

LICENSING COMMITTEE INFORMATION SHEET

19 March 2024

Public Application

TYPE OF APPLICATION: SHORT TERM LET LICENCE APPLICATION
EXISTING HOST-HOME LETTING

APPLICANT: HASSAN ELIBRACHY

PROPERTY MANAGER: IOAN ALEXANDRU GAVRILA

ADDRESS: 56 OCEAN APARTMENTS, 52-54 PARK ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 30/09/2023
- Determination Date 29/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 3 representations/objections were submitted to the Private Sector Housing Team.

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so since at the time of drafting this report, the necessary upgrading works and certification have been completed.

DESCRIPTION

The property at 56 Ocean Apartments, 52-54 Park Road, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a top floor flatted property, 2 bedrooms, shower room, open plan kitchen lounge. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – Planning not required
- One objection email from Jim Harper (Attached as Appendix B)
- One objection email from Joshua Fraser (Attached as Appendix C)

- One objection email from Amy Thain (Attached as Appendix D)
- Representation from Alexandru Gavrila (Attached as Appendix E)

The objections were received within the statutory time period therefore the Council must consider.

COMMITTEE GUIDELINES/POLICY

All applications for Short Term Let licences are dealt with in accordance with the Scottish Government's document:

[Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order)

Available [grounds of refusal](#) are as follows:

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

- (i)for the time being disqualified under section 7(6) of this Act, or
- (ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

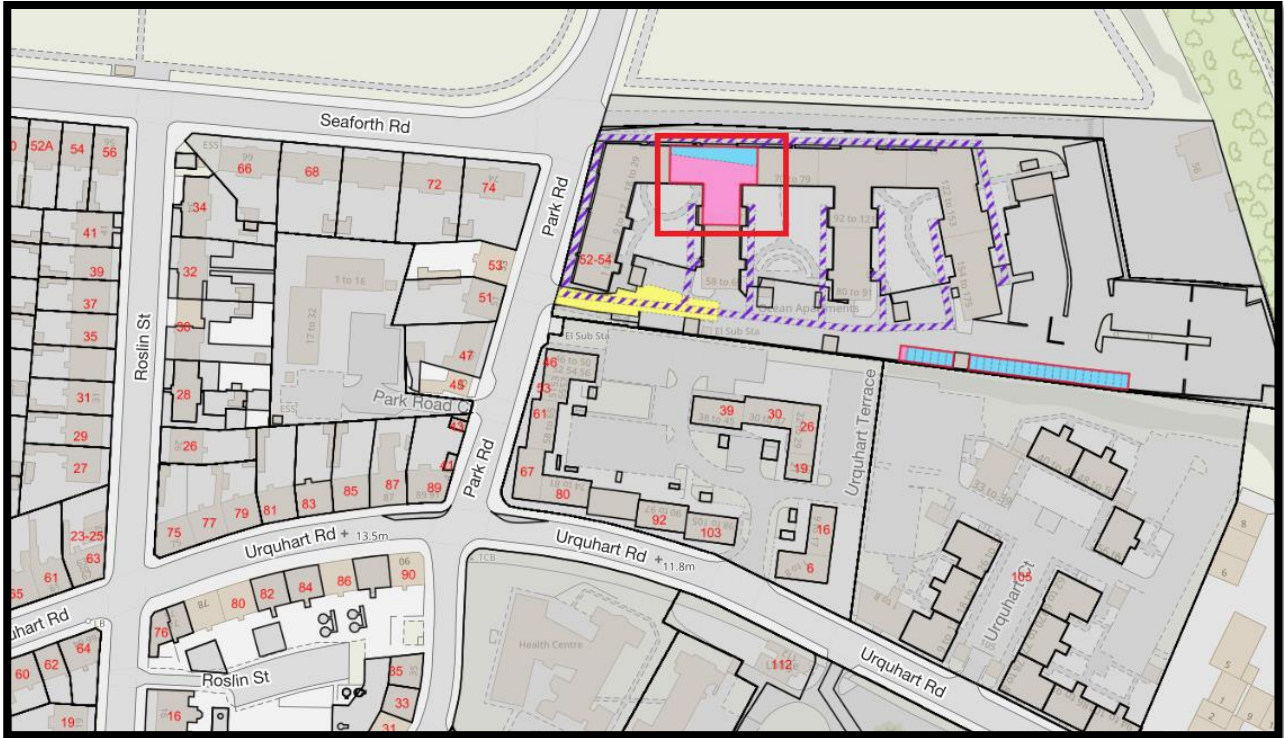
- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii)the nature and extent of the proposed activity;
- (iii)the kind of persons likely to be in the premises, vehicle or vessel;
- (iv)the possibility of undue public nuisance; or
- (v)public order or public safety; or

(d)there is other good reason for refusing the application;

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 56 Ocean Apartments, 52-54 Park Road, Aberdeen,
- There are no granted Short term Let licenses at Ocean Apartments, 52-54 Park Road, Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

From: Jim Harper
Sent: Sunday, November 12, 2023 9:12 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: FLAT 56 OCEAN APARTMENTS

Good morning,

I am the owner of flat [REDACTED] at 52 - 54 Park Road in Aberdeen. Myself and other residents in the block want to make Aberdeen City Council aware of the problems we have and are experiencing regularly regarding flat 56 Ocean Apartments. We hereby request any application for a Short Term Let Licence is denied.

Myself and others have contacted Airbnb but nothing has been done to rectify the situation. It is now at a stage where this is having a detrimental effect on residents health.

October 2022 the police were called, due to a group of various people smoking, vaping and drinking in the communal hall. They were trying to gain access to the Airbnb property.

November 2022 the host was once again advised of excessive noise from a party within the Airbnb. It appeared that many of the guests were underage and consuming alcohol. Transpires a female adult with a fake Airbnb account had booked the property for underage drinkers to party. On this occasion the Police were also called.

February 2023 - more loud noise after midnight. A couple had rented the property, got very drunk and had a domestic dispute. The host was contacted at 1am.

March 2023 - Parcels with Amazon deliveries for flats [REDACTED] were stolen by the Airbnb guests. Some items were eventually returned by the number 56 host but others were not recovered.

Many complaints have been made to Airbnb and the host regarding problems with excessive noise. This ranges from doors being slammed, music being played loudly and guests making noise in the communal halls. To date none of these have been addressed by Airbnb or the host.

On various occasions Airbnb guests have tried their keys in the door of the flat below. On two occasions Airbnb guests obtained access to the flat below. Barratt Homes had to change the locks.

Airbnb guests are parking in designated parking spaces for residents. When asked to move spaces some residents have been the subject of verbal abuse and threatened to have their tyres slashed.

We have kept a note of some of the events as listed below, we all hope as residents and home owners that Aberdeen City Council will reject the application and give us residents our lives back.

6th October 2022

8.47am – a group of various people trying to get into the building. Standing outside smoking, vaping and drinking little bottles of alcohol.

9.am - People then gain access to building and sit in the hall right outside of our door.

10.am – Police at the door asking questions about next door.

10.15am – Police speak to the people, and they leave.

15th October 2022

Us (8.18pm): We live next door at [REDACTED] to your air bnb - unfortunately there has been about 6 occasions now in which guests staying there have been causing an excessive amount of noise such as banging, loud music, shouting and singing. Obviously people are well within their right to do what they want when staying there and we appreciate a lot of people use air bnb's for a weekend away/an occasion so this would be partying, however with this noise sometimes being very late at night into early hours of the morning it gets to the

point where it's very disrespectful. We just wondered if you'd be able to make future guests aware that it is of course in a residential block which has people who work early weekends/night shifts etc (for us, having a puppy that then can't get to sleep and barks during the night due to the noise) and take that into consideration during their stay.

Alex No 56 Owner (8.50pm): Thank you very much for getting in touch with me regarding this. And please write to me anytime someone is partying and causing a nuisance to you.

We prohibit parties, however, there is no way of knowing which guests are going to be loud or not. I can assure you I will do my best to better inform the guests of the rules that we have regarding parties. Also, please let me know if there is a party going on tonight in the flat, as I will immediately contact the guests regarding that.

I really appreciate you being understanding of the situation.

Us (8.52pm): Thanks so much - really appreciate that.

There currently is tonight (probably the loudest yet) with stomping, singing, loud music & party blowers that we can hear from every room in our flat so if you could maybe make them aware how loud it is for others that would be greatly appreciated.

Alex (8.53pm): Okay called them.

They are leaving into town now - told them to keep the noise low

5th November 2022

Us (10.08pm): Hey, just wanted to message - the current guests in the air bnb are definitely having a party. Have been multiple people coming and going for the past few hours, lots of doors constantly banging & the music is extremely loud.

Alex (10.08pm): I will call them right away.

Thanks for letting me know.

Us (12.11am): Hi sorry to message again but it's still just as bad now but our flat feels like it's shaking from the amount of banging. We've seen a fair amount of them in the hallway & outside the front door from our balcony and they seem to even be under the age of 18 by the looks of it.

6th November 2022

Us (12.34pm): Hi there - just wanted to make you aware from last night. From the hours of 8pm-1.30am there was still the constant banging doors, people coming and going, making a noise outside the complex, shouting and playing loud music. From what we saw of the approximately 10 people, majority of them seemed under the age of 18 and we're guessing alcohol was involved. It got to the point where we had to call the police to report it as it was early hours of the morning and we still couldn't sleep. I totally understand this isn't your fault but this has been so many weekends now that it's getting to the point that we feel like it can't be resolved unless we report it to air bnb. I also understand that you can't control what people do when staying there but I do think you can to an extent and we can't continue to have a quiet weekend so horribly interrupted to the point of our flat doors shaking and disturbing our dog, we don't find it too fair.

Alex (12.41pm): I got in touch with Airbnb and I have followed their recommendations and protocols.

They have been informed asap.

We will try to do more to filter out the people that stay at that flat, to the point where we will not accept anyone that has little to no reviews, or seems to book the flat for partying.

I am confident that we will reduce this issue to a minimum in the future, and I can also assure you that we are taking this extremely seriously. We have already implemented a few measures against parties. It is extremely hard to know who is going to party, but we have learned from prior experience and I promise that we will sort it out.

I can send you a detailed list of how we changed our listing to stop the parties.

Us (12.44pm): That's okay Alexander, I trust you will be trying to sort this & it is appreciated!

Alex (12.47pm): Yes, I am confident that we will. I have reason to believe that the account used to book the flat yesterday was a fake account. They used the photo of an adult woman.

Us (12.48pm): There was an adult woman that was downstairs with them last night & the same woman also back hoovering the communal hall this morning from the mess they'd made, however she was never seen inside the building the whole night so we had believe she had booked it for them and left them the whole night.

4th February 2023

Us (12am): Once again, another very loud party next door keeping us up at this time.. the whole hall smells of cigarettes which I can only presume is coming from the flat as it never usually smells like that. The same as before - loud music, constant banging. I totally understand this isn't your fault but it's still continuing to happen too many times.

Alex (12.01am): I'm calling them right now. Thanks for letting me know.

Am I correct although that the methods of preventing parties have worked in the last couple of months? I believe that our last chat was in November? My apologies for the inconvenience. I am in touch with Airbnb support at the moment to get this sorted out.

Us (12.11am): Yeah, still been some loud music occasionally but it always stops at a reasonable time which is totally fine, we understand if people want to play some music and have some drinks before going out or anything but it's just when it gets this late that's the issue & the smell of the hall of course adds to the frustration.

Right now we can hear people clearly arguing which just makes it alarming as even the times you've messaged to say you're in cleaning the flat I never hear anything which makes this seem very excessive. No problem, appreciate it. As I said, totally understand it's not your fault but just don't want to have to phone the police or anything for something like this.

Us (1.18am): This has now gotten louder, and doors are being slammed extremely hard that our joint wall has now been shaking. If they don't stop, I will unfortunately phone the police.

Alex (1.27am): Please do not worry about it yourself.

I am taking care of it as we speak. Please try to get some rest.

Us (1.31am): Thanks Alex.

Alex (1.34am): They are a couple and got drunk.

Us (1.42am): That makes sense from the arguing we'd heard. Thanks for sorting Alex.

Sent from my iPhone

Regards, Jim Harper

'C'

From: J F
Sent: Tuesday, November 14, 2023 12:58 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Re: airbnb property

Hello,

I'd like to object to the license for short term lets for Flat 56 Ocean Apartments.

I live directly below in flat [REDACTED] which I own. Since the flat started being run as an airbnb there has been constant issues. Partying, wreckless behaviour, thumping, banging and excessive music at nights.

The worst of all is on two occasions people have gained entry to my flat, so I had to get the locks changed, at my own expense. This is an extreme disturbance as I work shifts, although would be much worse if I hadn't been home.

I constantly get guests attempting to unlock my door, mistaking my flat for the airbnb. I've contacted the owner various times about this.

During the recent storm I had a severe ceiling water leak due to ingress from the above properties balcony. This was distressful trying to liaise with an urgent issue over airBNB chat (as my fire alarm was sounding due to water leaking through the fitting and lights).

My partner was planning to move in here but we've had to put our plans on hold as it doesn't feel as safe in here anymore, and constant issues.

My name and address as follows,
Joshua Fraser,

[REDACTED]

Signed,

[REDACTED]

'D'

From: Amy Thain
Sent: Monday, December 4, 2023 3:47 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Objection to Short Term Let Licence at 56 Ocean Apartments

To Whom it May Concern,

My name is Amy Thain and I live at [REDACTED].

I wish to object in the strongest possible terms to a licence being granted for a Short Term Let Licence at 56 Ocean Apartments for the reasons stated below. My partner's flat is situated directly below the apartment and we believe it has been operated as an AirBnB since around August 2022. The title deeds for the Development detail that businesses should not be run from the apartments. This is clearly being breached.

Security:

The apartment is located within a residential block and the security is compromised by the volume of guests who have access to the main entrance, the apartment itself and also to the bin room, where the keys are located. We are concerned that guests could copy the keys and return.

Guests have tried on numerous occasions to gain entry to my partner's flat, including in one instance when he came out of the bath to investigate a noise, only to be met by two men in his hallway thinking they were in the AirBnB above. My partner was lucky that the men were friendly and apologetic - they could have been anyone. My partner then arranged with the housebuilder (Barratt) to have the lock changed.

Guests also frequently buzz my partner's intercom, believing that this is the AirBnB. This has been caused by unclear instructions for gaining entry to the AirBnB and the fact that my partner's flat is number [REDACTED] and the apartment block address is 52-54 Park Road.

Noise & Disruption:

I appreciate that living in a flat you can expect general noise, however, in almost all instances when the AirbnB is occupied, we have to endure what can only be described as guests stomping around the flat, at all hours. This is especially annoying in the living room where the noise actually vibrates down through the walls and we can feel it when sitting on the sofa. It often sounds like furniture is being rearranged and items are being thrown around.

There has also been music playing so loud several times that we have had to go up and bang on the door, including late into the night and on one occasion, at 07:30 in the morning. I was met by an extremely drunk couple who struggled to even open the door. I did not feel comfortable going up, not knowing the reaction I would face but simply could not put up with the thumping dance music.

Impact on Health and Wellbeing:

My partner works 12-hour shifts and is in his final year of his University degree and I work remotely in the evenings and weekends. We struggle to concentrate when studying, working, reading or relaxing watching TV. We would appreciate being able to enjoy the time we do get to spend together in peace and not have the situation with the AirBnB causing continued detrimental effect on our mental health and general wellbeing.

My partner has lived in his flat for over four years and I regularly stay there and plan on moving in permanently upon selling my own property next year. We are extremely fed up with the noise and various other issues that living below the AirbnB has caused over the past year and half. This is the only negative aspect to living in this block which is otherwise quiet and the neighbours are friendly. A lot of guests do not seem to have any regard for those living in the block. I fully object to the property owner, who does not appear to live in Aberdeen, profiting at the expense of people who call Aberdeen their home.

Thank you in advance for taking the time to give my objection careful consideration.

Best Regards,

AMY MARY THAIN

General Letter

Circular Regarding Short Term Let License Application for Flat 56, Ocean Apartments, 52-54 Park Road, Aberdeen

To Whom It May Concern,

I am writing in response to the objections and concerns raised by neighbours regarding the operation of Flat 56 as a short-term let within Ocean Apartments. As the property manager, acting on behalf of the owner, Mr. Hassan Elibrachy, I wish to address each point comprehensively and outline our commitment to resolving these issues in a manner that promotes harmony and well-being for all residents of the complex.

1. Direct Communication and Engagement: Despite proactive efforts to engage with neighbours directly, including making my contact information publicly available and suggesting in-person meetings, there have been no attempts to reach out to me directly to discuss the concerns. I remain open and encourage any neighbour, including Mr. Joshua Fraser and others, to contact me at any time to address any issues constructively.

2. Unauthorized Actions and Property Maintenance Issues: We have experienced unauthorized actions, such as the mains of the apartment being turned off without our consent and attempts to enter our property under false pretenses. Additionally, it's important to clarify that structural issues, such as water ingress from the balcony, are pre-existing conditions related to construction defects, not the result of our Airbnb operations. These matters are being addressed with the building's management to ensure they are resolved promptly.

3. Address Confusion and Misdirected Access Attempts: The shared address of 52-54 Park Road has led to confusion, contributing to misdirected access attempts to Mr. Fraser's apartment (number [REDACTED]) and issues with parcel delivery. This confusion is a broader structural problem within the apartment complex, affecting residents and guests alike, and is not specific to our short-term let guests.

4. Security, Noise, and Respectful Coexistence: We have taken significant measures to ensure our guests are aware of the importance of respecting the property and maintaining peace, including detailed check-in instructions and direct communication regarding noise levels and behaviour. Our aim is to minimize disturbances and promote a respectful coexistence within Ocean Apartments.

5. Parking and Accessibility: The issue of parking, particularly for disabled guests, highlights a broader challenge within the complex. Each guest receives clear instructions on how to access the designated parking space (no56), ensuring that parking is managed effectively and fairly. Additionally, we are committed to implementing a policy where guests who park in the wrong spot will be subject to a fine. We recognize that parking is an ongoing issue for all residents in the complex, not just Airbnb guests, and we are eager to collaborate with the community to address parking behaviour and ensure accessibility for all residents. Instances of individuals parking in designated spaces meant for residents have been documented even prior to our involvement in short-term letting, and we are prepared to provide evidence to support this

claim. By working together, we can find solutions to alleviate parking challenges and enhance the overall living experience for everyone in the complex.

6. Minimum Stay Requirement: By implementing a minimum stay of at least 2 days, we aim to deter potential partygoers and transient guests who may cause disturbances. This policy promotes a more stable and respectful environment within the apartment complex.

7. Strict Prohibition of Parties: Our check-in instructions explicitly state our zero-tolerance policy towards parties. Guests are informed that any violation of this rule will result in immediate eviction and a significant fine. This clear communication serves as a deterrent to disruptive behaviour.

8. Investment in Noise Detection Technology: We are proactively investing in technology, such as noise detection devices, to promptly identify and address any disturbances caused by guests. This proactive approach demonstrates our commitment to maintaining a peaceful living environment for both residents and neighbours.

9. Openness to Recommendations: We value the input of both the city council and our fellow residents. We are eager to collaborate and implement any additional measures or recommendations suggested to further enhance the safety and tranquillity of the apartment complex.

10. Stolen Parcels: We take any reports of stolen parcels very seriously. Upon learning of the incident involving Amazon deliveries for flats ██████████ in March 2023, we immediately took action to rectify the situation. We attempted to contact the residents of flat ████ to offer reimbursement or compensation for any lost or stolen items. Unfortunately, despite our efforts to reach out and resolve the matter, we have not received any response from flat ████. We remain committed to resolving this issue and ensuring the security of all residents' deliveries in the future.

12. Unauthorized Entry: In response to the neighbours' concern about unauthorized entry into their flat. We deeply regret any inconvenience caused by the unauthorized entry incidents experienced by our neighbour. We understand the seriousness of the situation and empathize with the distress it may have caused. Following these incidents, we have taken immediate action to enhance the security measures for our guests. We have provided clearer instructions to all guests regarding access to our flat, ensuring that such incidents do not happen in the future. We are committed to maintaining a safe and secure environment for all residents and will continue to prioritize the well-being of our neighbours.

Thank you for considering our response. We look forward to the possibility of resolving these concerns together and are eager to engage in constructive dialogue with all parties involved.

Yours faithfully,

Alex Gavrilă,

Property Manager on behalf of Mr. Hassan Elibrachy, Owner.