

STUDENTS' REPRESENTATIVE COUNCIL  
UNIVERSITY OF GLASGOW



Private Rented Sector Policy team  
1H South  
Victoria Quay  
Edinburgh  
EH6 6QQ

Dear Sir/Madam,

We welcome the opportunity to respond to the Safedeposits Scotland and the Letting Protection Service Scotland consultations. We believe that a single tenancy deposit scheme is sufficient and our preference would be for the Safedeposits Scotland scheme. We believe that the cumulative experience of the partner organisations behind this scheme provide the best opportunity for a balanced and fair process for both tenants and landlords alike.

I hope that our feedback is considered in detail and that the views of the students that we represent are fully considered during the consultation process.

Glasgow University Students' Representative Council represents the interests of over 24,000 students registered at the University of Glasgow to the University and nation. Council comprises up to 45 elected students who meet throughout the year, and is a fully independent representative organisation being non-affiliates of NUS (National Union of Students).

Kind Regards,

GUSRC

John McIntyre Building, University Avenue, Glasgow G12 8QQ  
telephone: (0141) 339 8541 | fax: (0141) 337 3557 | email: [enquiries@src.gla.ac.uk](mailto:enquiries@src.gla.ac.uk) |  
[www.glasgowstudent.net](http://www.glasgowstudent.net)  
Scottish charity No. SC006970

**Annex B**

**PROPOSAL 1: THE LETTING PROTECTION SERVICE SCOTLAND**

**CONSULTATION QUESTIONS**

**Question 1a: Do you think the terms of the scheme relating to how tenants, landlords and letting agents can access the scheme meet with the Regulations?**

Yes  No

**Question 2a: Do you think the terms of the scheme relating to the submission and holding of deposits meet with the Regulations?**

Yes  No

Comments

# PROPOSAL 1: THE LETTING PROTECTION SERVICE SCOTLAND

## CONSULTATION QUESTIONS

**Question 3a: Do you think the terms of the scheme relating to the repayment of deposits meet with the Regulations?**

Yes  No

We are concerned that situations may arise whereby individuals involved in a joint tenancy find themselves unhappy at the deposit being repaid in full to the lead tenant appointed at the beginning of the tenancy. With many HMO tenants being from a less secure financial position, they would also be amongst the most susceptible to the financial consequences of not having their deposits returned. In addition, a lead tenant may choose not to pursue legal action, thereby causing all tenants to forfeit their deposits without any right of redress against the landlord or letting agent. This would undermine the aim of the legislation

Regulation 13(2) (c) requires that a tenancy deposit scheme must put suitable procedures in place to allow all landlords and their tenants to apply to the scheme for repayment of the tenancy deposit in accordance with the scheme. Reg 13(2) (d) requires that the scheme must put suitable procedures in place to allow all landlords and their tenants to make use of the dispute resolution mechanism provided or made available by the scheme.

In our view, restricting the scheme to one 'lead tenant' only does not meet with these requirements.

We would like to see provision made in the regulations for situations such as this whereby joint tenants can apply individually for their share of the deposit to be repaid at the end of tenancy.

**Question 4a: Do you think the terms of the scheme relating to dispute resolution and review meet with the Regulations?**

Yes  No

As previously mentioned in relation to the repayment of deposit we are concerned that joint tenants who nominate a “lead tenant” at the commencement of the tenancy are essentially surrendering their ability to be involved in the dispute resolution process.

We would therefore like to see provision made for the including of all joint tenants as part of the dispute resolution process with the option to nominate one lead tenant if this is preferred.

We feel there is not enough information provided to be able to tell: specifically information about the proposed provider and number of adjudicators available - reg 33(2)(a). We also feel that there is an insufficient amount of information available to enable us to agree or disagree if the proposed scheme meets with the Regulations. Further information would be required on a number of areas including the qualifications/number of adjudicators involved in the dispute resolution process.

**PROPOSAL 1: THE LETTING PROTECTION SERVICE SCOTLAND  
CONSULTATION QUESTIONS**

**Question 5a: Do you have any other comments on the terms of the scheme?**

Yes  No

Firstly we believe the term 22(g) requires clarification as it is unclear exactly what happens to a deposit should the dispute be rejected.

We also believe that there requires to be greater clarification as to whom the appointed adjudicator will be for the dispute resolution process. The LPS Scotland proposal states that this person will be an “independent, impartial and qualified expert”, examples of this individual’s experience and qualifications would help to increase the tenant’s confidence in and the transparency of the process.

Further to this we believe LPS Scotland should publish on what grounds a tenant’s application to have their dispute reviewed under the adjudication process (term 28 of the scheme) would be rejected, along with details of the individual responsible for making these decisions.

We note that there is no timescale set within which LPS Scotland will respond to complaints submitted under their complaints procedure (term 31). We would suggest that this be amended to state that all complaints will receive an initial response within 15 working days.

Finally we note that the contact numbers provided by LPS Scotland begin “0844” which create revenue for the company, therefore we would query the assertion that they would be running the scheme based only on interest generated by the deposits held. Also as they are a public limited company we would seek clarification on how any “profit” obtained from operating the scheme would be used.

**Annex C**

**PROPOSAL 2: SAFEDEPOSITS SCOTLAND**

**CONSULTATION QUESTIONS**

**Question 1b: Do you think the terms of the scheme relating to how tenants, landlords and letting agents can access the scheme meet with the Regulations?**

Yes  No

Comments

**Question 2b: Do you think the terms of the scheme relating to the submission and holding of deposits meet with the Regulations?**

Yes  No

We believe that section 19.2 requires clarification as at present it is unclear if only the nominated "lead tenant" will be notified or if all persons named on the tenancy will be notified.

Similarly sections 19.9 and 19.10 also make reference to "tenants", it is unclear if this indicates that all tenants are able to access the online service or only the lead tenant, this requires clarification. We believe all tenants should have access to the online service unless a lead tenant has been nominated.

## PROPOSAL 2: SAFEDEPOSITS SCOTLAND

### CONSULTATION QUESTIONS

**Question 3b: Do you think the terms of the scheme relating to the repayment of deposits meet with the Regulations?**

Yes  No

We have concerns over section 27.4 of the proposed scheme as this could give the lead tenant the option to apply for the return of all tenants deposits without their consent. We would propose that any request for repayment of the whole deposit must be signed by all persons listed on the tenancy.

**Question 4b: Do you think the terms of the scheme relating to dispute resolution and review meet with the Regulations?**

Yes  No

We believe that there requires to be greater clarification as to whom the appointed adjudicator will be for the dispute resolution process. We would seek examples of this individual's experience and qualifications and believe that this would help to increase the tenant's confidence in and the transparency of the dispute resolution process.

## PROPOSAL 2: SAFEDEPOSITS SCOTLAND

### CONSULTATION QUESTIONS

**Question 5b: Do you have any other comments on the terms of the scheme?**

Yes  No

We believe that under section 22.1 this change of tenancy form should be signed by both the incoming and outgoing tenants.

Also section 22.4 requires to be clarified as to whom exactly is responsible for payments to outgoing tenants, if a lead tenant has been nominated at the beginning of the process does the responsibility lie with them?

We are concerned that under sections 23.7 and 23.8 a landlord could apply for a refund of the tenants deposit from SafeDeposits without the tenants permission. Indeed a landlord could pre-empt the dispute resolution process by making an application for the return of the deposit towards the end of the tenancy thereby removing the tenants ability to dispute any charges or deductions made. Whilst we appreciate that this is permitted under the Tenancy Deposit Scheme Regulations we would welcome SafeDeposits comments on how this type of scenario could be avoided.

Under section 30.1.2 we are concerned that the requirement for tenants to have "registered their intent" to take legal action is too vague. We would request clarification as to what is meant by "registered their intent" and suggest that only tenants who have formally commenced the small claims process be struck out from this option.

Similarly under section 31.3 we believe that the term "every effort" is too vague/potentially onerous and would suggest that this be altered to "show proof of effort", for example if the parties involved can provide copies of letters/correspondence sent between them in an attempt to resolve the dispute (as is current practice with the Private Rented Housing Panel).