

MEMO

Shelter & Environment

Housing & Environment

Second Floor West, Marischal College



ABERDEEN
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	8 November 2012
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Part 5 of Housing (Scotland) Act 2006

Application for a Licence to operate a House in Multiple Occupation (HMO) at No.137 Morrison Drive, Aberdeen

Applicants: Ronnie MacAskill

Agent: James & George Collie, Solicitors

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 20 November 2012 for the reason that one letter of representation/objection has been received by the HMO Unit.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The premises to which this HMO Licence application relates is a first-floor flat with accommodation comprising 3 letting bedrooms, one public room, one kitchen and one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

The HMO licence application:

The HMO licence application is dated 27 July 2012 and was received by the HMO unit on 27 July 2012.

Work/Certification Requirements:

The HMO Officer carried out an initial inspection of the premises and identified upgrading work and certification required to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been completed although this is not the reason for referral to Committee.

Letter of Representation/Objection:

One letter of representation/objection was received by the HMO Unit on 16 August 2012, within the statutory 21-day time period, and is therefore competent. The letter is attached as Appendix 'B'.

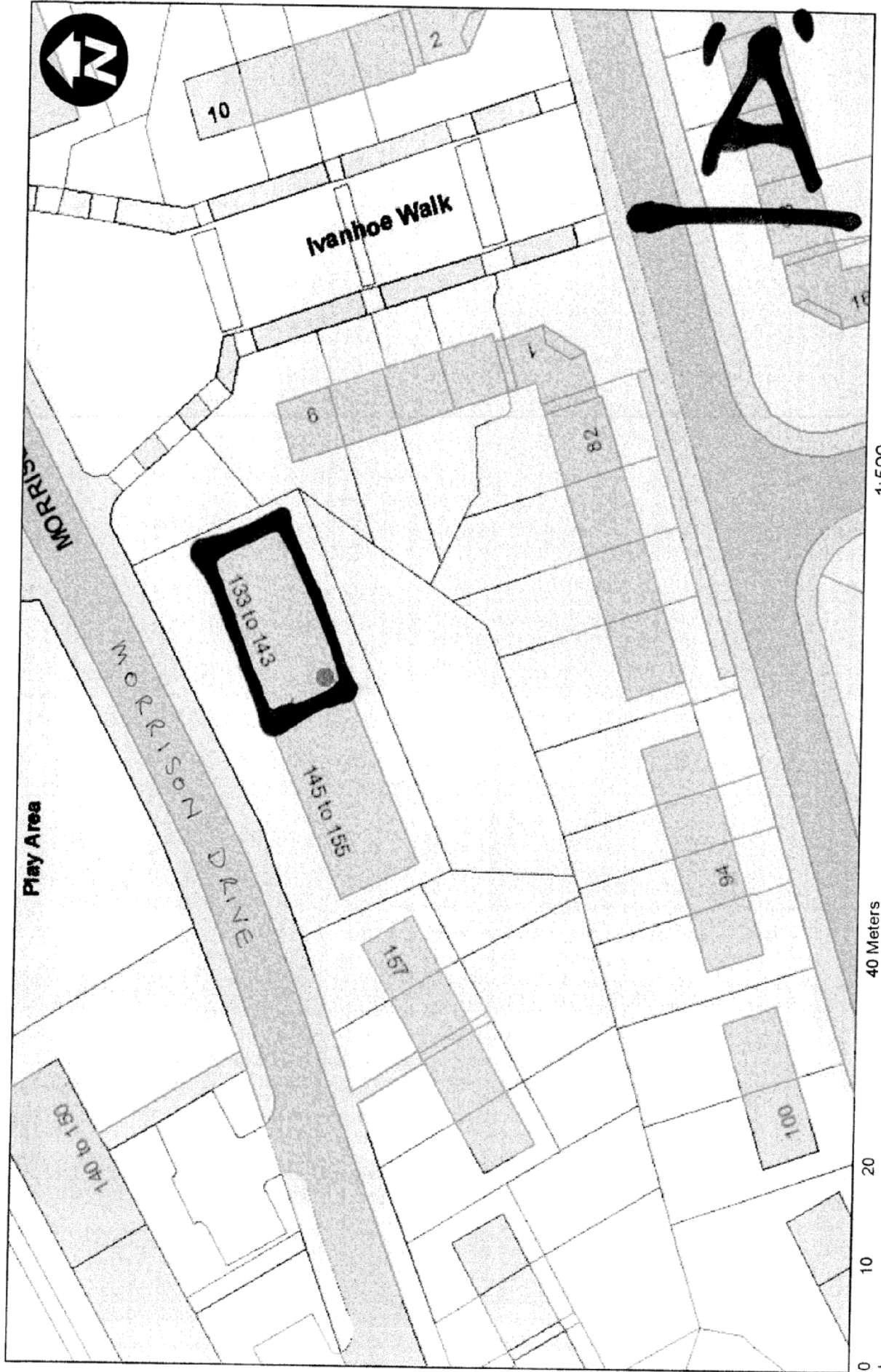
Other considerations:

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of 2 complaints in March 2009, both alleging anti-social behaviour, however none was witnessed by the Team.
- The applicant and property are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 persons which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration was submitted prior to the expiry of the previous HMO licence, therefore the premises may legally be operated as an HMO until the application is determined.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

Ally Thain

Private Sector Housing Manager



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'B'

Mr Currie



15.8.12

Dear Sir,

I would like to oppose the application for multiple occupation of 137 Morrison Drive Garthdee Aberdeen AB10 7HB. The past and present tenants of this flat have shown little or no regard for others. On several occasions now we have had water flooding our bathroom. The last instance of this has been checked by a plumber and the cause could only be attributed to willful negligence on the part of the tenants to keep the water inside the fitted shower area of the bath. The tenants also make no effort to mop up any spills.

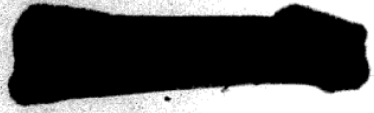
The landlord's agent is already struggling to control the three tenants in occupation and I fear my quite enjoyment of my own property would further be undermined if an HMO is granted.

There are several HSE issues involved with these repeated floods all of which have been made known to the landlord's agent.

So as past events have shown I have little faith in the choice of new tenants or the agent's ability to ensure they behave in a respectful, safe manor. The existing tenants show a total disregard to property damage and HSE issues they are causing. I know the agent has spoken to them several times but as they are a group of three the culprit is hard to identify.

I don't see how an HMO would improve things. The disjointed nature of the tenants would only aggravate the lack of respect for property and safety.

Yours



Gordon Currie

Aberdeen City Council
Housing & Environment
DATE RECEIVED
16 AUG 2012
Private Sector Housing Unit