

### Failing to put a Tenancy Deposit into an Approved Scheme

If a Landlord does not pay the tenant's deposit into an approved scheme, the tenant can make an application to the Housing and property Chamber of the First-tier Tribunal for Scotland. An application can be made during the tenancy or within three months of when the tenancy ended.

Where applications to the Housing and Property Chamber are successful, the Landlord will be ordered to pay a sum of money to the tenant. The amount to be paid can be up to three times the amount of money provided for the tenancy deposit.

To make an application you will need the following:

1. Application Form G, this can be found on the Chamber's website: <https://www.housingandpropertychamber.scot/apply-tribunal/other-private-tenancy-applications/forms-and-guidance-other>
2. A copy of the tenancy agreement (or evidence explaining the arrangement).
3. Documentation evidencing the tenancy's end date (where possible).

### Contacting the Housing and Property Chamber

Housing and Property Chamber,  
First-tier Tribunal for Scotland,  
Glasgow Tribunals Centre,  
20 York Place, Glasgow, G2 8GT



0141 302 5900



HPCAAdmin@scotcourtsribunals.gov.uk



[www.housingandpropertychamber.scot/home](http://www.housingandpropertychamber.scot/home)

# Housing Law

## Know your Rights & Remedies

## The Housing & Property Chamber of the First-tier Tribunal for Scotland - An Overview

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## Frequently Asked Questions

### What is the Housing & Property Chamber?

It is similar to a court but is designed to be more informal. The Chamber is a judicial Tribunal: a special type of court which handles disputes in specialist areas of law. The Chamber examines and resolves housing disputes in the private sector, many of which were previously heard in the Sheriff Court. As the staff and judges are experts in housing law, they should have a good understanding about the issues of your case. The proceedings are designed to be simple, quick, and informal.

### Is it Free?

Yes; unlike the Sheriff Court, there is no court fee for making an application. However, if the Chamber feels you have behaved unreasonably during the dispute, causing the other party to incur expenses, you may be ordered to compensate them.

### How Can the Chamber Help Me?

The Chamber can resolve many housing disputes; but does not deal with tenants renting in the public sector (e.g. from a local council or housing association like GHSA) who still need to go to the Sheriff Court for help.

Common problems the Chamber handles include housing repairs and maintenance; reviewing rents; evictions; tenancy deposit issues; the landlord's right of entry; adapting rented accommodation for the disabled; and disputes with your factor. The Law Clinic has leaflets for each of these areas.

### How Do I Apply to the Chamber?

You must use the relevant application form, available from the Chamber website (<https://www.housingandpropertychamber.scot/apply-tribunal>). Consult our other leaflets for guidance for each application type. Once you have filled out your application form and included any required supporting evidence, it is a matter of simply posting the form to the Chamber (see 'Contacting the Chamber' below).

The Chamber will notify you "as soon as practicable" if your application has been accepted or rejected. Applications are only rejected where they are trivial; where the applicant has made the same application previously; or where the dispute has already been resolved.

Some applications require you to take initial steps before the Chamber can get involved (e.g. writing to your landlord to try and resolve the problem); while in other cases the Chamber may request additional information be sent to them. If your application is accepted, the Chamber may request to visit your property to perform an inspection (especially in cases concerning repairs); and may also set up a hearing.

### What is a Hearing?

A hearing is a fact-finding exercise during which both the applicant and the respondent (e.g. landlord or factor) will be invited to appear in person before the Chamber and make arguments regarding their respective cases. The role of the Chamber is to assess these and make findings of fact. The Chamber panel may also ask questions, examine evidence, and interview witnesses. A hearing is not always necessary; in some cases, the Chamber can make a decision based on the submission of your application and further evidence alone.

### Is there Legal Aid?

Yes; but only for certain types of application. Legal aid is not available for applications regarding The Repairing Standard nor the tenancy deposit scheme.

### Can I Appeal a Chamber Decision?

Yes. You must submit an application in writing to the Chamber within 30 days of the decision or of the written statement of reasons being delivered to you. You can only appeal if you think the Chamber made a mistake with the law and you will need to explain the reasons why. You cannot appeal simply because you disagree with the decision. Once your application has been received, the Tribunal may grant it; grant part of it; or refuse it. If granted, the appeal will go to the Upper Tribunal for Scotland.