

LICENSING COMMITTEE INFORMATION SHEET

09 October 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: HUNTER CONSTRUCTION (ABERDEEN) LTD

AGENT: NONE

ADDRESS: COOPER'S COURT, DUNBAR STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 17/07/2024
- Determination Date 16/07/2025

This HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection letter was submitted to the HMO Team.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this information note, the necessary upgrading works and certification have not been completed.

DESCRIPTION

The property at Cooper's Court, Dunbar Street, Aberdeen, is the subject of this new HMO licence application and its accommodation is purpose built student accommodation comprising 65 bedrooms with access to shared kitchen, living room and bathroom facilities throughout the building. The applicant wishes to accommodate a maximum of 59 tenants, which is acceptable to the HMO Team 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
- A public Notice of HMO Application was displayed outside the building, alerting the public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Jonathan Tyrens (Attached as Appendix B)
- One representation from Hunter Construction (Aberdeen) Limited (Attached as Appendix C)
- The objection was received within the statutory time period therefore the Council must consider.

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

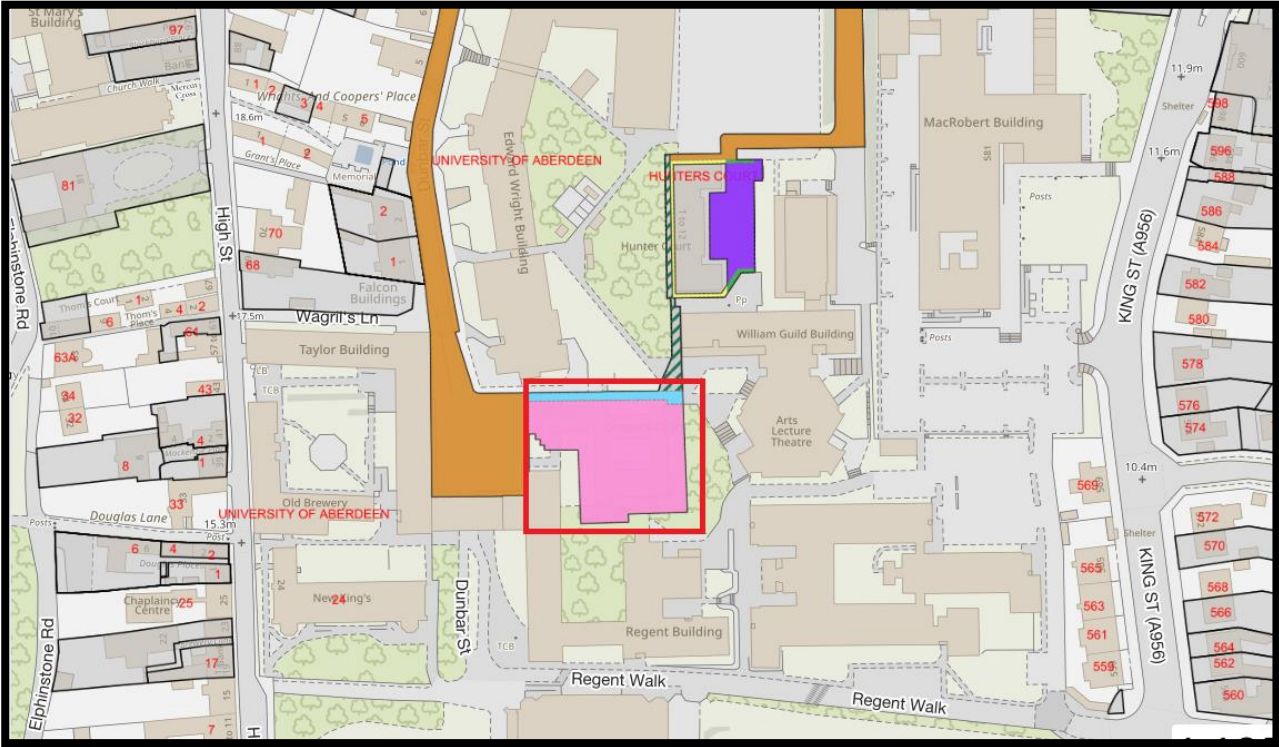
This application is being dealt with under the provisions of [Part 5 of the Housing \(Scotland\) Act 2006](#), as amended. Available grounds of refusal are as follows:

- 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 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 as a landlord with this Council and their registration does include Cooper's Court, Dunbar Street.
- The Council's Community Safety Team has no record of complaints regarding Cooper's Court, Dunbar Street.
- There are currently two other HMO licensed properties at No.8 and No.61 Dunbar Street.
- The application under consideration is a renewal application and the properties 6th renewal application.

'A'



'B'

Statement to consider before HMO licence renewal of Cooper's Court, Aberdeen, AB24 3XY.

I have various concerns regarding the management and maintenance of the property. These issues should certainly be considered and addressed before further automatic renewal of an HMO licence is granted. It may be that the property would be better managed under the University of Aberdeen given its on-campus location.

There have been issues with overcrowding, facilities not working and not being repaired timely or at all, health and safety / fire safety oversights, staff not following the regulations set out in their own tenancy document in terms of the rights of tenants, lack of suitable cleanliness and this is not an exhaustive list. Please see further information below in my regular complaints to the management of the property / company.

Complaints to landlord/landlord's representative (emails)

13/09/22

Please would you advise on when flats are to be heated. It has been uncomfortably cool in rooms, especially in the evening, recently.

I trust, also, that staff will not normally enter the flat without 24hrs prior notice to tenants. A member of staff visited the flat yesterday without prior notice.

12/10/22

I'd like to complain about noise disturbance yesterday evening around 7 pm from the flat upstairs. There was loud talking and also some sort of argument (female voices) coming from the area above my room it seemed. This went on for some time and no doubt disturbed other residents too. Perhaps you could send a reminder to residents about being more considerate towards other residents, and this could include the closing of doors too.

I notice that the stairwells were cleaned yesterday, but we do not seem to have our flat cleaned since my tenancy began, at least. Section 42 of the contract states that a 'cleaning service will be provided on a once per month basis...; you should take steps to clear away any dishes and rubbish from the kitchen before cleaning can commence'. Could you advise on when cleaning is to be expected please?

12/10/22

I would be grateful if you would ask the resident of room ■ not to use the communal areas of the flat for his regular guests. This is inconsiderate.

13/10/22

I would like to complain further about the resident of room ■ ■ is inconsiderate and disrespectful, and I found this last night in the kitchen. I would appreciate it if you would speak to ■ about being more respectful and considerate towards other residents. ■ also keeps a large cardboard box outside ■ room which could pose a fire risk. Perhaps you would mention this too.

14/10/22

I would like to express my dissatisfaction at the continued use of the flat by non-residents, especially use of communal facilities. Recently the tenant of room ■ has had non-residents stay over in the flat, without having the courtesy of asking other residents in advance. It is unacceptable and inconsiderate for non-residents to use resources that tenants are paying for. I am not prepared to pay rent to provide facilities for non-residents. Already the flat is overdue for cleaning and this appears to be in breach of the tenancy agreement. I still await your reply about when cleaning is scheduled.

16/10/22

I would like to complain further about disturbance in the flat. The resident of room ■ had more guests overnight. The use of resources by non-residents is inconsiderate to other tenants and is also prohibited in the tenancy agreement. There was quite a lot of door-clashing this morning too disturbing other residents. I would appreciate it if you would speak to the resident of room ■ to ensure that ■ is more considerate of other tenants.

29/10/22

I would like to express my dissatisfaction with the levels of cleanliness in the communal areas of the flat. Please would you ask residents to be more considerate in the kitchen and shower rooms in particular. There are often dishes left in the sink, for example, and toiletries taking up space around the washbasin. I am not prepared to clean up after others; rather I will leave areas tidy for others to use after I have used them. Perhaps you would convey this to other residents. I also think there could be more suitable provision for recycling in the property.

08/11/22

Thank you for your message. I am away on a research visit to Oxford at the moment.

I raised some issues/complaints in emails to the property manager in recent weeks but none has been acknowledged or responded to. I would be grateful if you would follow up with this.

25/11/22

I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord/landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart

MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

03/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging (M&S meals for example). I have not encountered this elsewhere. Perhaps you could have the oven rechecked.

12/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging. I have not encountered this elsewhere. Perhaps you could have the oven rechecked. This could be a health and safety risk.

23/05/23

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

05/07/23

I would like to refer to some housekeeping/maintenance issues:

- flat does not appear to have been cleaned during June
- tap in kitchen loose
- toilet cistern requires attention; drainage of sink and shower poor in one bathroom
- overflow from flat upstairs has a constant/regular flow into the courtyard area
- there was no fire alarm testing this week as usually scheduled on Tuesday.

10/07/23

Further to the plumbing issue point, the tap, whilst attended to, appears to be still loose. The cistern issue drawn to your attention, has also not been resolved.

12/07/23

Thank you for your message. Whilst this may be the case, the tap, for example, remains loose.

18/08/23

I take issue with your suggestion that I have not 'engaged meaningfully' over the past few months. I have responded frequently to your messages. I would also like to point out that I have found the tone of some of your messages to be intimidating, and I have previously pointed this out to you. Mr Stewart MSP advised me to report all efforts to intimidate to Police Scotland.

You make efforts to point out my obligations as a resident, however I feel that tenants' rights have been frequently overlooked by the 'landlord' / 'landlord's representatives'. Recently, there was a change of tenant next to my room and there was no prior notification given about cleaning staff and the property manager visiting the flat. There was only notice provided for the glazier. There was significant disturbance throughout the day from the cleaning of room F and there was a repugnant smell emanating from the room. This continues to affect the communal hallway of the flat.

The cleaning, scheduled in the tenancy document as monthly, is very irregular. The flat is overdue for cleaning and I would suggest that it is unreasonable to let rooms to new tenants, too, when the communal areas have not been cleaned. I play my part in trying to keep areas clean; others do not.

There is also the ongoing issue of ineffective plumbing, and this is despite a plumber attending several times. The toilet cistern issue remains, and the kitchen tap that has been fixed twice now drips, although it appears not to be loose at the base at the moment.

21/08/23

Please note that the kitchen tap continues to drip, the toilet cistern is not fixed and the ventilation in the shower room requires attention.

21/08/23

I restate that the kitchen tap drips and that the toilet cistern is not fixed. The extractor fan in the shower room requires attention - appears stuck. Many of the appliances in the kitchen, including the oven that continues to overheat, are overdue for testing and checking. This is an obligation of the landlord under health and safety regulations.

29/08/23

I would like to complain further about ongoing issues with the flat (█ Cooper's Court, AB24 3XY):

- there is currently no hot water and this has been the case for the past 12 hours or so;
- plumbing issues remain, with the kitchen tap dripping and loose again from the base;
- the toilet cistern remains problematic;
- the sink in the shower room does not drain properly;
- there is significant black mould in the shower, exacerbated by the extractor fan having been unchecked and inoperative for some time;
- cleaning of the communal areas, scheduled in the tenancy document as monthly, has not taken place for some time - probably two months;
- lack of cleaning has caused issues such as a recent maggot infestation in the kitchen;
- 24 hour notice for visits of staff has not been consistently provided;
- some disturbance from residents in the building (seemingly building contractors) over the summer period and not affiliated to the university, smoking (incl. cannabis) in the courtyard area;
- checks to electrical appliances were significantly overdue and have only just been completed, yet the oven continues to overheat for the settings;
- the freezer is problematic and there is frequent over-icing (every 2-3 days) causing the door to open without warning and defrosting food.

I remain disappointed that many issues already raised with you have been overlooked for some time or have not been addressed properly.

05/09/23

I would like to complain further about tenants' rights being overlooked by the landlord/property manager at Cooper's Court. Recently visits to the property occurred again without 24 hours notice. This has happened frequently over the course of several months. Furthermore, there remain ongoing maintenance issues, many of which have been reported to you several times but have not been resolved. Plumbing remains problematic and it is not the responsibility of tenants to resolve these, as you have attempted to suggest previously. These plumbing issues have also been reported to Aberdeen City Council. Lack of cleaning of communal areas is unacceptable and is not as scheduled in the tenancy agreement. It is particularly unreasonable to introduce new tenants to a flat where it has not been cleaned for months. I noticed that the flat was not sufficiently clean when I moved in. The fire alarm was triggered recently and it is not clear why this was. It was noticed, however, that the alarm in my room was not sounding and I mentioned this to the maintenance team. I am not aware of whether this has been followed up or not. The internet connection is of very poor quality and is particularly intermittent at times. I would also like to request an update on the structural engineering of the building and its safety, particularly in light of recent reports about RAAC. The building appears to contain significant amounts of concrete and seems to be of the age similar to buildings reported with issues. I would like to request reassurance about the structural safety of the building and information about when this was tested. Given your hitherto nonchalance regarding health and safety matters (e.g. electrical testing overdue and oven overheating) I have reason not to feel confident about the standards in the building. Finally, I would like to report that the intercom does not appear to work for the flat. This could be a security issue and given that this is often a concern for residents, it would be appreciated if this could be looked into.

07/09/23

I would like to complain about regular noise disturbance from the resident in room [redacted] who has recently moved into the flat. Music, loud-speaker conversations, online TV/ films are heard from the room especially, but not uniquely, during the quiet hours and this is disturbing the peace of other residents. I would appreciate it if you would contact the resident about this. Noise carries very easily in the flat/building.

13/09/23

I would like to complain about the lack of heating in the flat/ building which is making living conditions uncomfortable when the temperature drops. Last night the outside temperature fell to 3 or 4 degrees c. (3 degrees c. was recorded at Aberdeen Dyce weather station at 6am). Lack of heating affects humidity levels too, in bedrooms and also in the bathrooms which can encourage mould to develop (as was the case in one of the bathrooms). I have monitored the thermo - hygrometer in my room and it has regularly exceeded comfortable levels of humidity recently due to the lack of heating (ventilation when the exterior temperature is low or humidity levels high is not a solution). The lack of suitable heating can have an effect on the health of residents, too. I have raised concerns several times previously about the lack of heating.

Tenants' rights have been overlooked on a number of occasions with regards to providing 24 hrs notice before the landlord or landlord's representative(s) visits the property. Only recently I have observed that this occurred on the 16/8/23, 17/8/23, the 28/8/23 and also when a tenant moved in last week. You seem to refer to this as 'petty' in your correspondence, but I am afraid that it is not for you to decide what the rights of tenants should be, which should be upheld and which should be overlooked. It is not for you to decide either what is indeed lawful or not. I have previously expressed my concerns about a sense of harassment in your email correspondence.

Internet connectivity issues continue, and this is supported by at least one other resident I have spoken to recently. Plumbing issues are also ongoing with issues that should be simple to resolve (dripping taps, washbasin not draining). It is not, as you have seemed to suggest, the responsibility of tenants to resolve plumbing issues themselves.

I requested information about the health and safety report / structural safety report for the building but you have not yet provided this information. I am not aware of a gas safety certificate either, so perhaps you would be able to reassure with this too.

28/10/23

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

31/10/23

Please would you ask other residents to remove their belongings from the hallway. There are still items cluttering the hallway such as collections of shoes and this is a trip hazard as well as a potential fire safety hazard, not to mention making it difficult to clean.

Thank you for your cooperation.

02/11/23

I would like to complain about significant disturbance last night and today from above, either a flat or staircase. There was a lot of shouting last night around 2.30am, and this woke me and no doubt affected other residents. Then this morning around 11.20am there were several bouts of screaming, seemingly a female voice. There is clearly no consideration for other residents by some tenants, or their guests. I would be grateful if you would remind residents of their obligations under disturbance of the peace regulations.

There continues to be corridor clutter. If we have been asked to clear the corridor on the grounds of fire safety as per email last week, then this applies to all residents. I have previously informed you that one or more residents are not complying and I mention it again here. On top of this, plumbing inefficiencies continue, but I have already made you aware of this and of Aberdeen City Council's advice to me for the next stage, if necessary. I reported in a previous email at some point about the fire alarm not appearing to operate in my room. Whilst I hear the alarm when tested from the corridor (testing can be irregular), the alarm unit does not appear to sound in my room. If this is a fire safety matter, I imagine that it ought to be followed up.

Thank you for your cooperation.

03/11/23

Thank you for your reply. The shower temperature is problematic in the shower room with the window.

14/11/23

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

22/11/23

Your recent email was found in my spam folder. I have responded previously to similar questions and do not intend to repeat all answers. I have also requested that emails that seek to intimidate by making demands that tenants pay more than is affordable, cease. Such emails would be deemed harassment and I have been advised to report such emails to the police.

13/12/23

I would like to complain about the resident in room [REDACTED] who appears to have a long-term guest staying. The person staying seems to have been here for several weeks and it has been noticeable that the visitor is/has been unwell with long bouts of coughing. Whilst it is unfair on other residents to have others using the flat as a hotel for their guests who use the communal facilities, there could also be potential welfare issues. The person seems to be of a similar religious/ethnic background, [REDACTED]. I have found the behaviour of the [REDACTED] resident in room [REDACTED] to be increasingly inconsiderate. I have asked [REDACTED] to clean up after using the kitchen for cooking, but little has changed, and only yesterday I found [REDACTED] confrontational when I turned off the kitchen tap that I thought [REDACTED] had forgotten to stop - [REDACTED] had left it running and went back to [REDACTED] room for a while. When I asked why [REDACTED] was leaving the tap running [REDACTED] arrogant answer was that it's 'for cleaning and, it's okay, there is too much water'.

14/04/24

I wish to complain about the resident of room [REDACTED] who appears to have a long-term additional resident staying in the room. The additional resident appears to be female and is left in the room for many hours whilst the usual resident leaves. Beyond the fact that this additional person would be using the facilities for residents, there may be welfare issues to consider - there have been some loud conversations from the room, too. The resident of room [REDACTED] also leaves the kitchen untidy after use and it would be appreciated if this could also be pointed out to [REDACTED].

18/05/24

Dear Mr Oakley,

I have spoken to Police Scotland this evening to discuss a pattern of intimidating behaviour by the resident of room [REDACTED] in my flat (believed to be an [REDACTED]). Recently, [REDACTED] behaviour became more concerning to me and I believe I am being targeted in particular. [REDACTED] has been confrontational in the past when asked to clean up after using the kitchen, but I have not spoken to [REDACTED] for some time since. Nevertheless, [REDACTED] behaviour is sometimes of concern and this has been noticeable this month. Recently [REDACTED] threw the broom down the corridor, slammed doors, I believe intentionally, and only the other day mimicked spitting at me as I walked past in the corridor. This is unwanted behaviour, and it feels threatening. I thought it would be best to pass this on to you and the property manager to deal with initially to see whether there may be concerns more broadly.

Thank you for your cooperation.

23/06/24

I wish to express further dissatisfaction regarding the behaviour of the resident in room [REDACTED]. This morning there was loud clashing of doors (intentional I would suggest) and [REDACTED] has also been going into the cupboards I use in the kitchen. Today [REDACTED] placed the strainer from the kitchen sink with remnants of food items into my bowl in the cupboard. [REDACTED] regularly leaves the kitchen and other communal areas unsuitable for use by other residents and this is unacceptable. I have already reported some of [REDACTED] intimidatory behaviour towards me - such as mimicking spitting at me in the corridor - to Police Scotland. I would be grateful if you would contact [REDACTED] further about this recent inconsiderate behaviour.

Thank you for your cooperation.

25/06/24

I would like to express further concerns about the resident of room [REDACTED] who has become increasingly threatening. This is unacceptable, and [REDACTED] continues to leave communal facilities, such as the kitchen sink unusable for other residents (see photo attached). [REDACTED] leaves the building without tidying away [REDACTED] belongings or washing up. When challenged [REDACTED] becomes immediately threatening - [REDACTED] suggests that [REDACTED] is 'warning me'. I take that as threatening behaviour and I have informed [REDACTED] that I will be reporting intimidation/ harassment to Police Scotland. Perhaps you wish to reinforce the message about [REDACTED] obligations as a resident, especially in accommodation with communal facilities.

Thank you for your cooperation.

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]



HUNTER

CIVIL ENGINEERING & BUILDING CONTRACTORS

10 September 2024

Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir/Madam

**PART 5 OF HOUSING SCOTLAND ACT 2006
APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION (HMO)
PREMISES: COOPERS COURT, DUNBAR STREET, ABERDEEN
LICENSING COMMITTEE: WEDNESDAY 9 OCTOBER 2024**

We are surprised that Mr Tyrens has chosen to lodge an objection to our application for renewal. Mr Tyrens took up residency with us on 10/09/22 for what was originally a 12-week contract. A copy of this is **available**. He paid half the cost of that accommodation in advance (£600 for 6 weeks). Since that initial payment he quickly fell into rent arrears. Since March 2023 he has been paying the sum of £1 per month which he considers to be an affordable payment. Hunter have not agreed to this and have informed him of our concerns and that he should discuss and agree with us a credible payment plan. This is also the advice of all agencies that provide advice for tenants (Shelter Scotland, Scotgov, Citizens Advice et al).

As at 02/09/24 he is currently due us rent in the sum of £9681 which is continuing to accrue on a weekly basis at a rate of £100.

His accusations of overcrowding are entirely without foundation.

We have subsequently discovered that nonpayment of creditors is seemingly a lifestyle choice for Mr Tyrens. We understand that he is a qualified teacher but in the last few years embarked on a PhD course as a research student attached to University of Aberdeen. We understand that he is no longer considered a research student at the University of Aberdeen (information passed to us by Police Scotland).

We have tried to assist Mr Tyrens with his indebtedness, but he refuses to engage with us meaningfully. We have offered mediation, but he still steadfastly refuses this reasonable suggestion. It is a notable pattern that when we send his rental statement to him monthly, he often replies with lists of complaints as if to deflect from his obligations.

The company, reluctantly, had no option but to raise two actions in the Sherriff Court of Aberdeen. One for Mr Tyren's eviction. This was based on a notice to terminate the occupancy agreement being issued and Mr Tyren's failure to vacate. The second action is for and recovery of the considerable rent arrears. Mr Tyrens had himself stated on more than one occasion that we would have to evict him and that he has experience of this.

HUNTER CONSTRUCTION (ABERDEEN) LIMITED

Centaur House, Camiestone Road, Thainstone Business Park, Inverurie, Aberdeenshire, AB51 5GT

Tel 01467 627290 ✉ Fax 01467 625791

Internet: <http://www.hunter-construction.co.uk> ✉ E-mail: info@hunter-construction.co.uk

Directors: M A Oakley (Managing) W J Shepherd (Chairman), J.Stephenson, N.Morrison (Associate)

Registered Office: 100 Union Street, Aberdeen, AB10 1QR Registered in Scotland No SC51413



Aberdeen Sheriff Court granted an order for both eviction and payment against Mr Tyrens. However, Mr Tyrens has lodged an appeal in respect of both decisions. This appears to be a delay tactic to prevent us from evicting him from the property.

We do know that Mr Tyrens has faced eviction proceedings previously and attempts to recover monies due by him to several creditors. This is despite Mr Tyrens apparently working providing tutoring services from the property (in contravention of his Occupancy agreement). His court productions list several accommodation providers that are owed considerable sums of money including University of Aberdeen. Mr Tyrens is seemingly habitual in accumulating debt and takes on accommodation leases that he seemingly cannot afford. We understand that Mr Tyrens owns a 3-bedroom house in County Durham and has no reason to stay in Aberdeen since he is no longer considered a student at the University and clearly has alternative accommodation.

This is rather unique in the 3 decades of providing accommodation that we have ever had to evict a tenant. We understand that sometimes students do get into financial difficulty but find that, without exception, they are happy to agree affordable payment plans with us.

We believe that Mr Tyrens seeks to damage our business and cause undue stress to our hard-working staff by lodging this vexatious and defamatory objection. This appears to be in defiance of the court actions that we have had to raise against him as stated above.

The court action has been frustrated by his apparent refusal to seek representation or to turn up for hearings. However, this is now approaching the point where he will be evicted shortly as his appeal has minimal chance of success.

Mr Tyrens has caused distress to me and our staff since he moved into Flat 9 with frivolous, vexatious, and unfounded complaints. He has also been a very poor neighbour to his fellow flat mates. Some have asked to move from the Flat due to his behaviour and we have had to relocate one student who Mr Tyrens was causing considerable distress to. Mr Tyrens now resides in the flat alone because we simply do not want to place other tenants beside him. This is not acceptable for us going forward.

I have addressed each of the complaints he has made under each section in blue font and within a border for clarity. Copies of relevant correspondence are included in the Appendix for context.

Yours faithfully
Hunter Construction (Aberdeen) Limited R&DBS



Mark Oakley MCIQB FIHE
Managing Director



HUNTER CONSTRUCTION (ABERDEEN) LIMITED
Centaur House, Camlstone Road, Thainstone Business Park, Inverurie, Aberdeenshire, AB51 5GT
Tel 01467 627290 ✉ Fax 01467 625791
Internet: <http://www.hunter-construction.co.uk> ✉ E-mail: info@hunter-construction.co.uk
Directors: M A Oakley (Managing) W J Shepherd (Chairman), J.Stephenson, N.Morrison (Associate)
Registered Office: 100 Union Street, Aberdeen, AB10 1QR Registered in Scotland No SC51413



(Our answers are in blue and in text boxes)

Statement to consider before HMO licence renewal of Cooper's Court, Aberdeen, AB24 3XY.

I have various concerns regarding the management and maintenance of the property. These issues should certainly be considered and addressed before further automatic renewal of an HMO licence is granted. It may be that the property would be better managed under the University of Aberdeen given its on-campus location.

There have been issues with overcrowding, facilities not working and not being repaired timely or at all, health and safety ! fire safety oversights, staff not following the regulations set out in their own tenancy document in terms of the rights of tenants, lack of suitable cleanliness and this is not an exhaustive list. Please see further information below in my regular complaints to the management of the property ! company.

We refute the suggestion that there are any issues with overcrowding. Each room in a flat is leased to one person only and contains only one bed. There are adequate shower and toilet facilities for the occupancy of the flats.

Mr Tyrens has been the only person in the flat to complain of the facilities not working or not being repaired. Minor maintenance issues have been addressed and inspected by Aberdeen City Council HMO office. We have regular tradespeople that are employed to take care of any maintenance issues that inevitably occur in all properties.

Tenants are required to keep the flats clean themselves and the other tenants did organize a cleaning rota, however Mr Tyrens refused to join this. We carry out a 'sparkle clean' once per month, however this is only to clean communal areas thoroughly and does not replace regular cleaning expected by tenants, as explained in the Occupancy Agreement.

We refute all his unsubstantiated allegations around Health and Safety/Fire safety.

Complaints to landlord/landlord's representative (emails)

13/09/22

Please would you advise on when flats are to be heated. It has been uncomfortably cool in rooms, especially in the evening, recently.

I trust, also, that staff will not normally enter the flat without 24hrs prior notice to tenants. A member of staff visited the flat yesterday without prior notice.

The flats are comfortably heated. The building is connected to the University district heating system to fill radiators and provide hot water. The system is working as it should.

Residents, when moving into the accommodation are informed that there would be new tenants joining them at various points during that week. We like to show them into the flat, point out the facilities, carry out a full induction and provide their keys. It is not always possible to give precise arrival times and 24 hours' notice due to changes to our students travel plans (many of our tenants are from overseas). We asked for understanding regarding this and received no complaints from anyone except Mr Tyrens. The alternative would be to refuse entry to a student, who might have travelled from afar, and make them wait 24 hours to take up their rooms. Most students are happy to welcome their new flat mates but apparently not Mr Tyrens

12/10/22

I'd like to complain about noise disturbance yesterday evening around 7 pm from the flat upstairs. There was loud talking and also some sort of argument (female voices) coming from the area above my room it seemed. This went on for some time and no doubt disturbed other residents too. Perhaps you could send a reminder to residents about being more considerate towards other residents, and this could include the closing of doors too.

We have a 24-hour phone number for tenants to contact us if there is disturbance and residential assistants are available. Any disturbances can be dealt with at the time. We investigated this and found that it was not an argument and that the tenants were simply elated having passed an assessment. Mr Tyrens has been known throughout his tenancy to make unfounded complaints of which this is an example. No other tenant complained.

Our building is occupied by generally younger people (mostly under 30) and a degree of exuberance is to be expected. That said, it is rare that tenants complain of excessive noise from other flats.

I notice that the stairwells were cleaned yesterday, but we do not seem to have our flat cleaned since my tenancy began, at least. Section 42 of the contract states that a 'cleaning service will be provided on a once per month basis...; you should take steps to clear away any dishes and rubbish from the kitchen before cleaning can commence'. Could you advise on when cleaning is to be expected please?

We offer a 'sparkle clean' service once per month. Due to staff availability, it does not always fall on the same day each month. This does not replace the obligation of the tenants to keep the flat tidy on a daily basis. Most flats set up a rota amongst themselves for this. Mr Tyrens refused to join this. The clean has been carried out each month with a deep clean carried out in the summer break when occupancy is low.

12/10/22

I would be grateful if you would ask the resident of room [REDACTED] not to use the communal areas of the flat for his regular guests. This is inconsiderate.

Tenants are allowed to have friends visit the flats if they are responsible for their behaviour. This gathering was a group of 3 students that had got together in the lounge at lunchtime for a study group. They were not causing any disturbance and the group stayed for less than an hour.

13/10/22

I would like to complain further about the resident of room [REDACTED] [REDACTED] is inconsiderate and disrespectful, and I found this last night in the kitchen. I would appreciate it if you would speak to [REDACTED] about being more respectful and considerate towards other residents. [REDACTED] also keeps a large cardboard box outside [REDACTED] room which could pose a fire risk. Perhaps you would mention this too.

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We did speak to the tenant, and [REDACTED] removed the box. [REDACTED] also wrote to us regarding Mr Tyrens unusually hostile behaviour towards [REDACTED] and the other tenants in the flat.

14/10/22

I would like to express my dissatisfaction at the continued use of the flat by non-residents, especially use of communal facilities. Recently the tenant of room [REDACTED] has had non-residents stay over in the flat, without having the courtesy of asking other residents in advance. It is unacceptable and inconsiderate for non-residents to use resources that tenants are paying for. I am not prepared to pay rent to provide facilities for non-residents. Already the flat is overdue for cleaning and this appears to be in breach of the tenancy agreement. I still await your reply about when cleaning is scheduled.

Tenants are allowed to have guests for a few nights. Mr Tyrens had been particularly unfriendly to his flat mate and the flatmate had cause to write to us complaining of Mr Tyrens unreasonable behaviour. The tenant had been living in Coopers Court for the past 2 years and is of exemplary behaviour.

A sparkle clean was already notified for the 17th October 2022.

16/10/22

I would like to complain further about disturbance in the flat. The resident of room [REDACTED] had more guests overnight. The use of resources by non-residents is inconsiderate to other tenants and is also prohibited in the tenancy agreement. There was quite a lot of door-clashing this morning too disturbing other residents. I would appreciate it if you would speak to the resident of room [REDACTED] to ensure that [REDACTED] is more considerate of other tenants.

Mr Tyrens was informed to report disturbances as and when they happen so that we can deal with them at the time. It is difficult to do this the day after. Tenants are allowed to have guests overnight as per the occupancy agreement.

It should be noted that Coopers Court is designed for independent living. We cannot intervene in arguments between students unless there is damage or disturbance. With hindsight this was an example of Mr Tyrens unreasonable behaviour towards his flat mates. We received complaints regarding Mr Tyrens behaviour around this time.

29/10/22

I would like to express my dissatisfaction with the levels of cleanliness in the communal areas of the flat. Please would you ask residents to be more considerate in the kitchen and shower rooms in particular. There are often dishes left in the sink, for example, and toiletries taking up space around the washbasin. I am not prepared to clean up after others; rather I will leave areas tidy for others to use after I have used them. Perhaps you would convey this to other residents. I also think there could be more suitable provision for recycling in the property.

The students in the flat had organized a cleaning Rota which Mr Tyrens refused to join. We cannot provide pastoral care to groups of predominantly young people who may be reluctant to do dishes.

08/11/22

Thank you for your message. I am away on a research visit to Oxford at the moment.

I raised some issues/ complaints in emails to the property manager in recent weeks, but none has been acknowledged or responded to. I would be grateful if you would follow up with this.

Our property manager had addressed the issues on which she could reasonably intervene.

We refute the suggestion that complaints were not acknowledged or responded to. Our property manager also wrote to HMO office to explain what action she had taken to address the complaint Mr Tyrens had made to them.

His complaints were concerning....

Heating of the building: The arrangements for heating had been explained to Mr Tyrens.

Cleaning of the communal areas: The 'sparkle clean' and the obligation for tenants to clean the communal areas of flat were explained.

Lack of response to complaints: We refute that his complaints were not responded to

Access notice: 24 hours' notice was given except for urgent matters

25/11/22

I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord / landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

We have spoken to Mr Stewart MSP on several occasions regarding Mr Tyrens allegations and behaviour. Mr Stewart has been most helpful to us too.

My reply to Mr Tyrens is included in the appendix along with an email from Mr Stewart MSP confirming his statement that "I do not feel as though you have been acting unreasonably"

Emails dated 06/12/22 and 12/12/22

We did respond to the MSP in a timely manner and refute the suggestion that we did not do so without any evidence to the contrary

03/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging (M&S meals for example). I have not encountered this elsewhere. Perhaps you could have the oven rechecked.

Unsurprisingly, nobody else in the flat had complained of this issue. We had the oven checked and it was working correctly. We tested the temperature and even cooked 2 pizzas in it to prove that the temperature was even throughout the oven. Anecdotally, it was surprising to us that Mr Tyrens can afford to buy his meals from a store that sells good quality food but does not have the reputation of being inexpensive. Mr Tyrens was, now, in arrears by around £2300. Whilst we would always expect tenants to prioritise buying food first, before paying rent, we are surprised at the extent of his spending which includes having the funds to run a car.

12/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging. I have not encountered this elsewhere. Perhaps you could have the oven rechecked. This could be a health and safety risk.

The oven was working as it should and had been tested. No others ever complained about this.

23/05/23

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

We are required by law to point out clearly of a tenant's indebtedness.

I spoke to Police regarding his allegation and their advice was that it did not meet anywhere near the threshold of intimidation and harassment and was a civil matter that they would not be involved in.

I enclose my reply to him on that day.

Email dated 23/05/23

Mr Tyrens has used this threat many times to me and without any foundation or truth. I have been extremely patient with him. I have offered advice as I am required to do so and been clear about his failing to abide by the rules of the Occupancy agreement. It got to the stage where we had to commence action given the high level of arrears and failure to address this.

05/07/23

I would like to refer to some housekeeping/maintenance issues:

- flat does not appear to have been cleaned during June
- tap in kitchen loose
- toilet cistern requires attention; drainage of sink and shower poor in one bathroom
- overflow from flat upstairs has a constant/ regular flow into the courtyard area
- there was no fire alarm testing this week as usually scheduled on Tuesday.

We normally carry out deep clean instead of 'sparkle cleaning' during summer months which allows us to carry out refurbishment and maintenance. We did offer to carry out refurbishment of the kitchen of Flat 9 however this would require Mr Tyrens to move to another room for a short period which he refused to do.

The tap was slightly loose however there was no risk of it causing any problems. The flat has 2 kitchen sinks therefore there was no lack of facilities

We looked at the cistern and the sink drainage and found there to be no issues.

We regularly test the fire alarm (same day and time each week) however the test was not done that week due to an emergency (a student in distress) being dealt with by staff in another building. For obvious reasons, it is not advisable to test the alarm at another time which would cause confusion.

10/07/23

Further to the plumbing issue point, the tap, whilst attended to, appears to be still loose. The cistern issue drawn to your attention, has also not been resolved.

12/07/23

Thank you for your message. Whilst this may be the case, the tap, for example, remains loose.

The second kitchen tap was proving difficult to repair and our preference was to replace the whole kitchen sink units. Mr Tyrens refused to take up the offer of staying in another room for a short period while this was done so this was not possible. The tap still worked and produced hot and cold water.

18/08/23

I take issue with your suggestion that I have not 'engaged meaningfully' over the past few months. I have responded frequently to your messages. I would also like to point out that I have found the tone of some of your messages to be intimidating, and I have previously pointed this out to you. Mr Stewart MSP advised me to report all efforts to intimidate to Police Scotland.

You make efforts to point out my obligations as a resident, however I feel that tenants' rights have been frequently overlooked by the 'landlord' / 'landlord's representatives'. Recently, there was a change of tenant next to my room and there was no prior notification given about cleaning staff and the property manager visiting the flat. There was only notice provided for the glazier. There was significant disturbance throughout the day from the cleaning of room F and there was a repugnant smell emanating from the room. This continues to affect the communal hallway of the flat.

The cleaning, scheduled in the tenancy document as monthly, is very irregular. The flat is overdue for cleaning and I would suggest that it is unreasonable to let rooms to new tenants, too, when the communal areas have not been cleaned. I play my part in trying to keep areas clean; others do not.

There is also the ongoing issue of ineffective plumbing, and this is despite a plumber attending several times. The toilet cistern issue remains, and the kitchen tap that has been fixed twice now drips, although it appears not to be loose at the base at the moment.

We refute these allegations. Proper notice was given for maintenance visits, by email, at least 24 hours prior to as per the Occupancy agreement. A deep clean was carried out on the 11th of July.

There has been no 'threatening tone' in any of my emails and this allegation has been discussed with Mr Stewart MSP. Mr Tyrens chooses to vilify myself by making false accusations to further his own agenda and cause distress.

21/08/23

Please note that the kitchen tap continues to drip, the toilet cistern is not fixed and the ventilation in the shower room requires attention.

We refute that this was an issue, and it is the first time that the ventilation has been raised as an issue.

21/08/23

I restate that the kitchen tap drips and that the toilet cistern is not fixed. The extractor fan in the shower room requires attention - appears stuck. Many of the appliances in the kitchen, including the oven that continues to overheat, are overdue for testing and checking. This is an obligation of the landlord under health and safety regulations.

We thanked Mr Tyrens for notifying us of the issue with the extractor fan. It is a pity he had not reported it earlier. We immediately ordered a new unit, and the issue was fixed within days

29/08/23

I would like to complain further about ongoing issues with the flat (■■ Cooper's Court, AB24 3XY):

There was a breakdown at the University district heating facility, which caused an interruption beyond our control, however this was resolved very quickly by them, within a few hours, and not the 12 hours that he suggests.

-plumbing issues remain, with the kitchen tap dripping and loose again from the base;

We refute this.

-the toilet cistern remains problematic;

We refute this.

-the sink in the shower room does not drain properly;

We refute this.

-there is significant black mould in the shower, exacerbated by the extractor fan having been unchecked and inoperative for some time;

Mr Tyrens only reported the issue a week prior to this email and by this time the extractor had been replaced. We do rely on residents to report issues in a timely manner, but Mr Tyrens did not do this. In all reasonableness, we cannot do daily/weekly checks on extractor fans. The 'black mould' was mild discolouration of the seal around the shower base and was replaced.

-cleaning of the communal areas, scheduled in the tenancy document as monthly, has not taken place for some time - probably two months;

We refute this suggestion. Deep cleans were carried out regularly.

-lack of cleaning has caused issues such as a recent maggot infestation in the kitchen;

Tenants, including Mr Tyrens, had not emptied refuse bins in the kitchen, during warm weather, and this attracted flies. An infestation is rather exaggerating the issue however we did intervene to resolve this. We do not check the flats every few days and would expect it to be obvious to the students that not emptying refuse may cause this problem. Our flats are not assisted accommodation. Tenants were reminded of the rules around emptying bins. We provide bin bags and food waste bags in the laundry room free for the tenants to replace the bag in their accommodation in order to encourage regular changing of the bin in the accommodation.

24 hour notice for visits of staff has not been consistently provided;

We refute this suggestion. No examples of this have been provided.

-some disturbance from residents in the building (seemingly building contractors) over the summer period and not affiliated to the university, smoking (incl. cannabis) in the courtyard area;

This was not reported to us when it happened, and we have no way of policing this. We have no evidence or reports from others that this took place.

-checks to electrical appliances were significantly overdue and have only just been completed, yet the oven continues to overheat for the settings;

The oven is operating as it should. Mr Tyrens made complaints to HMO office that our electrical certification was out of date however this turned out to be a false allegation.

-the freezer is problematic and there is frequent over-icing (every 2-3 days) causing the door to open without warning and defrosting food.

Issues with freezers are usually caused by misuse by tenants (leaving doors open or having the setting too low). The fridge freezer was checked and found to be operating correctly. Aberdeen City Council HMO office will be able to confirm this.

I remain disappointed that many issues already raised with you have been overlooked for some time or have not been addressed properly.

05/09/23

I would like to complain further about tenants'rights being overlooked by the landlord/property manager at Cooper's Court. Recently visits to the property occurred again without 24 hours notice. This has happened frequently over the course of several months. Furthermore, there remain ongoing maintenance issues, many of which have been reported to you several times but have not been resolved. Plumbing remains problematic and it is not the responsibility of tenants to resolve these, as you have attempted to suggest previously. These plumbing issues have also been reported to Aberdeen City Council. Lack of cleaning of communal areas is unacceptable and is not as scheduled in the tenancy agreement. It is particularly unreasonable to introduce new tenants to a flat where it has not been cleaned for months. I noticed that the flat was not sufficiently clean when I moved in. The fire alarm was triggered recently and it is not clear why this was. It was noticed, however, that the alarm in my room was not sounding and I mentioned this to the maintenance team. I am not aware of whether this has been followed up or not. The internet connection is of very poor quality and is particularly intermittent at times. I would also like to request an update on the structural engineering of the building and its safety, particularly in light of recent reports about RAAC. The building appears to contain significant amounts of concrete and seems to be of the age similar to buildings reported with issues. I would like to request reassurance about the structural safety of the building and information about when this was tested. Given your hitherto nonchalance regarding health and safety matters (e.g. electrical testing overdue and oven overheating) I have reason not to feel confident about the standards in the building. Finally, I would like to report that the intercom does not appear to work for the flat. This could be a security issue and given that this is often a concern for residents, it would be appreciated if this could be looked into.

We refute that we have not given the proper notice period for visits. We do reserve the right to enter the property if we consider there is an emergency.

The issues reported to Aberdeen City Council were inspected by the HMO office and were found to be in order with no further follow up required. Aberdeen City Council were satisfied that the complaints were not valid and unfounded.

The fire alarm was triggered recently. They can be triggered by steam from shower rooms, toasters or sometimes (and against rules) vape devices. The fire detections system is operating correctly.

The internet is not of poor quality. It is provided by an external company and speeds are very good. We have not received complaints regarding this from others. There is a helpline if there are issues.

Regarding RAAC. We have had the building inspected by a firm of consulting Engineers with considerable experience of this issue. The building, from their investigations, does not have RAAC present.

It is objectionable that Mr Tyrens continues to provide defamatory comments regarding myself. He again refers to electrical safety certification which was not in fact overdue and the oven which has been tested.

07/09/23

I would like to complain about regular noise disturbance from the resident in room [REDACTED] who has recently moved into the flat. Music, loud-speaker conversations, online TV/ films are heard from the room especially, but not uniquely, during the quiet hours and this is disturbing the peace of other residents. I would appreciate it if you would contact the resident about this. Noise carries very easily in the flat/building.

We cannot be expected to police matters like this. The flats are for independent living. Residents need to have toleration of each other and report any disturbance when it happens so we can ask a residential assistant to visit or intervene.

13/09/23

I would like to complain about the lack of heating in the flat / building which is making living conditions uncomfortable when the temperature drops. Last night the outside temperature fell to 3 or 4 degrees c. (3 degrees c. was recorded at Aberdeen Dyce weather station at 6am). Lack of heating affects humidity levels too, in bedrooms and also in the bathrooms which can encourage mould to develop (as was the case in one of the bathrooms). I have monitored the therma - hygrometer in my room and it has regularly exceeded comfortable levels of humidity recently due to the lack of heating (ventilation when the exterior temperature is low or humidity levels high is not a solution). The lack of suitable heating can have an effect on the health of residents, too. I have raised concerns several times previously about the lack of heating.

The heating is operational and working as it should. Conversely, some residents say it is too warm sometimes. It has been noted on flat inspections that Mr Tyrens keeps a convector heater in his room. This contravenes the Occupancy Agreement and could be a fire hazard. We asked him to remove this but don't believe he has done so.

Tenants' rights have been overlooked on a number of occasions with regards to providing 24 hrs notice before the landlord or landlord's representative (s) visits the property. Only recently I have observed that this occurred on the 16/8/23, 17/8/23, the 28/8/23 and also when a tenant moved in last week. You seem to refer to this as 'petty' in your correspondence, but I am afraid that it is not for you to decide what the rights of tenants should be, which should be upheld and which should be overlooked. It is not for you to decide either what is indeed lawful or not. I have previously expressed my concerns about a sense of harassment in your email correspondence.

We refute this suggestion entirely. If we have had to effect access it has been due to an emergency. It is not for Mr Tyrens to decide what we regard as an urgent situation.

Internet connectivity issues continue, and this is supported by at least one other resident I have spoken to recently. Plumbing issues are also ongoing with issues that should be simple to resolve (dripping taps, washbasin not draining). It is not, as you have seemed to suggest, the responsibility of tenants to resolve plumbing issues themselves.

We have not received any complaints regarding internet connectivity but did raise it with the provider who tested the connections and found no faults.

We, at no time, suggested that residents should resolve plumbing issues. Mr Tyrens is referring to the requirement that residents do not allow the sinks to become blocked with hair and other detritus etc. This is, reasonably, a function of regular cleaning of the sinks by residents which Mr Tyrens apparently refused to do.

I requested information about the health and safety report / structural safety report for the building but you have not yet provided this information. I am not aware of a gas safety certificate either, so perhaps you would be able to reassure with this too.

I had written to Mr Tyrens and to Mr Stewart MSP regarding the inspection for RAAC. There is not any RAAC in the building. Structural engineers have confirmed that they do not see any evidence of this.

Mr Tyrens raises the matter of a Gas safety certificate. Since there is no gas supply to the building this would seem a rather unnecessary requirement.

28/10/23

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

Aberdeen City council have liaised with us regarding the allegations and have been satisfied that the issues raised are either incorrect or have been attended to.

The removal of rubbish is a collective responsibility of the residents

We asked the tenant to remove the box. Mr Tyrens, himself had been using a drying screen and was asked to remove this too. This seems to have kindled an outrage from him to the point that he complains incessantly about a pair of shoes in the corridor. Overseas students from some cultures and backgrounds often remove their outdoor footwear before going into their room. It does not cause any fire hazard as depicted below from a cleaning visit

Again, he has been reminded that disturbances need to be reported in a timely specific manner so they can be investigated

A copy of my reply to him is enclosed.

Email 30/10/23



31/10/23

Please would you ask other residents to remove their belongings from the hallway. There are still items cluttering the hallway such as collections of shoes and this is a trip hazard as well as a potential fire safety hazard, not to mention making it difficult to clean.

Thank you for your cooperation.

[See above note](#)

02/11/23

I would like to complain about significant disturbance last night and today from above, either a flat or staircase. There was a lot of shouting last night around 2.30am, and this woke me and no doubt affected other residents. Then this morning around 11.20am there were several bouts of screaming, seemingly a female voice. There is clearly no consideration for other residents by some tenants, or their guests. I would be grateful if you would remind residents of their obligations under disturbance of the peace regulations.

There continues to be corridor clutter. If we have been asked to clear the corridor on the grounds of fire safety as per email last week, then this applies to all residents. I have previously informed you that one or more residents are not complying and I mention it again here. On top of this, plumbing inefficiencies continue, but I have already made you aware of this and of Aberdeen City Council's advice to me for the next stage, if necessary. I reported in a previous email at some point about the fire alarm not appearing to operate in my room. Whilst I hear the alarm when tested from the corridor (testing can be irregular), the alarm unit does not appear to sound in my room. If this is a fire safety matter, I imagine that it ought to be followed up.

Thank you for your cooperation.

We replied to Mr Tyrens and investigated the disturbance. Notices were posted reminding tenants to respect the comfort of other tenants regarding noise disturbance.

We asked tenants to not store items outside their rooms though we did not agree that a pair of shoes was likely to cause any hazard. We must be sensitive of cultural beliefs and many people from other countries do find it unacceptable to wear outdoor shoes in living spaces.

Testing of the fire alarm is weekly and only one was missed during the 2 years he has been with us – as earlier explained this was due to staff attending an emergency (an unwell student).

There are adequate sounders in the flat and we are audited by the fire service

03/11/23

Thank you for your reply. The shower temperature is problematic in the shower room with the window.

We replaced the thermostat.

14/11/23

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

Mr Tyrens was reminded of the tenants own responsibilities to keep the property tidy and clean in between visits. His refusal to join a cleaning rota was noted.

A full response to his complaint is in the appendix.

Email dated 14/11 23

22/11/23

Your recent email was found in my spam folder. I have responded previously to similar questions and do not intend to repeat all answers. I have also requested that emails that seek to intimidate by making demands that tenants pay more than is affordable, cease. Such emails would be deemed harassment and I have been advised to report such emails to the police.

We suspected that Mr Tyrens was no longer a student at the university and asked him to provide proof in the form of a letter from the registry. This is not an unreasonable request. This is a PBSA and tenants are required to be registered students. This request seems to have caused him to react in an outraged manner.

We have tried to assist Mr Tyrens with signposting to sources of tenant information that would assist him with his inability to budget for paying rent

We do not deem any of our correspondence to be harassment.

13/12/23

I would like to complain about the resident in room [REDACTED] who appears to have a long-term guest staying. The person staying seems to have been here for several weeks and it has been noticeable that the visitor is / has been unwell with long bouts of coughing. Whilst it is unfair on other residents to have others using the flat as a hotel for their guests who use the communal facilities, there could also be potential welfare issues. The person seems to be of a similar religious/ ethnic background, wearing a [REDACTED]. I have found the behaviour of the [REDACTED] resident in room [REDACTED] to be increasingly inconsiderate. I have asked [REDACTED] to clean up after using the kitchen for cooking, but little has changed, and only yesterday I found [REDACTED] confrontational when I turned off the kitchen tap that I thought [REDACTED] had forgotten to stop - [REDACTED] had left it running and went back to his room for a while. When I asked why [REDACTED] was leaving the tap running [REDACTED] arrogant answer was that it's 'for cleaning and, it's okay, there is too much water'.

See below.

14/04/24

I wish to complain about the resident of room [REDACTED] who appears to have a long-term additional resident staying in the room. The additional resident appears to be female and is left in the room for many hours whilst the usual resident leaves. Beyond the fact that this additional person would be using the facilities for residents, there may be welfare issues to consider - there have been some loud conversations from the room, too. The resident of room [REDACTED] also leaves the kitchen untidy after use and it would be appreciated if this could also be pointed out to [REDACTED]

18/05/24

Dear Mr Oakley,

I have spoken to Police Scotland this evening to discuss a pattern of intimidating behaviour by the resident of room [REDACTED] in my flat (believed to be an [REDACTED]). Recently, [REDACTED] behaviour became more concerning to me and I believe I am being targeted in particular. [REDACTED] has been confrontational in the past when asked to clear up after using the kitchen, but I have not spoken to [REDACTED] for some time since. Nevertheless, [REDACTED] behaviour is sometimes of concern and this has been noticeable this month. Recently [REDACTED] threw the broom down the corridor, slammed doors, I believe intentionally, and only the other day mimicked spitting at me as I walked past in the corridor. This is unwanted behaviour, and it feels threatening. I thought it would be best to pass this on to you and the property manager to deal with initially to see whether there may be concerns more broadly.

Thank you for your cooperation.

[See below.](#)

23/06/24

I wish to express further dissatisfaction regarding the behaviour of the resident in room [REDACTED]. This morning there was loud clashing of doors (intentional I would suggest) and [REDACTED] has also been going into the cupboards I use in the kitchen. Today [REDACTED] placed the strainer from the kitchen sink with remnants of food items into my bowl in the cupboard. [REDACTED] regularly leaves the kitchen and other communal areas unsuitable for use by other residents and this is unacceptable. I have already reported some of his intimidatory behaviour towards me - such as mimicking spitting at me in the corridor - to Police Scotland. I would be grateful if you would contact [REDACTED] further about this recent inconsiderate behaviour.

Thank you for your cooperation.

[See below.](#)

25/06/24

I would like to express further concerns about the resident of room [REDACTED] who has become increasingly threatening. This is unacceptable, and [REDACTED] continues to leave communal facilities, such as the kitchen sink unusable for other residents (see photo attached). [REDACTED] leaves the building without tidying away [REDACTED] belongings or washing up. When challenged [REDACTED] becomes immediately threatening - [REDACTED] suggests that [REDACTED] is 'warning me'. I take that as threatening behaviour and I have informed [REDACTED] that I will be reporting intimidation/ harassment to Police Scotland. Perhaps you wish to reinforce the message about [REDACTED] obligations as a resident, especially in accommodation with communal facilities.

Thank you for your cooperation.

The correspondence above is best explained in summary below.

Mr Tyrens had developed what would seem to be a 'dislike' for this overseas resident who we found to be a polite individual. Mr Tyrens went as far as to inform the police of the student's behaviour. Police attended on Saturday 20 April along with our Property Manager and found that the report against the student was unfounded. Police spoke with Mr Tyrens for some time, and it was after that that Police informed us that Mr Tyrens was understood not to be regarded as a student. Police also confirmed that they consider his reporting to be malicious.

After that, since Mr Tyrens had chosen to involve Police, we felt that it would not be sensible to intervene regarding specific allegations. We did offer to speak with Police Scotland about alleged incidents, but Mr Tyrens refused to provide incident numbers.

Our property manager did contact Police Scotland, but they could not discuss the matter with her.

We did find alternative accommodation for our overseas student, away from Mr Tyrens, in order that he was not subjected to, what we believe to be, victimization and harassment by Mr Tyrens towards a student.

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]

Mark Oakley

From: Mark Oakley
Sent: 06 December 2022 13:50
To: JONATHAN TYRENS
Subject: RE: Occupancy agreement

Dear Jonathan

Thank you for your email of 25/11/22.

I apologise for the delay in replying due to my annual leave as explained.

In accordance with your occupancy agreement, if the occupancy agreement has not been brought to an end on 3 December 2022 by either party giving not less than 2 months' prior written notice (and we note that it has not happened here) the occupancy agreement will continue month to month until it is terminated by either party. Our preference is therefore for this agreement to continue on that basis moving forward and not to enter into a new occupancy agreement with you. We would have appreciated more notice of your intentions, however, and would be grateful if you could now confirm to us your intended length of stay at the property. We do not think it unreasonable, for tenants of short term accommodation, to be able to provide some indication of length of stay in order that we can schedule availability, property maintenance/inspection and occupancy levels.

The agreed rent for the property was due on 01/11/22. This is now 35 days overdue and I have written to you several times to politely remind you of this and it is only now that you provide reasons for the delay. You elude to 'issues with the accommodation' however we consider that these 'issues' have been addressed and should not be capable of being justification to delay payment. Notwithstanding, we are prepared to allow a certain amount of leeway, regarding prompt payment, however interest will still accrue on the account (but not necessarily invoiced). You should therefore arrange payment to reach us this week if possible. The rent due for the period of one calendar month will be due on 03/12/22 and we will inform you of the amount due this week. The rental amount, for extending the agreement, will be calculated, pro-rata, based on the original agreed sum. We would ask that you adhere to the dates due as agreed.

With regard to the issues you have raised, we do consider that these have been responded to. I have outlined below the issue raised and our response to you in summary.

- **You considered that notice was not given to enter the property during your initial period of tenancy.**

I replied to you on 16/09/22.

"Firstly, I would like to address your concern regarding access to the property. The month of September sees an influx of nearly 100 residents to our 2 properties. Catriona is extremely busy during that time and is very conscientious with regard to ensuring the rooms and communal areas are ready. You were concerned that she accessed the flat without notice of 24 hours being given. We undertake in the agreement issued that maintenance visits will be communicated, if possible, giving notice of 24 hours. Catriona did access the flat to check another residents room was ready for their arrival but at no time did she access your room that the agreement covers. Where possible she likes to personally show around a new resident and introduce herself. You were good enough to arrive giving plenty of notice and promptly however often our residents travel plans are sometimes changed or they are delayed and we have to let them in to the property without much notice. If we were carrying out actual maintenance work that could be noisy or be in your room then we will always try to give notice unless it's an emergency of course."

I understand that it was explained to you, on your arrival, that other residents would be arriving in the coming days.

Since then, we have always given 24 hours email notice of entering the flat. For clarity, we are not obliged to provide notice of 24 hours to enter the building and it is impossible to agree to that given that our property manager has her office in the building. We do not believe we have breached any tenants rights by our actions.

You elude that Mr Kevin Stewart MSP had not been responded to however this is not the case. Explained that, you copied Mr Stewart in to your email but used an incorrect email address for him and the email bounced back when I replied to you both. I corrected that and forwarded the full response to him on the same day as I'm sure he will confirm. I have responded to all other communication from Mr Stewart in a timely manner and usually the same day.

- **You complained of "non-residents using the resources paid for by other tenants"**

Tenants are allowed to have visitors to the property and we do not state that they should inform other residents if they intend to do so. We would regard the necessity to do so to be part of any informal agreements between the occupants of the flat. In a shared flat it would be normal that residents agree certain housekeeping arrangements between themselves eg bin emptying rotas. Reasonably, our property manager cannot supervise the 'day to day' living arrangements and behaviours of our tenants in accommodation that is provided to allow independent living unless a tenants behaviour is particularly repugnant or disruptive in which case we would intervene. Fortunately, these cases are rare and a simple mediation is all that is usually required to resolve the situation.

In this context, we consider "using resources paid for by other tenants" to mean actual property of the tenant eg a television, towels or food for instance.

- **You felt that the monthly cleaning rota has been late.**

We provide a monthly thorough clean of the flat. We did not undertake to carry this out precisely 1 month after your arrival. A clean was carried out on 17/10/22 and subsequently on 14/11/22 and there will be a further clean around the middle of December. There are many flats to clean and it is very difficult to be precise about dates of this. You will be provided with notice of 24 hours by email however, as with any planned visit.

- **You felt that that the heating is not adequate.**

I responded to an email from Mr Kevin Stewart regarding this matter on 30/09/22 and also responded to you on that day.

The response to Mr Stewart is below and we assume you were informed of this

"I confirm that the building is heated and that we have had no other complaints from the many residents of Coopers Court. The building is heated by modern radiators with steam provided by the University. In common with other university accommodation, the system is controlled by a timer which ensures that the building is heated during normal times of demand. Our property manager is present at the accommodation, during working hours, and has confirmed that the building is adequately heated. We do not access individuals rooms, without notice, however the radiator has been checked and is operating correctly."

Unless you have other matters to raise then we consider that all of the relevant issues you have brought to our attention have been addressed.

Thank you for bringing to our attention the Scottish Governments recent legislation and we confirm that we are fully aware of this. I can also confirm that all matters raised on your behalf by Mr Stewart have received prompt replies.

I look forward to receiving your reply regarding confirmation of your residency term and would be grateful if you could confirm payment dates of the overdue rent for your occupancy.

Look forward to hearing from you

Kind regards

Mark Oakley
Managing Director

From: JONATHAN TYRENS
Sent: 25 November 2022 11:50
To: Mark Oakley
Subject: Re: Occupancy agreement

Thank you for your recent message. I have been away on research visits and I am probably away at the end of next week, but I don't think an inspection is necessary - I don't plan to move during the early winter period, at least. I would, therefore, be grateful if you would extend the tenancy agreement electronically.

Apologies for the slight delay in rent for this month, however I am awaiting returned funds from HMRC. There have been delays outwith my control, but I believe that this should be with me within the next couple of weeks. I would generally prefer a monthly payment; I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord / landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

With regards,

Jonathan P. Tyrens

BA (Hons) MA MLitt

----- Original Message -----

From: "Mark Oakley"

To:

Sent: Thursday, 24 Nov, 22 At 09:03

Subject: Occupancy agreement

Dear Jonathan

As you know, your occupancy agreement ends on 03/12/22.

I would be grateful if an appointment could be arranged to inspect the room condition prior to your departure. We do not believe that there will be any issues however it is a formality that should be undertaken to allow return of your deposit.

I understand, from previous correspondence, that you have been out of town on research trips recently and would be grateful if you could indicate your availability prior to that date so that we can carry out the inspection. You can be present at the inspection or we can access, with your permission, in your absence

Can I suggest Friday 2nd December (AM) or let us know if another time suits you better

Kind regards

mark

Mark Oakley

Managing Director



Mark Oakley

From:
Sent: 12 December 2022 13:32
To: Mark Oakley
Subject: (Case Ref: KS7633)

Dear Mark,

Thank you for your email – I hope this finds you well.

In terms of Mr Tyrens, I do not feel as though you have been acting unreasonably. Thank you for your cooperation on this matter.

If you could provide me with further information regarding your concerns with the Cost of Living (Tenant Protection) (Scotland) Bill 2022 I would be more than happy to write to Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government, on this matter.

I look forward to hearing from you.

Kind regards,
Kevin

Kevin Stewart MSP

Mark Oakley

From: Mark Oakley
Sent: 23 May 2023 16:03
To: JONATHAN TYRENS
Subject: RE: Accommodation charges

Dear Jonathan

Thank you for confirming this.

To be correct, the payments you have been recently making to us have not been agreed with us as a 'payment plan' as advised on Shelter Scotland's website.

https://scotland.shelter.org.uk/housing_advice/money_help/rent_arrears

I am surprised that you regard my correspondence as "intimidation/harassment" but apologise if you consider them to read as such as they are not intended to be. We are simply following the steps advised on websites, that provide advice for such undesirable situations, including the Scottish Governments own website.

If we did not clearly point out the facts and state our position we would be regarded, in law, as not having acted correctly which I hope you understand.

Kind regards

mark

Mark Oakley
Managing Director

From: JONATHAN TYRENS
Sent: 23 May 2023 13:22
To: Mark Oakley
Subject: Re: Accommodation charges

Thank you for your recent message. I am focused on my thesis and preparation at the moment and am only responding to essential emails. My GP, too, has given me suitable advice to alleviate stress.

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

https://scotland.shelter.org.uk/housing_advice/complaints_and_court/landlord_harassment

Mark Oakley

From: Mark Oakley
Sent: 30 October 2023 17:19
To:
Cc:
Subject: RE: Complaints

Dear Jonathan

Thank you for your email.

Addressing each of your complaints in turn.

1. I would like to complain about ongoing plumbing issues in the flat.
All previous issues raised had been investigated and attended to as notified to you on several separate occasions. The kitchen tap you refer to remains slightly loose but fully operational and is not leaking. It is, however, the second tap in that kitchen. When we have suitable opportunity, and as discussed previously, we will be replacing but, in the meantime, we intend removing the second tap and leaving the functioning hot/cold taps and sink. One tap and sink is adequate for the size of the kitchen. We may re-think the design however we do not want to put the kitchen out of use for obvious reasons.

You have previously alleged that the toilet flush is problematic, and this has been tested.

You also alleged that one sink does not drain but we have found that it does.
2. I have also noticed that there is a temperature regulation issue with one of the showers.
This is the first time that we have received a report of this issue, We will schedule a plumber to attend, We will need to know which shower has a fluctuating temperature issue and have received no other complaints about this but will investigate it
3. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention.
This has been fixed on Friday the 27th of October. It was reported by another tenant and regarded as urgent enough to require immediate attention. We would not want anyone becoming stuck outside the flat and do not regard this as an 'ongoing situation' as you allege. The locks fitted are good quality ASSA manufacture and should be maintenance free.
4. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks.
A general Notice was issued on Friday for the sparkle clean, it was difficult to determine the days in which the cleaning was to take place as there was a change to the staff involved. Flat 9 have received 24 hours' notice of attendance at 10.15am on Tuesday the 31st of October. The last sparkle cleaning was undertaken week beginning 9th of October. We refute that the cleaning is irregular.
5. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly.
This issue has been covered regularly in your earlier messages and is not a responsibility of the accommodation providers but that of the residents as stated in the Occupancy agreement. Most shared flats organise a cleaning/bin emptying rota. We cannot organise this for you. We do send regular reminders about emptying bins with Notices of cleaning.

6. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay.

On Friday, all residents were asked to remove personal items from the corridors. I understand that you often have a drying rack in the hall and should desist from putting this there as it will impede safe exit in an emergency. A laundry room with dryers is provided for this purpose and there is an outside area if weather is suitable for this. We provide storage for suitcases, boxes and other items and tenants are encouraged to use this facility

7. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

This is the first that I have been made aware of any issue by anybody, the fact that I am now being told some days after the disturbance is difficult to follow up on. We cannot investigate the business of other tenants to that extent but will address your concerns if notified soon after the occurrence.

You allege that Aberdeen City Council have "tried to liaise with us" and should point out that they have, in fact, been in contact with us and are satisfied that any relevant maintenance needs have been addressed.

I hope this clarifies our position but, as offered, would be happy to meet with you and your advisor, as witness, to discuss these and the other issues arising out of your tenancy.

Kind regards

Mark Oakley
Managing Director

From:
Sent: 28 October 2023 12:43
To: Mark Oakley
Cc:
Subject: Re: Complaints

Dear Mr Oakley,

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

Jonathan Tyrens

Sent via BT Email App



Mark Oakley

From: Mark Oakley
Sent: 14 November 2023 14:46
To:
Cc: Kevin Stewart MSP
Subject: Re Complaint
Attachments: Flat 9 corridor.JPG; Statement and next steps

Dear Jonathan

Addressing your complaints in turn

- *I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk.*

The communal areas of the flat are cleaned once per month (the last visit being 31 October) and between those times it is the responsibility of the tenants to clean these areas. Most flats organise a cleaning rota, but it is up to the collective tenants to decide how this is to be carried out. We do not empty rubbish bins or wash up crockery and cooking utensils etc. This has been explained many times to you.

- *There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway.*

I understand that there were 2 pairs of shoes in the hallway outside the doors. I would be grateful if you did not incorrectly assert that I have been dismissive of this when, as you know, we have acted on your complaint. We are not in attendance every day in the flat to monitor this, and it would be rather intrusive if we did so, however please feel free to submit photos as evidence and we will take this complaint up with the other tenants. Please find enclosed the condition of the hallway during a visit on 01/11/23. We reminded those tenants of the need to keep the hall clear after that. You have, in the past, obstructed the hallway with a drying screen as I recall.

- *There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening.*

You have been informed of the procedure for reporting excessive noise disturbance. As advised previously, it is too late to report these incidents days after the occurrence. You must report by telephone, at the time, so that we can deal with it.

- *Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.*

We will look at this again tomorrow however the tap has not been dripping on the numerous occasions it has been inspected. Perhaps someone is not turning it off properly. There are 2 taps in the kitchen.

Thank you for the link to Shelter Scotland's website. The advice to tenants is very clear, sensible and it is quite correctly, focussed on tenants who are renting their only home and may be made homeless.

The site has a specific section that deals with student accommodation and your rights, which you would be advised to read: [Eviction if you live in student accommodation - Shelter Scotland](#) .

I would be grateful if you could reply to my email of yesterday requesting proof of student status (a copy of the email is enclosed). This has been, reasonably, asked of you many times.

Kind regards

Mark Oakley
Managing Director

From:
Sent: 14 November 2023 11:32
To: Mark Oakley
Cc:
Subject: Complaint

Mr Oakley,

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

Jonathan Tyrens

https://scotland.shelter.org.uk/housing_advice/eviction

Sent via BT Email App