

# LICENSING COMMITTEE INFORMATION SHEET

05 June 2024

## Public Application

**TYPE OF APPLICATION:** SHORT TERM LET LICENCE APPLICATION  
EXISTING OPERATOR-SECONDARY LETTING

**APPLICANT:** ELATE PROPERTY SOLUTIONS LTD

**PROPERTY MANAGER:** ELATE PROPERTY SOLUTIONS LTD

**ADDRESS:** SECOND FLOOR RIGHT, 52 UNION GROVE, 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 1 representation/objection was submitted to the Private Sector Housing Team.

If, after consideration of the representation/objection, the Committee is minded to grant the Short Term Let licence, it may do so under delegated powers since at the time of drafting this information note, the necessary certification has not been completed.

### DESCRIPTION

The property at Second Floor Right, 52 Union Grove, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a second floor flat with hallway, bathroom, open plan lounge/kitchen and 2 bedrooms. The applicant wishes to accommodate a maximum of 2 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 Granted 21/03/2024
- One objection letter from Benedict Mellor (Attached as Appendix B)

- One representation letter from Martin Snape and Jason Brown of Elate Property Solutions Ltd (Attached as Appendix C)

The objection was 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](#)

## GROUND 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 Community Safety Team has records of noise complaints in respect of Second Floor Right, 52 Union Grove, Aberdeen:

Reports from resident(s):

- First contact in June 2022 and a further 10 contacts in 2023 regarding door banging from Second Floor Right, 52 Union Grove.
- April 2024 a report of excessive noise from Second Floor Right, 52 Union Grove.

Report from the owner of Second Floor Right, 52 Union Grove:

- September 2023, owner reported a number of incidents and issues over a lengthy period with included a resident harassing a tenant by swearing and being abusive to them. Asking his guests to provide bad reviews, turning the water off without notice etc. The owner advises he has mitigated the sound of the door banging as much as possible including a notice for guests. He advised that they have previously attended mediation. The Community Safety Team provided advice regarding reporting any abuse or harassment to Police and seeking civil legal advice if issues continue.

- There are 4 Granted Short Term Let licenses on Union Grove:
  - Flat F, 205 Union Grove, Aberdeen
  - First Floor Left, 269 Union Grove, Aberdeen
  - First Floor Right, 279 Union Grove, Aberdeen
  - Ground Floor Right, 299 Union Grove, 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.

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## OBJECTION TO THE APPLICATION FOR A SHORT TERM LICENCE

Applicant Address: Second Floor Right, 52 Union Grove, ABERDEEN AB10 6RX

FROM BENEDICT MELLOR

[REDACTED] Union Grove, ABERDEEN AB10 6RX

Signature:

[REDACTED]

[REDACTED]

Introduction:

I feel that had the owners of Second Floor Right let the flat out on a Long Term basis then it would have been a simpler task to get tenants to cooperate and perhaps, through them, to get better cooperation from the owners. As it stands, one tenant has been followed by another within as little as 3 days. Some from any part of the world and with minimal or non-existent English and the same problems have surfaced repeatedly far too regularly. I make no secret that some tenants are very quiet. But in email after email to the owners I stated that this was too often not the case. My objection is set out in several Sections and an account of my difficulties with the letting arrangements that has existed for several years in the adjacent flat is set out.

Section 1:

HOW I FEEL ABOUT THINGS

I would very much prefer not to have to spend time writing this report. Unfortunately, the response of the owners of Second Floor Right – Martin Snape and Jason Brown (Elate Property) – to my complaints has been so poor that it is impossible for me to remain silent. Sadly, I have learned that both owners seem happy to lie and neither owner makes time to build good relations. As a consequence of their behaviour I am extremely anxious about the future. In what follows you will find reasons why I have grown to mistrust both owners.

I have found it very stressful that my complaints have been ignored for so long. I have found it emotionally draining to have to make efforts to get along with these owners while they showed so little concern about solving problems. I have been in touch with my Doctor feeling depressed and I have been in touch with SAMH (Scottish Assoc. for Mental Health- <https://www.samh.org.uk/>) to see if there are ways to get the 'stuff' out of my mind.

Within the last few months there has been a confrontation between Martin Snape and me at the Main Door to the building. I berated Martin for not taking my complaints about noise nuisance seriously and failing to solve the problems for over 2 years – perhaps 3 years.

Martin's response was unapologetic. Instead of attempting to diffuse the situation he muttered, under his breath the threat "...you'll find that it gets twice as bad".

It is uncharacteristic of me to raise my voice to anyone and it is a function of my current state of mind. I have never had to deal with 50 year old men who lie to me, throw insults at me and issue threats instead of being glad to cooperate with problems which have incredibly simple solutions.

This is why I am extremely worried about my safety and well-being in this building. I don't get the feeling that I have been trying to get along with owners who are normal people. In Section 5., point 3 I acknowledge one of the problems has now been solved. However, there is no guarantee that the noise nuisance has been brought to a complete and permanent halt. There is no guarantee that the owners will keep a door-closer in place, no guarantee that they will adjust or maintain it. This is the degree of mistrust that the owners have generated. I am very worried indeed that the noise nuisance will resume at some point.

The owners can certainly solve problems. For example, their builders removed the intercom to the flat. The owners had this re-installed. The owners replaced a light fixture on the top landing so that their tenants could see their way to the door. Jason Brown, I think, took the time to buy plastic containers to help store things for the flat. They are in the shared '1/2-way' cupboard. When tenants leave they get to the building to clean up.

By contrast the owners have not found the time, over the past 2 or 3 years, to solve problems that I have put before them. The owners should feel an obligation to ensure that their business has no, or at least minimal, impact on neighbours.

Section 2:

#### HOW I HAVE BEEN FORCED TO SPEND MY TIME

Apart from trying my best to persuade the owners to be reasonable I have been forced to spend time asking advice and reporting incidents to the following people and institutions:

- Police Scotland – Martin Snape threatening behaviour and advice concerning my security
- ASBIT – logging incidences of excessive and explosive noises (doors banging)
- Kevin Stewart, MSP – same as ASBIT and also strangers trying the lock to my flat
- John Cooke, Councillor – Another attempt to get owners to cooperate reasonably
- Gavin White, City Council Building Regulations – advice about door-closers
- Newton Property – complaints about broken furniture left in the back yard
- Tenants staying in the adjacent flat (Second Right)
- Joiner Brian Adam
- Mr Mark Perry – Director of Bomar Offshore. Mark bought the Ground Floor Left flat for his son. (Bomar's business includes installation of overhead door-closers)
- British Gas
- Inspire Signs Aberdeen
- Short Term Lets, Aberdeen City Council.

Over the past 2-3 years this has all taken a huge chunk out of my life and I need assistance from the City Council to make sure that I can enjoy the rest of my retirement in peace.

Readers might find it odd that I mention British Gas. This is not part of my main complaint but I spent many hours sorting this out so I will deal with it first. It also gives an idea of the degree of competence that the owners apply to running their business.

## BRITISH GAS

The owners of Second Floor Right flat routinely fail to pay bills in a timely manner. We know this because 'red letters' arrive regularly for the flat. At some point the following occurred as a result:

1. British Gas installed a 'Pay As You Go' meter in the Second Floor Right flat.
2. A demand, addressed to me, for almost £600 was sent by 'BW Legal'.

The letter had my name on it but did not have Second Floor Left – instead it was Second Floor Right so I assumed someone had made a mistake. After opening the letter I felt it necessary to contact British Gas. This took a long time as I could not get anyone on the phone so I wrote a letter providing MPRN numbers and so on.

It is worries me greatly that Martin Snape was irritated about the 'Pay As You Go' meter when I met him at the top of the stairwell. He seemed to think that it was unjustified because he had phoned British Gas about his problem. To my mind he seemed to blame the Company rather than blame himself for not paying up on time.

This attitude was in evidence at the Mediation Meeting. Rather than accept responsibility for not responding to issues in a timely manner he was in the business of finding fault in exchange. I report this in Section 4 where I state that I was told, by Martin, to "read some self-improvement" books. Unfortunately, Jason Brown showed the same inclination in coming up with some bizarre, fabricated complaints against me.

## INSPIRE SIGNS

Later in this report I relate that I have had contact Police Scotland owing to being disturbed by strangers coming to my door and trying to get into my flat. When this happened more recently, for the second time I contacted Police Scotland and was advised to replace the notice that the owners had taken down. This notice carried the AirBnB logo which I thought was probably a good solution. The police also advised getting a sign on my door with my name on it. (Completed, cost =c.£30).

### Section 3:

MEDIATION – 12<sup>th</sup> APRIL 2022,

I asked SERCO to help me set up a mediation meeting with Elate Property. There were several reasons for this. When I tried to speak to the owners in the building they always seemed too busy to pay full attention. My complaint about noise was not being dealt with. When I tried to alert them to water spouting out from their boiler they had not responded. Martin Snape had failed to reply to my letter asking for a vote to fell the enormous conifer in the backyard. The objectives were:

1. To improve communication  
The owners had failed to respond to emails about water spouting out of the boiler that they have in the loft. They also failed to respond to a letter asking for a vote to carry out a communal repair.
2. To employ a Factor for the building  
Having organized communal repairs in the building for the past 18 years (without assistance) I did not want to continue at age 71.

3. To resolve my complaints about excessive noise nuisance from doors banging in their flat. The Fire Door (attached to a shared partition wall) was making me jump out of my skin as it sounded like a 'cannon shot' each time they walked in and out of the Main Bedroom. Some of the tenants were clearly using the momentum of the Main Door to slam it shut forcefully. The noise is horrendous and the force makes the wood infrastructure of the building shake. It is just as bad as the banging from the Fire Door.

Prior to the meeting I had a phone conversation with Gavin White at the City Council Building Standards Department. He let me know that overhead door-closers would be more effective than the spring type which he called 'Perko'. I let the owners know about my conversation with Gavin and therefore suggested following his advice to fit overhead door-closers to the doors. Since I had fitted these to 2 doors in my own flat I offered to carry out the work myself. I also offered to pay a third of the cost.

The meeting took place at Ruthrieston Community Centre on Holburn Street. The owners agreed to the first 2 points above and let me know that they were thinking of installing an overhead door-closer on the Fire Door leading to their new bedroom.

This third point has greater importance than it might seem. Firstly, I have spent a lot of time and money on the room that shares a partition wall with Second Right. It is a small room and is therefore more economical to heat and to keep warm. I have a small flat and I need to use all the rooms.

(To help understand the situation – there is 1 door, the Fire Door, which is attached to the partition wall but there are 3 doors just nearby – only a couple of feet across the small hallway in the next door flat. These doors are the Main Door to the flat, the Bathroom Door and Lounge Door.)

During this meeting I kept to stating facts only and deliberately refrained from telling them any opinions. I let the owners know what effect the facts had on me, personally and that I wished for us to work together to resolve matters.

#### Section 4:

#### RESPONSE FROM ELATE

Unfortunately, the owners responded in the following manner:

- Denying that they had a business – Elate Property
- Telling me that I needed to read 'Self Improvement' books
- Telling me their Fire Door was fitted with a 'Perko' door-closer just the same as the one on the door at the Community Centre. This door-closer was certainly 'soft-close'.
- Fabricating complaints against me.
- Accusing me of wasting their time with the meeting.
- (I didn't understand this as attendance was voluntary)

In short, neither owner appeared to want to cooperate I can only guess that they felt I was somehow 'getting at them' rather than simply presenting problems. So they felt a need to do the same in return.



The assertion that the Fire Door was fitted with a 'soft-close' was very puzzling. Why was the Fire Door banging if it was fitted with a 'soft-close' closer? This had originally been explained by wind going through open windows but the noise was now occurring at times when tenants were very unlikely to be opening windows(see 'POLICE SCOTLAND, AIRBNB' for more on this).

Had there been any complaints against me that showed some effect or interference with their income stream then I would have taken those complaints much more seriously.

It seemed that both owners were resentful about my request to have a meeting. They pointed out that they were both bringing up families. However, we have meetings all the time – at work and at home. Am I supposed to have the patience to wait while others bring up families before important problems can finally be resolved?

#### Section 5:

#### OUTCOME FROM THE MEDIATION MEETING

##### 1. Communication did not improve despite exchange of emails.

Where, in this report, I say I managed to speak to the owners this was mainly before the Mediation Meeting. After this meeting, communication appeared to get more difficult.

I emailed, phoned, texted both the owners about the problems repeatedly – not just to complain but also to offer solutions. I had already offered to carry out the work of installing door-closers. Now I provided an estimate for overhead door-closers from Mr Perry.

My emails were eventually replied to only when I was advised by Kevin Stewart's assistant to copy the MSP into the next email I sent. This I did when I emailed to say that Brian Adam, a joiner that had done work in my flat was able to fit closers that would cost £26 each. I got an unhelpful answer from Martin Snape which was followed by inaction on the issue.

After this, if I received an email or text message from Martin Snape, it included his insistence that he and Jason were "... going to fit door-closers". One message ran "...we have had to *repeatedly* tell you that we are going to fit door-closers". Well, the need for repetition was surely not so much that I didn't understand but more that there was no sign whatever that there was interest in actually carrying out the work.

All my emails were copied to both owners. In one I explained that it helped a great deal when tenants closed the door to the Lounge. Closing doors seems to have a beneficial effect on noise. When tenants start shouting at an 'Xbox' or when they have guests visiting it can be very disturbing and has lead me to leave my small room. I let the owners know that I had struggled to make myself clear to some tenants about closing the Lounge Door as they did not have English as a first language. Again, an overhead door-closer would solve this problem. I never got a reply. There were many others.

In another email, I suggested replacing the Yale lock on the Main Door with a 'Night Bolt'. Yale has these on their website and they would have been a straight replacement job. These locks would require the tenants to lock the door behind them when they left the flat and would

prevent them from swinging the door shut. Once more I got no reply to the email and to my knowledge nothing has been done to improve the Main Door.

When I could get no response from Jason Brown on the phone, I sent text messages asking him to "let me know a convenient time to call". Again, I never got a reply to these messages. There were many of them.

I recall that, at the end of the Mediation Meeting Jason let us know that he found it to be a waste of his time because I could have "... just phoned him".

Jason Brown never replied to any of my emails.

2. After several months, the owners were finally persuaded by Sharon Alexander (Newton Property) to vote to employ a Factor for the building.

3. Door banging continued from Second Floor Right until just a few weeks ago (3 weeks perhaps?).

(An overhead door-closer has been fitted to the Fire Door. This is a positive step in the right direction. Currently when I hear tenants moving about in the adjacent flat I can now rest assured that I can continue my work and won't get a phenomenal shock from the wall being banged loudly.)

Here is an account that I have managed to put together:

I never received a truthful answer from either owner about the reasons for the disturbance from the doors. I have been left to make guesses. For example, when Jason Brown told me that the Fire Door was fitted with a 'Perko' spring door-closer like those fitted at the hinges of the doors at the Community Centre he was only telling me part of the truth. When I saw him in the building he repeatedly told me the Fire Door had a 'soft close' door-closer. My guess, therefore, was that the tenants were getting frustrated with the door to the bedroom not closing quickly enough or not closing fully. However, as I mention later in this report, I ended up making a video of the Fire Door slamming. It may have been fitted with a 'Perko' door-closer but it was definitely not 'soft close'.

At no point did either owner spend the few seconds it would have taken to check how the Fire Door operated. Indeed, when one day, I found the door to the flat open, I asked a workman in the flat to let me see how the door operated. Jason Brown came to the Main Door and asked me to leave, saying "... my workmen are too busy in the flat". I asked him to tap on my door, when he was finished, so we could have a short talk about the problem. However, when I opened my door Jason was already descending the stairwell. Again, I got the message "... all issues will be resolved" – this time before the New Year (i.e. at the end of 2022). This conversation was recorded because I wanted to ask why he had never replied to any emails. Jason said "... he did not have time to read my emails". (All issues included the doors and the sofa which had been left in the backyard – more of this later in the report)

It has taken the owners far too long to finally decide to put an overhead door-closer onto the Fire Door. This was done just a few weeks ago and only after I had written a note for the tenants explaining the situation and asking them to write a review mentioning the faulty doors. I had

also found a way to complain directly to AirBnB. (I had tried this the year previously but could find nothing.)

I have never had the feeling that the owners of the adjacent flat have had the slightest concern for my problem with using the small room in my flat.

Section 6:

#### A NEW COMPLAINT

Another problem that cropped up was that I was woken at 2am in the morning one time by someone interfering with the door handle and lock to my own flat. I decided to phone Police Scotland since the lock to the building needed repairing. The culprit turned out to be some tenants who had got the wrong flat. I presumed this was a 'one off' mistake but several other attempts were made to get into my flat. I therefore sent a text to Martin Snape who replied that I had 'escalated' matters by phoning the police and I had broken an agreement made not to do this at the mediation meeting. This was untrue. I have never agreed to refrain from calling the police and I did not understand what it was that I was 'escalating'.

The response was not from someone concerned about my security. It brings to mind the comment I made about the owners 'getting back at me' in Section 4.

Since this was a new issue, and because no action had been taken to solve the noise problem I decided to ask to meet and talk to my MSP, Kevin Stewart.

#### KEVIN STEWART, ASBIT TEAM

At my meeting with Kevin Stewart (Summer, 2022) I was told to contact ASBIT and make sure the team logged each incident of disturbance from doors banging. Mr Stewart offered to contact the CEO of Aberdeen City Council and alert him/her to the problems including tenants trying to get into my flat. Kevin Stewart let me know about the requirement for licence applications that, at the time, had a deadline in April 2023.

I had not reported incidences prior to this meeting because on an occasion that I contacted the City Council about the doors banging in the neighbouring flat I was told there was virtually nothing that could be done about it.

I am not aware about what steps, if any, the owners are currently taking to ensure tenants find the correct flat.

#### POLICE SCOTLAND, AIRBNB

Owing to the lack of constructive response from the owners I decided to turn for assistance from the tenants. I wanted to ascertain the truth about my 'theory' that the 'soft close' was causing tenants some frustration. A couple of tenants obliged and let the Fire Door swing shut and I was truly shocked to see it slamming into the Door Frame. This is not what I expected. The tenants then permitted me to take a video on my Samsung tablet. While one of the tenants helped me to check the sound the other began to text someone.

This turned out to be Martin Snape. Immediately I returned to my flat I received an angry text which told me to "...stay out of the flat" and that he would "... contact the relevant authorities" if he found that I was showing the video to anyone.

After this I decided to pass a note to the next tenants to ask their assistance - by propping the Fire Door open and writing a review on AirBnB to say the doors were slamming shut and not operating as expected. I checked whether the new tenant had got my note and whether there was still a door stop near the door. He could not find it.

The tenant left after a couple of days and when Martin Snape came to clean up he discovered my note in his flat. Martin knocked on my door and threatened me if I communicated with his tenants again in similar fashion.

Needless to say, I called Police Scotland to say that I had received a threat. I also phoned the ASBIT team to let them know. An officer paid me a visit to discuss the situation a few days later.

The following day I was woken at 8:00am in the morning by a repeated and insistent banging at the door to my flat. Later I phoned Police Scotland once more to say that I believed, at the time, this may have been a continuation of the threatening behaviour which was why I had not opened the door. The Police added this to my previous complaint.

Shortly after I received an email from AirBnB to let me know that I would not experience further problems. I am still unsure if this includes all doors or just the Fire Door.

It was when a Chinese tenant tried my door that I discovered that an overhead door-closer had been installed on the Fire Door. His English was not great and he seemed to be confused when I told him he should try the keys on the Second Floor Right flat. I had to help him to do this and then decided to check if he had understood instructions to close the doors in the flat quietly. This he did not understand. When he finally got the door open we were able to see that that the Fire Door now had an overhead door-closer fitted.

This happened only a few days after I received the message from Airbnb. So I have concluded that the owners only fitted the door-closer because of my actions in communicating with tenants and contacting AirBnB. If they were capable of a quick response after this then they should have been able to respond to my complaint almost immediately after the Mediation Meeting. There really is no excuse whatever. They either have contempt for other owners, such as me or they are vindictive and decided to obstruct rather than assist. That is my guess.

#### Section 7: (Further Comments)

##### BATHROOM DOOR

At some point one of the tenants told me that they had problems with the locks on the Main Door. They also mentioned a broken sofa, absence of any kettle and the bathroom door was like a 'public toilet'. Apparently the bathroom door was not fitting properly into the door frame.

So there were no less than 3 doors causing a lot of disturbance. The bathroom door was being banged by each new tenant as they tried to close the door properly by banging it shut.

Mercifully, the tenants renting Second Floor Right are very quiet so it is difficult to tell if the problem has been fixed. When they were fetching items from downstairs they left their door open and I noticed that there were very obvious scuff marks at the top of the frame. It would be a very small job to plane away some the the top of the door so that it no longer sticks.

I am uncertain as to whether the Bathroom Door has been fixed. Similarly, I am uncertain about whether the owners have done anything to prevent their Main Door from being slammed. It may be that the quiet we now enjoy is simply because the current tenants are quiet sort of people.

#### OVERHEAD DOOR-CLOSERS

When Jason Brown visited the building I was able to introduce him to Mr Mark Perry. Mark is the director of Bomar, based in Peterhead. His company installs door-closers offshore as part of the business. Mr Perry assured Jason that no joiner was required to fit an overhead door-closer and that it was a simple enough job for anyone to do for a wooden door and door-frame.

This had no impact on their thinking. The owners just did not respond by ordering door-closers and getting on with the simple job.

#### SOFA

After the complaints from the tenant who said using the bathroom in the flat was like using a 'public toilet' a large sofa appeared in the backyard. I managed to get Jason on the phone and asked why they had not put the sofa on the street and contacted the relevant Council Department. Jason, who works for the Fire Department said that they were unable to do this because the sofa was a "... Fire hazard". I asked if it could be taken away and was assured that it would be.

I did not understand this answer because, these days, Sofas are always Fire Resistant. If it represented a Fire Hazard in the backyard then how did the owners justify keeping it in the flat for 2 years for the use of tenants?

The owners did not collect the sofa. It was not collected 'before the New Year' as had been promised. In January, Mr Mark Perry grew impatient and decided the sofa had to go and he removed it in a truck from his company – Bomar.

#### INCOMPREHENSIBLE

I don't understand why such simple and inexpensive work to resolve my complaints could not be carried out years ago. It makes no sense to me whatsoever.

It is very worrying that the owners have carried out work to resolve some of the issues only after they feel a more compelling reason to do so than just receiving a complaint from a fellow owner. They should be fostering good relations but instead of getting on with simple tasks they have resorted to not telling the truth, not being in meaningful communication and threats.

I am pretty sure tenants are not happy to be going to the wrong flat. When I open the door they have been incredibly embarrassed and apologetic. Why are the tenants being subjected to this?

Finally, why agree to be in communication and provide an email address at a Mediation Meeting and never either read or reply to the emails that you receive?

Each time a new tenant arrives there is the potential for experiencing the same problems as existed with the previous tenant. The tenants may stay for as little as 3 days. Some stay longer. The owners have shown little interest in fixing the problems since they first started letting the flat through the AirBnB platform.

#### RESPONSIBLE OWNERSHIP

I have been a responsible owner-occupier of the building and I have organized all the communal repairs to the building over the past 18 years prior to employing Newton Property Management. Here is a list of things that I have done that has been directly beneficial to the owners of Second Floor Right:

- I have cooperated when I can and the owners have benefitted from some of the work I have done in the building.
- I let the new owners know that they own a half share in the cupboard on the stairwell (formerly a shared toilet).
- I have placed a hefty lock on the Loft ladder on the advice of Police Scotland. This helps secure both flats. On request I went to Timsons on Union Street to get a copy of the padlock key for the owners of Second Floor Right as their boiler is in the Loft.
- I made sure that the previous owner took advantage of free loft insulation from the Council to cover the section over Top Right Flat. The flat now benefits from that.
- I have organized all the roof repairs when there are leaks for 18 years prior to employing a Factor. This has ensured the roof has remained in pretty good condition.
- I put in place a system at the Main Door to the building for organizing mail arriving for tenants and owners of the building
- The last communal repair that I organized was to fell the enormous conifer in the backyard. It was partly the lack of response from Elate (even after they said they were very much in favour) that prompted me to ask for a Mediation Meeting.

The owners of Second Floor Right have a lot to be grateful for but have shown no grace whatever in return.

'C'

Martin Snape



17<sup>th</sup> May 2024

**Re: Reply to Objection to Application for Licence for a Short Term Let**

Dear Sir/ Madam,

I am writing to respond on behalf of myself and my business partner, Jason Brown, to the objection received to our application for a Short Term Let Licence for 2F/R 52 Union Grove, Aberdeen AB10 6RX.

After reviewing Mr Mellor's lengthy complaint, we are struggling somewhat to ascertain what grounds he is basing his complaint on other than trying to paint us in the worst possible light. He evidently does not like Short Term Lets, and it would appear, foreign guests. However, I will try to respond to his objection using the format he has set out.

To give some context to our situation, I feel it necessary to establish some background detail. Following our purchase of the property, we were introduced to Mr Mellor, who appeared pleasant enough. However, he then claimed that he had an agreement in place with the previous owner that when the property was sold, the previous owner would gift his half of the shared cupboard in the stairwell to Mr Mellor. We were somewhat dubious of this claim, and when Mr Mellor asked us if we would honour this agreement, we refused, and when asked if we would sell it, we also refused as storage at these properties is at a premium. Unfortunately, Ben saw our refusal as extremely unreasonable, and this set the tone for our relationship moving forwards. To date, despite repeated requests and, short of throwing Ben's belongings out of the cupboard (which we would not do), we have only ever managed to get use of 1/6 of the cupboard as he has commandeered the remainder of it, along with 3/4 of the attic space and the majority of the communal back garden. We note that Ben has had significant confrontation with the majority of owners and tenants in the block and is currently engaged in a dispute with one of the tenants about the shared back garden. Our factor now refuses to deal with Mr Mellor on the telephone and he refuses to respond to requests to tidy up or dispose of his belongings in the shared areas. In short, we, along with others have found Mr Mellor to be obsessive, objectionable, and at times, thoroughly unpleasant and unreasonable.

Please see our reply set out below:

## **Section 1**

*Ben mentions a confrontation that happened at the main door of the building... On leaving the building one evening, I was met at the external door by Mr Mellor, and when I said hello, he laid into me with a barrage of 4 letter words. When I tried to walk away, he followed me out of the building and onto the street where he continued to berate me rather loudly, in front of a number of witnesses.*

*During this confrontation he informed me that removing us and our business from the building was only a matter of time. I told Ben that he should be careful what he wishes for as he could end up with bad neighbours or tenants next door, should he be successful in his witch hunt.*

*Ben makes mention of his mental health. We would agree that his mental state is somewhat fragile, but that is not of our making. He is obsessed with getting his own way within the apartment block and this is causing him unnecessary stress and worry. Recently, we have witnessed behaviour on our Ring Doorbell that has us genuinely concerned for his wellbeing.*

## **Section 2**

*This only goes to reinforce our feeling that Mr Mellor is obsessive and is consumed by getting his own way.*

## **British Gas**

*When we purchased the property, we setup a new account with British Gas and a direct debit was put in place. We had no correspondence other than our monthly bill emailed to us, but during Covid, we noticed that someone had forced their way into our property and a pre-pay meter had been installed. We had had no warning of this, however on investigation, British Gas had only set us up with an electricity tariff and not the dual fuel tariff as agreed. Following a review into our case, British Gas replaced the pre-pay meter with a standard meter and issued us with an apology and refund for our trouble.*

*We do find it a little concerning that we had no prior warning of this meter replacement from British Gas, yet Mr Mellor is admitting to receiving correspondence for us wrongly addressed to him. He did not inform us of this, and we wonder if all of the upheaval and significant waste of time and effort could have been avoided had he contacted us to inform us of this contact, or indeed whether there had been previous attempts at contact that we were unaware of.*



### **Section 3/4**

*We were summoned to attend mediation with other owners within the apartment block to resolve ongoing issues between owners. We had no idea what these issues were, however on arrival it was evident that this was setup for Mr Mellor to have an audience. He makes mention of an occasion where water was "spouting out from their boiler"; what he does not mention is that the boiler was overflowing slightly following over pressurisation and that rather than contact us, he took matters into his own hands and turned off the water to our apartment. This left our guests with no water and no central heating causing much frustration and confusion. Ben also mentions a lack of response to felling a conifer within the back garden. We supported this endeavour from the outset.*

*The meeting was essentially a verbal assault on us, and actually ended up with the mediator laughing at how ridiculous Mr Mellor was being. I did indeed tell him that he should seek help for his anger issues and we did find it incredibly frustrating that we were lured there under the impression that all owners would be in attendance to discuss communal matters. As it transpired it was attended by 3 owners and the issues being "discussed" were Mr Mellor's gripes with us and our apartment. By discussed, I mean Mr Mellor shouting at us, telling us how we should or should not renovate our apartment and how we should make further renovations for his benefit.*

*We did agree to ensure that the door closers were properly maintained, and that we would investigate additional closing mechanisms. We made sure that we tightened the mechanisms regularly and asked our guests to be mindful of other residents in the block, particularly when having windows open. We also provided door stops and did regular checks to make sure that the doors operated as intended without significant disruption to neighbours. However, this was not to Mr Mellor's satisfaction. Ben made repeated attempts to enter our property without our permission, asking guests if he could enter, and was told on at least 4 separate occasions that he was not to enter our property or to bother our guests. His attempts frustrated us so much that we had to threaten him with further action should he continue to try and gain unauthorised access to our property or disturb our guests unnecessarily. We have never, and would never threaten Mr Mellor directly, but did feel it necessary to threaten further action.*

### **Police Scotland & AirBnB**

*During one evening visit to the flat to perform routine cleaning, I noticed that there was a note on the kitchen work surface that had been left by the most recent guests. This note was addressed to the guests from Mr Mellor and was imploring them to leave a negative review on AirBnB. On discovery of this note, I knocked at Ben's door and told him calmly that I had warned him previously that I would need to escalate matters should there be*

*further pestering of our guests, and I would be following through with this escalation. I left it at that as my then 6 year old son was with me and did not want a scene, however Mr Mellor thought otherwise. He banged at our door repeatedly and stood shouting in the corridor for me to "answer this door right now!". When I answered the door, I asked Ben to refrain from frightening my son, who was cowering in the living room. To this day, my son is scared of visiting the flat in case Ben is there.*

*I am more than a little puzzled as to how, yet again, Mr Mellor's recollection and experience of events is so different from our own. We did contact Police Scotland about Mr Mellor and were informed that there was very little we could do about him trying to gain access to our apartment. At no point were we ever contacted about aggressive or unnecessary behaviour and had we been we would have been delighted to offer the real version of events.*

*Unfortunately, as a result of Ben's note passing, we received a totally unwarranted negative review for our apartment.*

*Sometime soon after, Ben started complaining to AirBnB about our apartment. Initially, some guests had returned to the apartment and tried the wrong door. This is despite clear instructions on AirBnB as to which apartment is ours. We apologised for this and following this incident, we purchased and fitted a door sign so that guests are better equipped to remember which apartment is ours. We try to greet guests as often as possible but there is the odd occasion where our schedules or a late arrival means we cannot greet the guests and they use the external key box to retrieve the keys. We try and keep this to a minimum so that we can give guests a tour of the apartment and explain house rules.*

*As he knew he now had an audience through AirBnB, Ben continued to raise complaints with AirBnB, now about doors slamming and we continued to assure AirBnB that we had taken every available step to make sure that our neighbours were considered and noise mitigating steps had been taken – including the fitting of overhead door closers. This had been done some time earlier. I think that he raised 4 complaints with AirBnB about noise nuisance when it was physically impossible for the doors in question to slam. Additionally, on one occasion I caught Ben at the door of the apartment complaining about doors slamming when all the doors of the apartment were wedged open. Perhaps he was hearing doors slamming elsewhere in the block but it was certainly not our apartment. Please note that AirBnB found no fault with us on any occasion.*

*Since Ben forced his way into our apartment, as admitted in his letter, and saw the closers with his own eyes, he has not complained about the doors, in fact, we have heard very little from Mr Mellor, despite trying to contact him about various communal issues. He*

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*refuses to speak to us when we pass in the corridor and will not answer his door if we try and contact him.*

### **Bathroom Door**

*There is no issue with the lock on either the main door or the bathroom door. The bathroom door is also incapable of slamming so we are somewhat stumped by this accusation.*

*Our apartment is always cleaned to the highest standard, we have always had a kettle, however on one occasion a guest did break the frame of sofa so we had to replace this as quickly as possible.*

### **Sofa**

*Following the replacement of the sofa, we placed the old sofa in the back garden until we could arrange its disposal. It was too large to leave kerb side, and this was discussed and agreed with Mr Mellor. In fact, Mr Mellor asked if he could take the hinges off of the sofa for his own use. The sofa was left against a wall causing no obstruction, in a walled, locked garden with the approval of Mr Mellor, until such time as we managed to get transport arranged for its disposal. Mark Perry kindly assisted us with its disposal when renovating his son's apartment.*

In summary, Mr Mellor's recollection of various events is rather different from what actually happened. We have tried to be as reasonable as possible, going above and beyond neighbourly responsibilities to satisfy Ben's "irritations", but we have found dealing with Ben extremely wearing and at times maddening. On reflection it is entirely possible that Ben suffers from OCD or something similar.

We have always contributed to the upkeep of the building without complaint and are in regular contact with the factors and other owners. Our flat has been renovated to the highest standard and we have gone over and above make sure that our guests can have a comfortable, harmonious stay whilst minimising any disruption to our neighbours. Indeed as an extra layer of security and to assist our guests we recently had a Ring Doorbell Camera installed. This allows us to make sure that there is no disturbance from our guests when entering the apartment and provides them with another method of contact should any issue arise.

We hope that this reply gives some context and a more accurate description of events that have occurred. We welcome the opportunity to address the members of the

Committee on the 5<sup>th</sup> June and look forward to answering any questions they may have on our application.

Yours faithfully,

Martin Snape & Jason Brown