

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.

The following documentation is required to make an application:

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

This documentation can be emailed or posted to the Chamber via the details below. All hard copies of documentation will be returned once they have been logged in the Chamber's electronic case management system.

### 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



HPCAdmin@scotcourtsribunals.gov.uk



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

# Housing Law

## Know your Rights & Remedies

## Tenancy Deposit Schemes

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**LAW CLINIC**

# Tenancy Deposit Schemes

## Tenancy Deposits: An Outline

Tenancy deposits are commonly requested by landlords or letting agencies when new tenants enter into rented accommodation. This sum of money acts as a form of guarantee that the tenant will abide by their obligations under the tenancy agreement. A deposit cannot be more than two months' rent.

## Tenancy Deposit Schemes

All tenancy deposits must be placed in an approved Tenancy Deposit Scheme by the Landlord. A Tenancy Deposit Scheme is like a bank, it safely stores tenancy deposits on behalf of the Landlord/Letting Agent. Deposit Schemes are independent organisations and are designed to prevent Landlords from misusing the deposit and from refusing to return the deposit at the tenancy's end.

There are three approved Tenancy Deposit Schemes: SafeDeposits Scotland, My Deposits Scotland, and Letting Protection Service Scotland. Landlords are required by law to pay deposits into an approved Scheme within 30 working days of the tenancy's start date. They must also provide the following information to the tenant within 30 days of the tenancy beginning:

- The amount of the deposit given;
- The date that the deposit was paid to the Landlord;
- The date that the deposit was paid into the Deposit Scheme;
- The address of the property that the deposit was provided for;
- A statement confirming that the Landlord is registered on the Scottish Landlord Register (or that they have an application pending);
- How to contact the administrator of the Scheme;
- The circumstances in which some, or all, of the deposit can be retained (with reference to the tenancy agreement).

## Returning a Deposit at the end of the Tenancy

At the end of the tenancy, Landlords must return the deposit back to the tenant, minus any monies deducted where the tenant has failed to uphold their agreed obligations (for example, if the property has been damaged or where there has been a failure to pay the full rent amount due). Once the Landlord has applied for the deposit to be returned, the Tenancy Deposit Scheme will contact the tenant and identify how much money will be returned. Tenants have 30 working days to either agree or dispute the claim – it is very important to let the Deposit Scheme know what decision has been taken. All approved Deposit Schemes must offer free and efficient dispute resolution mechanisms. This normally involves an independent adjudicator who will look at the evidence for and against retaining the deposit, and reach a decision.

If there is no dispute, the Deposit Scheme will return the appropriate amount to the tenant.

## Failing to put a 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. The Housing and Property Chamber of the First-tier Tribunal for Scotland is a specialist Tribunal created to help parties resolve housing disputes in the Private Rented Sector. The Housing and Property Chamber is the way in which remedy can be sought for disputes relating to: Property Factors, Letting Agents, Landlord Registration, and Tenancy Deposits.

