

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House



ABERDEEN
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	1 September 2011
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Order 2000
Application for the Grant of a Licence to Operate a House in Multiple
Occupation (HMO) at No.118 Union Grove, Aberdeen
Applicant/s: Jane C.F.Guthrie
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 14 September 2011, for the reason that 5 letters of objection were received by the HMO Unit.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is a first-floor flat with accommodation comprising of four letting bedrooms, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence application was received by the Council on 10 June 2011, although the application is dated 7 June 2011, this being the first day of the 21-day statutory Notice period.

Works / Certification Requirements:-

The HMO Officer carried out an initial inspection of the premises on 20 June 2011, then he wrote to the applicant on 21 June 2011, listing upgrading work and certification requirements to bring the property up to the current HMO standard. At the date of this memo, all requirements have not been met, although this is not the reason for referral to the Licensing Committee.

Letters of objection:-

5 letters of objection were received by the HMO Unit within the statutory Notice period, and are therefore competent. The letters are attached as appendixes B1 – B5.

Letter from Applicant:-

As per the statutory requirement, the letters of objection were copied to the applicant who subsequently submitted a letter responding to the objections. The letter is attached as Appendix C.1.

Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of the first floor flat at No.118 Union Grove, Aberdeen.
- The applicant and her property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 persons, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant currently holds an HMO Licence in respect of the property at 15 Summerfield Terrace, Aberdeen, of which the ASBIT team has no record of complaint.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

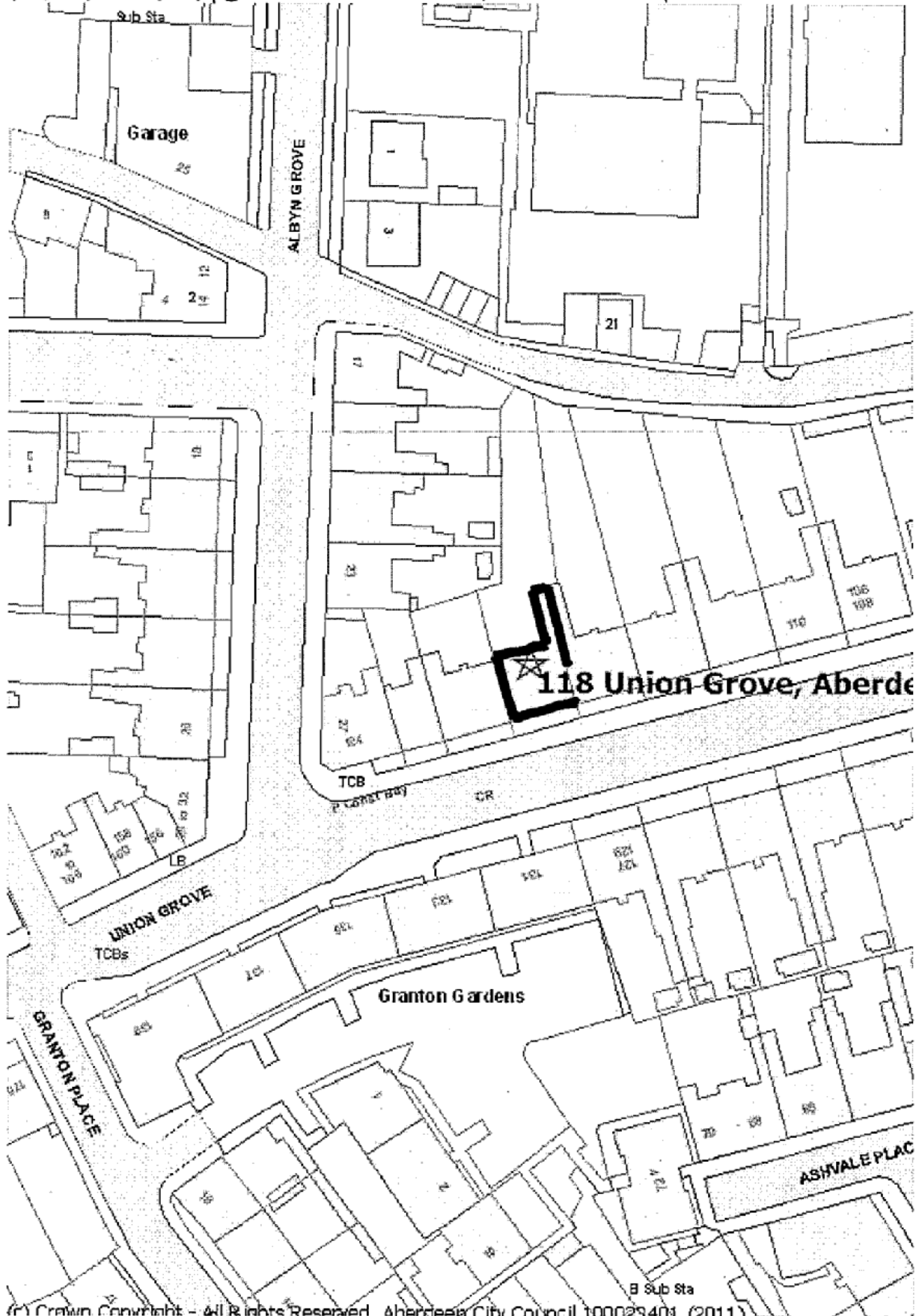
Ally Thain

Private Sector Housing Manager

A



TITLE: APPLICATION FOR HMO LICENCE
PREMISES: 118 UNION GROVE, ABERDEEN



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B.1

22 June 2011

Dear Sir/Madam,

You posted an intimation of the proposal to turn the two first floor flats at 118 Union Grove, Aberdeen into a House of Multiple Occupation. However, you omitted to include any detail about what exactly is meant by Multiple Occupancy. In the absence of such detail, I have to assume that multiple occupancy may lead to a diminution in the standard of living of the existing tenants through possible increases in traffic noise etc.. In multiple occupancy, it seems likely that short-term tenants are not going to be very interested in looking after the cleanliness and tidiness of the property and its garden. Therefore, in my view, it is quite unfair to impose such a change without the full facts being made known to other owners, and I will be obliged if you will put my objection before the Council for their consideration

Yours faithfully,



Mrs.L.Miller



ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received	24 JUN 2011
Date Logged on Flare	

B.2

[REDACTED]

22 JUNE 2011

DEAR SIR,

**REF. HOUSE OF MULTIPLE OCCUPATION APPLICATION
118 UNION GROVE, ABERDEEN**

- I HAVE READ THE NOTICE OF THE ABOVE AND I WISH TO OBJECT TO THE PROPOSAL.
- I DO NOT COSIDER IT A FITTING USE OF THE BUILDING AND I BELIEVE IT WOULD ESTABLISH AN UNACCEPTABLE PRECEDENT FOR THE AREA.
- THE PROPERTY CONCERNED WAS DESIGNED AS TWO SEPARATE FLATS, AND EVEN UNTIL NOW HAS OPERATED AS A SINGLE FAMILY UNIT.
- MULTIPLE OCCUPANCY INTRODUCES THE DANGERS OF EXCESSIVE WEAR AND TEAR, AND ADDITIONAL TRAFFIC AND NOISE TO BE SUFFERED BY EXISTING TENANTS

Yours faithfully

[REDACTED]

ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received:	24 JUN 2011
Date Logged on Flare	

B.3

Ref House of Multiple Occupancy Application
118 Union Grove, Aberdeen

It has come to my attention that a Public Notice has been served with regard to the above.

I wish to lodge an objection on the grounds that this is not a suitable thing for the tenements in Union Grove. I feel it would detract from the present style of life which is enjoyed at present by residents, and which was intended originally when the tenements were built, i.e. to house family units for relatively long term periods.

[Redacted signature area]

Alistair Hay

[Redacted address area]

ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
24 JUN 2011	
Logged	
Flare	

B.4

118 Union Grove, Aberdeen, and I wish to lodge the following objection to the Proposed "House of Multiple Occupancy" at that address

1. A continual turnover of short term tenancies will tend to introduce a number of people who have little or no interest in the care and maintenance of the building, nor of the comfort and peace of the other inhabitants who may wish to make it their permanent homes (surely the proper purpose of the building).
2. Turning an upstairs flat (albeit a double one) into a house of Multiple Occupancy does not seem to be an appropriate use of the property, which obviously was always intended for a family unit.
3. Such a change of use would alter the character of the building and of the style of living which existing owners and tenants have come to expect.
4. [REDACTED] concerned about excessive wear and tear on the floor/ceiling [REDACTED] due to the increased footfall when the tenants congregate in the lounge [REDACTED]. I have already experienced, in another flatted property in Aberdeen, a lath and plaster ceiling collapsing on tenants. Fortunately no one was injured on that occasion, but most people will be unaware of just how potentially lethal such an accident can be.
5. I think that multiple occupancy will result in an unacceptable increase in noise and traffic in and out of the building
6. It would appear that if Multiple Occupancy is allowed to go ahead in this case, there is no reason why it should be refused elsewhere in many flatted buildings throughout Aberdeen, and this would create "mini-boardings houses" wherever someone decides to knock two adjacent 1-bed flats together, when these dwellings were obviously not intended for such a purpose.

Signe

(Mr. A. Sim)

24/6/11

ABERDEEN CITY COUNCIL	
Neighbourhood-Services Central	
HMO Unit	
Date Received:	27 JUN 2011
Date Logged on Flare:	

B.5

[Redacted]

23 June 2011

Dear Sirs,

RE. 118 Union Grove, Aberdeen
Proposed House of Multiple Occupation

I wish to lodge objection to the above proposal. I bought the [Redacted] in good faith, assuming it would remain as a dwelling for a number of family units with long term intentions to stay there. Multiple Occupancy, which you have not defined for us in your Notice, would seem to alter the character of the building, and if it went further, of the rest of Union Grove. We do not want that, we are quite content with the way things are at present.

Multiple Occupation could mean potentially, a number of virtual strangers coming in and out of the building at any time.

I would fear for the security, the cleanliness, and the possible additional noise that would be created. It is not appropriate for the building or indeed anywhere else in Union Grove to establish what would appear to be small-scale boarding houses within the tenements, which were always designed to be enjoyed by family units.

Please ensure that my objection is put before the councillors at the appropriate meeting.

Thank you.

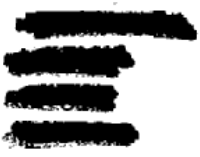
Yours faithfully,

[Redacted Signature]

Mrs. Kanita Sim

ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received:	27 JUN 2011
Date Logged on: Fiare	

C.1



ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received:	10 AUG 2011
Date Logged on Flare	

Mr. Ally Thain
 Private Sector Housing Manager
 Aberdeen City Council, Housing & Environment
 4th Floor, St Nicholas House
 Broad Street
 Aberdeen AB10 1BY

2nd August 2011

Dear Mr. Thain,

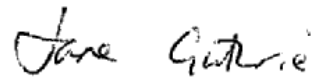
Further to your letter of 27th June 2011 informing me of a number of objections you have received to the HMO licence I am applying for in relation to the premises at 118 Union Grove, Aberdeen, I would like to place on record my formal response.

- 1) In terms of the process in general, I am frankly rather concerned that the posting of a notice for twenty-one days informing all those who read it that they we are intending to create a 'house of multiple occupancy' and that they may object within that period, is a rather open, 'nothing-to-lose' invitation to put obstacles in the way of the application. The phrase 'house of multiple occupancy' is a rather vague description and left unexplained can seem rather daunting to fellow occupants and owners. I believe, this to a great extent explains the objections. Since I received your letter I have written to the owners of the other flats in the tenement to explain my plans and to reassure them of my credentials as a landlord. I enclose a copy of this letter.
- 2) It is important to understand that the property for which I am applying for an HMO licence is a three-bedroom flat which was originally two individual one-bedroom flats, having been converted a number of years back by a previous owner. My application for a maximum occupancy of five persons is very much in line with the accommodation available.
- 3) I would like to point out that I have been a landlord for five years, having two other properties in Aberdeen and I have an impeccable record of both renting my properties to excellent tenants and providing first-class accommodation to them. I am meticulous in interviewing and selecting my tenants and always take up third party references on them.
- 4) With regard to the specific objections enclosed with your letter, I respond as follows:
 - i. Reference B1
 Firstly, it would appear the objector is unaware that there are no longer two flats on the first floor, the conversion into one flat having taken place several years ago by a previous owner and the requirement for an HMO licence if rented to more than two unrelated people. It would also seem that their primary issue is a lack of information on my intentions which we have now furnished via the enclosed letter.

- ii. Reference B2
With reference to an 'unacceptable precedent' potentially being created by the granting of the HMO licence I believe this would not be the case as there are other HMO licences in Union Grove. Furthermore, I contend that the claim that an HMO will 'introduce the dangers of excessive wear and tear and traffic noise' is unjustified since I am only applying for a licence for the number of persons for which there is accommodation. A family unit for which an HMO licence would not be required could easily consist of five, and potentially considerably more, people.
- iii. Reference B3
The objections are vague, claiming that the tenements were built to house family units. To my knowledge, this is nowhere stated in the deeds or any other relevant documents.
- iv. Reference B4
This objection mainly surrounds the issues of short term tenancies and tenants being unlikely to care for the maintenance of the building as well as the property 'obviously' being intended for a family unit. As stated above, there is no legal documentation stating these properties are intended for family units. Furthermore, it would appear that several of the flats are already rented out to tenants. As for maintaining the building and the communal areas, this is largely my responsibility as landlord although I will also encourage my own tenants to carry out their own duties in this regard. The communal areas are currently rather poorly maintained. It is my intention to work with my fellow owners to improve this situation, having only recently purchased the premises, and I have already requested quotes for some of the necessary work.
Lastly, the objector appears to be unaware in his point number 6. that HMO licences are commonplace in "flatted buildings throughout Aberdeen" which tends to add weight to my point that there is much misunderstanding of my intentions which, in hindsight, I should have explained earlier. His argumentation about "mini-boarding houses" and potential ceiling collapse further illustrate this apparent misunderstanding.
- v. Reference B5
Many of the same points are raised in this objection, which are addressed above. Again, the assumption that a "small-scale boarding house" is being established suggests a misunderstanding of my intentions.

I intend to be present at the Licensing Committee meeting on 14th September 2011 to speak in favour of the application and to explain to the committee and any objectors who are present that the living environment will be maintained and protected should the licence be granted and, as previously stated, that it is my intention to work with our co-owners to improve the communal areas.

Yours sincerely



Mrs Jane C. F. Guthrie

Encs.

C.1
/

Dear Residents of 118 Union Grove,

I was rather perturbed to note a number of objections to the granting of an HMO licence for the flat which my husband and I recently purchased on the first floor.

In one respect we are not surprised since the standard notice we are obliged to post states in rather stark terms that we are applying for a 'house of multiple occupancy' licence which creates a false impression and gives no further relevant details, such as number of occupants. In hindsight we should have provided you with such details in any case.

Firstly, let us point out that we are responsible individuals, fully aware of the need to maintain the living environment as it is and very keen to protect the flat we have purchased and are fully committed to our responsibilities for the shared maintenance of the communal areas of the building in which it is situated.

As some of you may know, the flat was converted some time back by combining the two flats on the floor and making one flat. Regulations state that if we want to rent this flat out to more than two persons then we require an HMO licence. This licence requires rigorous safety and fire measures to be in place, including smoke alarms, which adds greatly to the safety of the whole building. If the flat was to be rented to a family or was still two separate flats, the total number of residents/tenants has the potential to exceed five. The HMO licence application in question is for no more than five persons. Our flat is no different than the other flats in the building with regards to the risk of noise pollution, fire hazards and wear and tear, except to say, that the annual gas, electricity, fire safety regulations and anti-social behaviour conditions that we must meet are not legal requirements on rental properties for two or less people or owner occupied properties.

If you are one of those who have objected to our application, we would be grateful of the opportunity to discuss the matter.

We can be contacted on [REDACTED]

or

E mail: [REDACTED]

Jane Guthrie