

MEMO

Private Sector Housing Unit

Communities, Housing & Infrastructure

Second Floor West, Marischal College



ABERDEEN
CITY COUNCIL

To	Eric Anderson, Team Leader, Corporate Governance		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	allyt@aberdeencity.gov.uk	Date	18 June 2015
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.17 Morrison Drive, Aberdeen

Applicant/s: Peter A.Mutch

Agent: Aberdeen Considine & Co.

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 30 June 2015 for the reason that one letter of representation/objection was 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 property at No.17 Morrison Drive, Aberdeen, is a first-floor flat with accommodation comprising of 3 letting bedrooms, one public room, one bathroom & one kitchen. The plan attached as Appendix 'A' shows the position of the premises.

The HMO licence application:

The HMO licence application is dated 31 March 2015 and was received by the HMO Unit on 31 March 2015.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 31 March 2015 – 24 April 2015.

Letter of Representation/Objection:

One letter of objection from Julie Gilliatt was received by the HMO Unit on 16 April 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The objector has been invited to attend the Committee meeting and her letter of objection is attached as Appendix 'B'.

Letter from Licence-Applicant

The licence-applicant, who has also been invited to attend the Committee meeting, submitted a letter in support of his application. His letter is attached as Appendix 'C'.

Other Considerations:

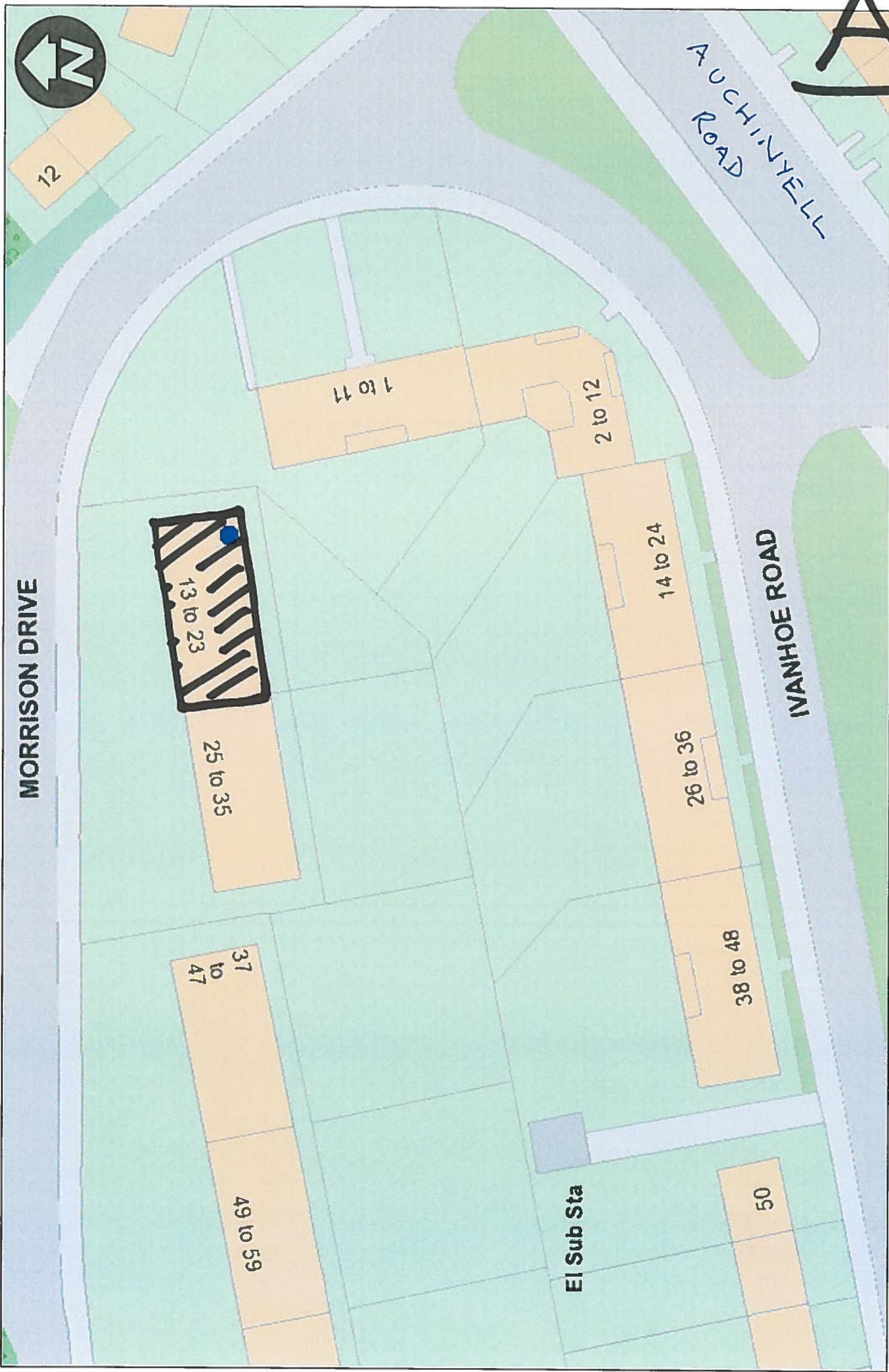
- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of the objector making 2 complaints of anti-social behaviour at No.17 Morrison Drive, Aberdeen. The complaints were made on 29 November 2014 & 17 December 2014, and both complaints alleged banging and thumping from within No 17 Morrison Drive. The ASBIT team advise that no anti-social behaviour was witnessed.
- The objector copied me into her e-mail correspondence with the landlord's Agent, Aberdeen Considine & Co. in December 2014 and January 2015. The correspondence concerned excessive noise from within No.17, and a damaged ceiling caused by water leaking from No.17.
- The applicant and his property are currently registered with the Council.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant was originally granted an HMO licence in April 2012, and the application under consideration is to renew his HMO licence.
- No.17 Morrison Drive is contained within the 6-flatted block numbering 13, 15, 17, 19, 21 & 23 Morrison Drive. No.21 Morrison Drive is a licensed HMO.

- All HMO upgrading work has been satisfactorily completed therefore the Committee may grant the HMO licence if they are so minded to do so.

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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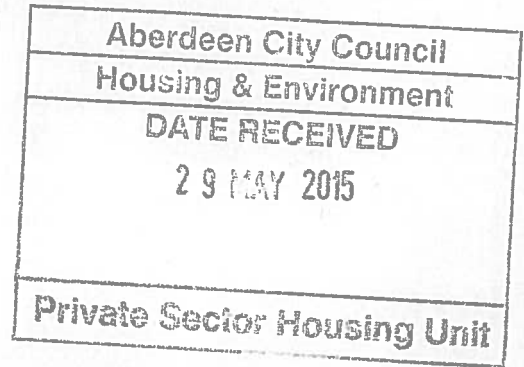
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27th May 2015

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Mr Ally Thain
Private sector housing manager
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Dear Mr Thain

HMO Application 17 Morrison Drive Aberdeen

Further to your letter dated 16th April and in response to the letter of objection received I would like to say how surprised I was to receive this notification.

3 years ago when I first successfully applied for an HMO I made a point of speaking to the other tenants of the block. Julie Gilliat in particular had reservations regarding the noise levels generated by the previous owner, a single parent with 1 child. I made a point of giving her not only the 24 hour tenant emergency response number for my agents Aberdeen Considine but also my own mobile number in case there was anything that she was unhappy with.

In the past 3 years neither I nor Aberdeen Considine has heard any complaint from Ms Gilliat.

I will answer the points made in the same order as they were raised by Ms Gilliat

1. Environment-This issue has never been highlighted previously by Ms Gilliat or indeed raised by any of the other 4 occupiers of the building. Aberdeen Considine inspect the property and its environment on a 3 monthly basis and have never observed any issue with rubbish .I have also checked with Grampian Housing the factors and they have had no complaint from Ms Gilliat or observed an issue .
2. Security-Again no previous report of this from Ms Gilliat. There is a small piece of brick which is inside the front door. This has been there since I checked on 17th April having received your letter. It was still there today so obviously not causing too much concern .
3. Safety-Neither I nor Aberdeen Considine have any knowledge of this issue. As it was a safety issue I would have thought Ms Gilliat would have reported this to the anti social behaviour unit.
4. Noise -This was an issue Ms Gilliat raised when I first met her. For the next 3 years she has not mentioned it again. On 30th November 2014 she requested a visit from the anti social behaviour unit who informed Aberdeen Considine of the complaint of excessive noise during a party at 1030pm.This was the 1 and only incident reported to the unit.

Aberdein Considine spoke with the tenants on 1st December 2014 and reminded them of their obligations to the property and requested that there was no reoccurrence of this type of behaviour. They also hand delivered letters to the neighbours to the property to apologise for any inconvenience and to update them that the tenancy at the property would be ending soon.

Following on from this I immediately served notice on the tenants with 2 months notice and they left on 1st February 2015. I am sorry for Ms Gilliat's issues but I'm not sure what more I can do. In general older tenements are not well sound proofed; the noise from the flat above is clearly audible in my property too.

5. Damage-I am sorry but yet again Ms Gilliat has not made either me or Aberdein Considine aware of any incident. I have certainly never been asked to investigate any claim or reimburse Ms Gilliat for any damage which may have been caused.

I am aware of a faulty washing machine pipe which leaked and was quickly replaced and my hall and kitchen walls were damaged when the apartment above flooded, perhaps this also affected Ms Gilliat.

In summary I have had 3 tenants in 3 years without complaint or notice of any issues. The last tenants who were in the property for 9 months have caused a noise issue for Ms Gilliat which when I was made aware was sorted immediately by serving notice to them. I would dispute Ms Gilliat's other complaints which have never been notified to any relevant party despite my agents and my own numbers being in her possession and her obvious awareness of the role of the anti social behaviour unit and that of the factor Grampian housing.

I am a responsible landlord and this is my 1 and only property. I have attended to HMO requirements quickly and effectively so would be disappointed to be refused a renewal based on historical issues that were never raised or notified at the time.

I would like Ms Gilliat to enjoy a safe, peaceful and happy environment and will continue to avail her of the appropriate contact numbers to report any issues if they occur. I will attend the licensing committee meeting on 30th June so I may answer any questions that may arise.

Kind regards,
Yours sincerely

Peter Mutch