

LICENSING COMMITTEE INFORMATION SHEET

18 May 2021

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: KA WAI CHENG

AGENT: NONE STATED

ADDRESS: 386D KING STREET, ABERDEEN

INFORMATION NOTE

The Licensing Committee at its meeting on 16 March 2021 considered the attached report concerning the HMO licence renewal application for No.386D King Street, and resolved:

- (i) *to defer consideration of the application until the next meeting of the Committee to allow the Private Sector Housing Manager to liaise with colleagues in the Housing Repairs Team to determine the history relating to water leaks from the HMO flat into the Council-owned flat immediately below.*

INVESTIGATION

Following the Committee meeting, a request was made to the Council's Contract Manager at Kittybrewster to check the repairing records for the previous 10 years in relation to escape of water from the HMO flat at No.386D King Street, into the Council flat immediately below. The records show that the Council's plumbers were called out in:

- June 2014
- April 2017
- May 2017
- May 2018
- September 2018
- December 2018
- October 2019
- January 2020
- March 2020

The Contract Manager also advised that:

"The repair system records jobs isn't particularly helpful for identifying the associated repairs however from looking it appears we have had various renewals of the damaged ceiling plasterboard, lights and décor."

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AGENT: NONE STATED

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INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers for the reason that the necessary upgrading works & certification have not yet been completed. That position may have changed by the day of the Committee meeting, in which case I will advise the Committee accordingly.

DESCRIPTION

The premises at No.386D King Street, Aberdeen, is an upper-floor flat contained within an ex-Council 4-flatted block. The flat provides accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building, alerting the general public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection which was received within the statutory 21-day period and must be considered (Attached as Appendix B).
- Licence-applicant – one e-mail from the applicant in response to the letter of representation/objection (Attached as Appendix C)

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

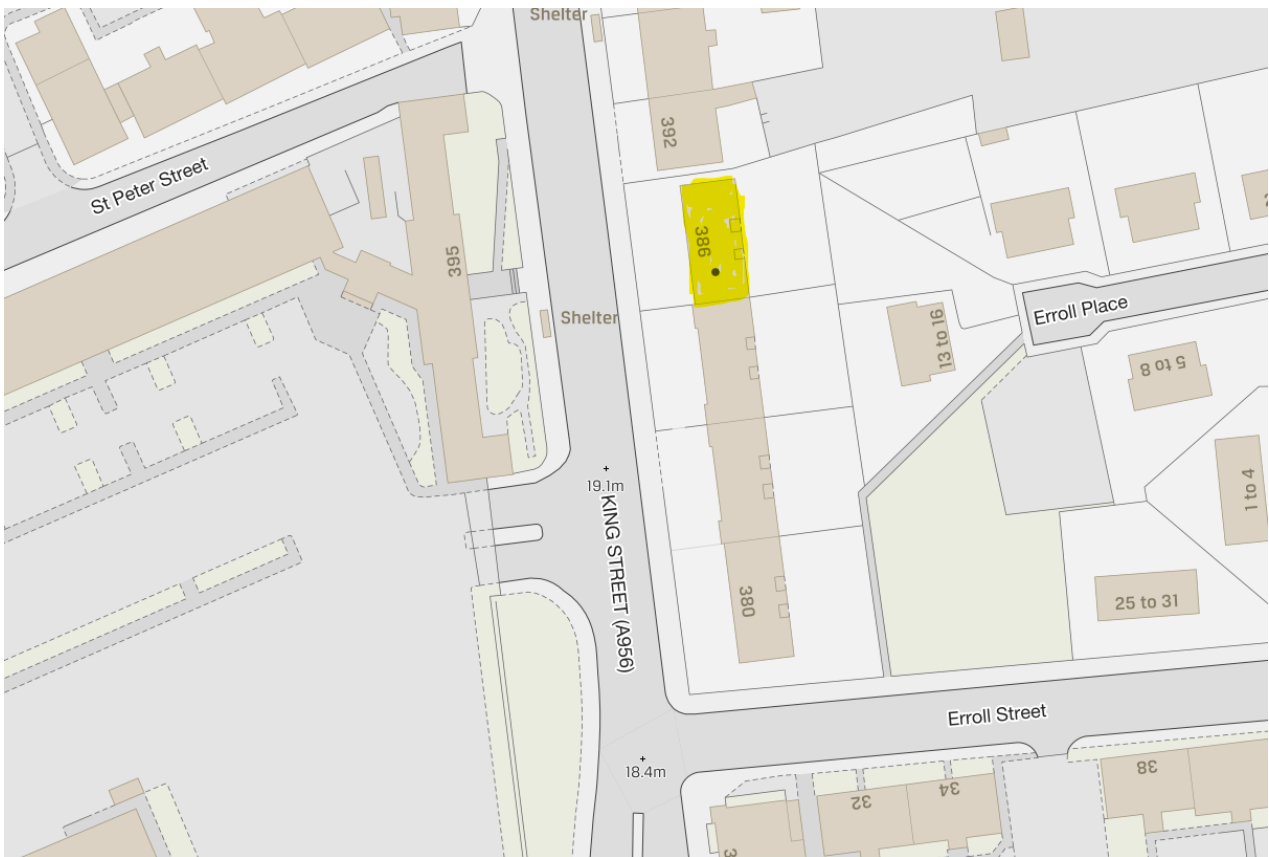
This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance
 - ix) There is, or would be, an overprovision of HMOs in the locality

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.386D King Street, and another 6 rental properties.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.386D King Street.
- The application under consideration is a 'renewal' application. The applicant first licensed the property in April 2014.
- There are no other HMO-licensed flats in No.386 King Street.

'A'



'B'

MR E ROBINSON

HMO UNIT
EARLY INTERVENTION & COMMUNITY EMP
BUSINESS HUB 6

FIRST FLOOR SOUTH.

10 Jan 2021

MARISCHAR COLLEGE.

BROAD ST

ABERDEEN. AB10 1AB.

Dear Sir or Madam, Ref Hous 280061007
I writing to you reference
to the HMO ADDRESS FLAT D 386 KINK ST.
ABERDEEN AB24 3BQ.

I have been in [redacted] since 2008 &
when flat D was sold to Ka Vai Cheng
Richy give me his [redacted]
at first students up above was not
bad then I found out its constant
noise 24/7 when its the water down
my bathroom walls & ceiling in the
hall way spare room, I had the
council out 24/7 its No its Not
a good idea at all.

I'm sorry to say this but a family
in flat D who care about people round
about them. may be better.

Yours faithfully

Aberd [redacted]
Housing & Environment
DATE RECEIVED
20 JAN 2021

‘C’

I should add to the neighbour's objection, I always get the leak fixed immediately. As far as I remember, there were two "real" leaks over the last six years I own the flat, one time was from the newly installed shower and the other time was from the waste pipe connecting to the bath. The reason I say "real" is because there were several other occasions where the neighbours accused there's a leak from my flat, but in fact there's none, the bathroom (including the bottom of the bath) is completely dry. I remember I once got called from the neighbour at 5am in the morning and spent over £100 for emergency plumber to turn up at 6am to find out there's no leak in my flat at all !! That was the time where the flat was copped by a family, the woman of the family was too scared to open the door for the neighbour as he kept banging on the door, according to the woman.

I am more than happy to repair the flat and keep it in a high standard, it is of my interest to do so. I just don't see how having a family as resident would make any changes if he kept accusing there's a leak from my flat when there's none.

Regards

Ka Wai Cheng