historic talks in November 2021.

When they do arrive, the routes from Glasgow and Prestwick airports to Finnieston will take their motorcades past a wide assortment of neighbourhoods and housing types, reflective of a diverse city that 633,120 people (National Records of Scotland estimate, April 2020) call home. Properties including high rise flats, waterfront apartments, suburban villas and of course those red and blonde sandstone tenements house hundreds of thousands of Glaswegians living in the private rented, social and owner occupied sectors.

Around 18% of all deposits protected by SafeDeposits Scotland are for tenancies within Glasgow City Council boundaries. At £784, the average deposit held for the city is slightly higher than the national average for deposits held by the scheme.

When it comes to alternative dispute resolution, the number of disputes that arose at the end of Glasgow tenancies in 2019–20 represented 1.74% of all deposits held for tenancies in the city.

Reasons for disputes in Glasgow were not dramatically different from the national picture. The biggest gulf in statistics – 6% – was for cleaning, as this issue was part of 69% of Glasgow disputes compared to 63% across the country.

In all other dispute categories, percentages of claims were slightly lower for Glasgow than they were for all Scotland. It is interesting to note that only 3% of Glasgow dispute claims related to gardening, compared to 8% nationally – a reflection perhaps of the prevalence of tenements and other shared structures in the city's housing stock.



Becoming people & planet positive

With IKEA for Business

At IKEA we strive to put more in than we take out and use resources with the utmost efficiency as we work towards a closed loop society.

Our vision is to create a better everyday life for the many people, and we believe those lives are truly better when they're lived sustainably. So, our mission overall is to meet the needs of people today without compromising the needs of future generations. You can see this in almost everything that we offer to our customers. From LED bulbs, and water saving taps to kitchen doors made out of plastic bottles. We are continually rethinking and inspiring changes in lifestyle and consumption, as well as adopting new ways of working.

We would love to invite you to start your very own year of sustainability. Let IKEA for Business help you make some easy sustainable changes when looking after your properties. We are your one stop source for all your furniture, accessories and inspirational needs. It could be a complete makeover or a simple update, we want to help you build your business whilst helping the planet.

We have helped lots of landlords to make the most of their properties, from lovely wardrobes and dining tables, to curtains and LED lightbulbs. Maybe it's the small things, replacing plates, pans, mugs, and the occasional wine glass. Perhaps you need advice about storage that works to suit your budget and style of the property. At IKEA for Business we're happy to help you plan your rooms and be sure that the furnishings you choose will make for happy tenants.

Setting up an account is simple and free. Place your orders through us and we will look after the rest.

You can find everything you need for your properties all under one roof. We offer a full range of planning, delivery and assembly services that will make each step along the way easy, efficient and affordable.

E-mail us at: ikeabusinessuk.glasgow@ikea.com



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Simply enter by answering this very simple question

What is IKEA's vision?

Email your answer to:
magazine@safedepositsscotland.com

*Please visit www.safedepositsscotland.com/landlord-information/guidance-documents
to see terms and conditions - Closing date 31st January 2021



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 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 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 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.



safedepositsscotland.com

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