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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Tenancy Deposit Schemes (Scotland) Regulations 2011**

**PART 6**

Dispute resolution

**Dispute resolution mechanism**

**33.**—(1) A scheme administrator must make available a mechanism for the resolution by an adjudicator of disputes between landlords and tenants about the amount of the tenancy deposit to be repaid to the tenant at the end of the tenancy (“dispute resolution”).

(2) The dispute resolution mechanism must be fair and cost-efficient having regard, in particular, to—

- (a) the proposed provider of dispute resolution and the number of adjudicators that will be available;
- (b) the circumstances in which and the procedures by which disputes may be notified to the scheme administrator;
- (c) the procedures by which the scheme administrator will refer disputes to the dispute resolution mechanism;
- (d) the type of supporting material which the landlord and the tenant will be required to submit to the scheme administrator for the purposes of that referral;
- (e) the estimated costs of running the dispute resolution mechanism and how those costs will be met by the scheme;
- (f) the basis on which decisions will be made by an adjudicator;
- (g) the procedure by which an adjudicator will decide disputes including the procedures by which the adjudicator may seek further supporting material or submissions;
- (h) the extent to which that procedure will be proportionate to the value of the disputed amount; and
- (i) the circumstances in which and the procedures by which the decision of the adjudicator may be reviewed.