

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House



ABERDEEN
CITY COUNCIL

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	18 November 2009
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Civic Government (Scotland) Act 1982

(Licensing of Houses in Multiple Occupation) Order 2000

Application for the Grant of a Licence to Operate a House in Multiple Occupation (HMO) at No.59 Victoria Street, Aberdeen

Applicants: Stephen Robertson

Agent: Margaret Duffus Leasing

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that a letter of objection has been received by my HMO Unit.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is a top-floor maisonette flat contained within a three-flatted block, with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence application was received by the Council on 12 October 2009. The HMO Officer visited the premises on 3 November 2009, then he wrote to the agent on 9 November 2009, listing several requirements to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been met.

Letter of objection:

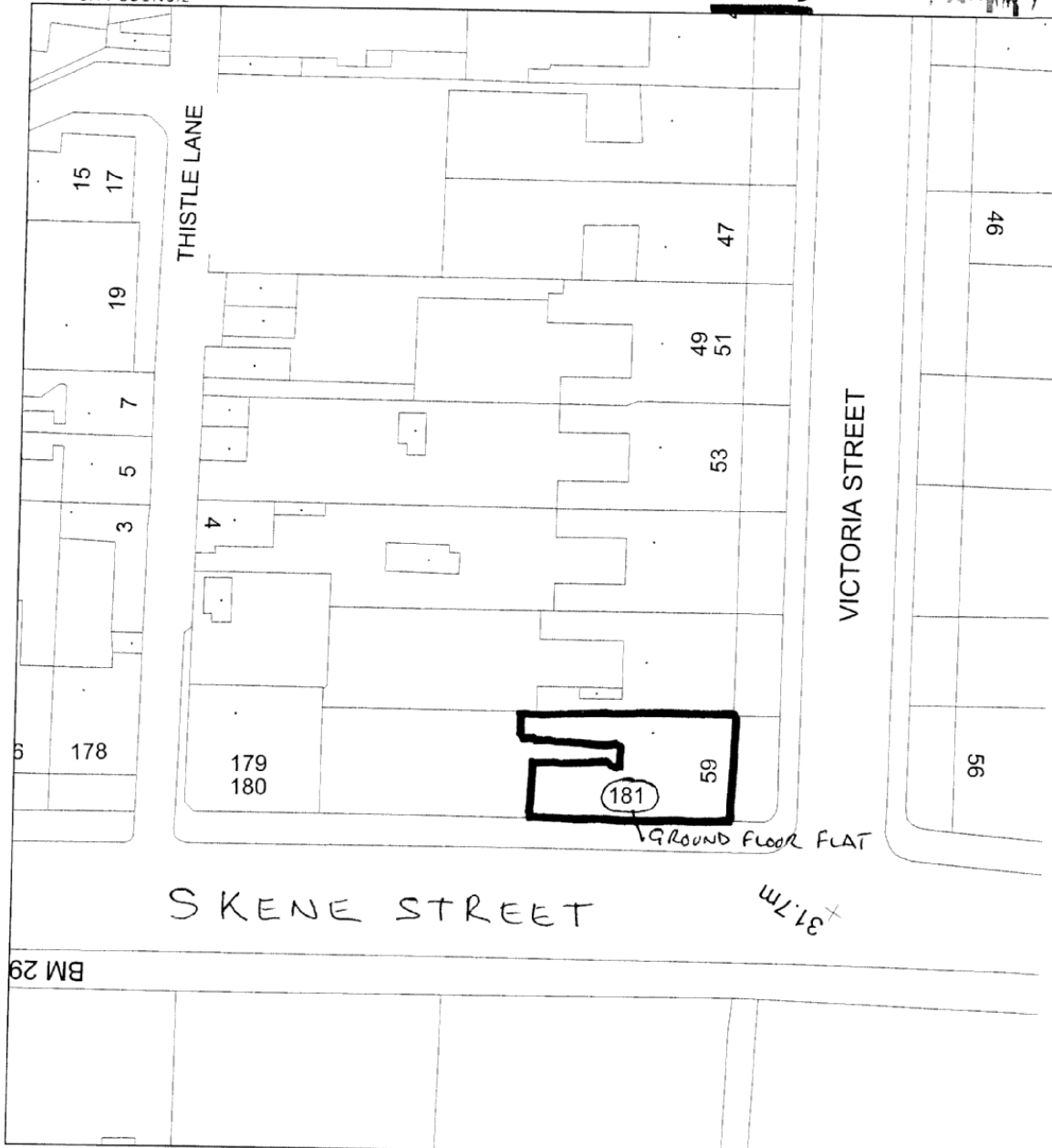
The HMO Unit received a letter of objection from M.R.Whiteley, 59 Victoria Street, Aberdeen (attached as appendix 'B'). The letter was received within the statutory 21-day period for consultation and is therefore a 'competent' objection.

Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of the top-floor flat at No.59 Victoria Street, Aberdeen.
- The applicant and his property are currently registered with the Landlord Registration scheme.
- The applicant, who lives in Australia, held an HMO Licence between 29 September 2006 and 28 September 2009. As stated above, the pending HMO Licence application was received on 12 October 2009, therefore it cannot be dealt with as a renewal application. At the time of the HMO Officer's visit, the property was occupied and in use as an unlicensed HMO, and this was highlighted to the agent. The agent has since e-mailed, confirming that one tenant has moved out and there are currently two tenants living there, which brings the property below the HMO threshold.
- The objector lives directly below the HMO property.

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

Ally Thain
Private Sector Housing Manager



Title: HMO LICENCE APPLICATION
PREMISES: 59 VICTORIA STREET, ABERDEEN
Scale: 1:500 **Date:** 21 October 2009 **Map Ref:** NJ9306SW

© Crown copyright. All rights reserved. Aberdeen City Council - 100023401 - 2008

'B'
=

59 Victoria Street
Aberdeen
AB10 1UX
19th October 2009

HMO Unit
Housing & Environment
4th Floor
St Nicholas House
Broad Street
Aberdeen,
AB10 1BX

ABERDEEN CITY COUNCIL	
Neighbourhood Services: Central	
Attention:	
Date Received:	21 OCT 2009
Action Required:	
Copies To:	

Dear Sirs,

Objection to HMO Application
Mr S Roberstson

I am the owner of the property below Mr Roberstons property and I write to confirm my objection to the application for HMO status posted on Victoria Street to on 09th October 2009 which is within the prescribed 21day period.

I am very concerned that there has been no notification of intent for a change of status from either the owner or the HMO unit my address which is immediately affected by the application.

The formal public notice was located on an adjacent lamp column adjacent to No 57 where a previous notice of intended roof repair to No 57 was also displayed and therefore the display was in a misleading and inappropriate site.

My objection is based on the following facts which I can substantiate further as required:

Conservation Area

The change to HMO is inappropriate and inconsistent for a historic Grade 2 listed building in a sensitive conservation area since it leads to a low commitment to appropriate levels of maintenance for such an important location.

The commitment to maintain a property let to tenants is obviously less than that where the owner is present and prepared to invest in maintaining acceptable standards. The property is in an important conservation area which should not be subject to deteriorating standards resulting from HMO status.

Maintenance

The property is not subject to a factoring agreement so it is impossible to establish or impose acceptable common maintenance agreements with tenants or absent landlords. In order to try to maintain reasonable standards it has been necessary to paint maintain and upgrade the common access area to my own individual cost.

I consider that it is unreasonable to assume that I should incur more cost as a result of the increased footfall resulting from HMO.

Maintenance has been deteriorating since the property has been let and both the previous and the existing tenants have not addressed roof leakage and general stairwell cleanliness.

Damage from previous tenants has occurred to the common access due to unruly parties and

the downstairs owners had to formally complain about unacceptable noise and unacceptable behaviour from the previous tenants.

This was simultaneous with unreasonable littering to the front garden which is within my property boundary

Security

Tenants currently leave the common street access door to both properties unlocked allowing unrestricted access to the property. Resulting from some late unsocial hours disturbances from the existing tenants the lock barrel was changed with 4 keys allocated for the use of the property 3 of which were passed to the tenants indicating high occupancy of the property. The security door is still left which negates my home insurance policies which is based on a having security access to the property.

There have been instances of unsocial disturbance in the early hours of the morning.

ASBO's

Previous multiple tenancies have resulted in unacceptable behaviour to the previous owner of 181 Skene Street who occupied the lower floor through a single access on Skene Street.

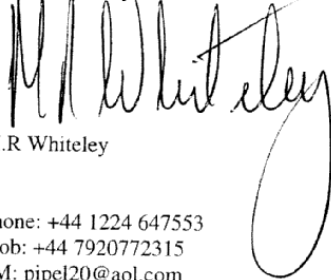
Whilst this has not led to a requirement to apply to the council for environmental review the noise from the previous upstairs tenants did cause extreme concern.

Whilst the existing student tenants are responsive to discussion the future is less certain and with the difference in age profiles will lead to increasing concern since clearly HMO is driven by financial considerations by letting the property by rooms rather than having an individual responsible for the property leading to an increased risk of ASBO's in the event of future unsatisfactory tenants.

To summarise this objection is based on a desire to maintain the conservation status of an elegant property with responsible owners with a commitment to maintaining standards. Letting a property within HMO will lead to a further deterioration in a property which already requires maintenance. It is not acceptable to increasing the footfall to my property which will lead to increasing the need to maintain common areas already neglected by the existing tenants.

I wish to know of the formal procedure to object to an approval of an HMO and whether this will require a formal lawyers representation in the event that my objection is ignored and approval of the HMO is given.

Yours Faithfully



M.R Whiteley

Phone: +44 1224 647553
Mob: +44 7920772315
EM: pipel20@aol.com