

Private Sector Housing Unit

# Communities, Housing & Infrastructure

Second Floor West, Marischal College



То	Eric Anderson, Team Leader, Corporate Governance		Ellinon.	
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 Re	f.	

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: Aberdein 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'.

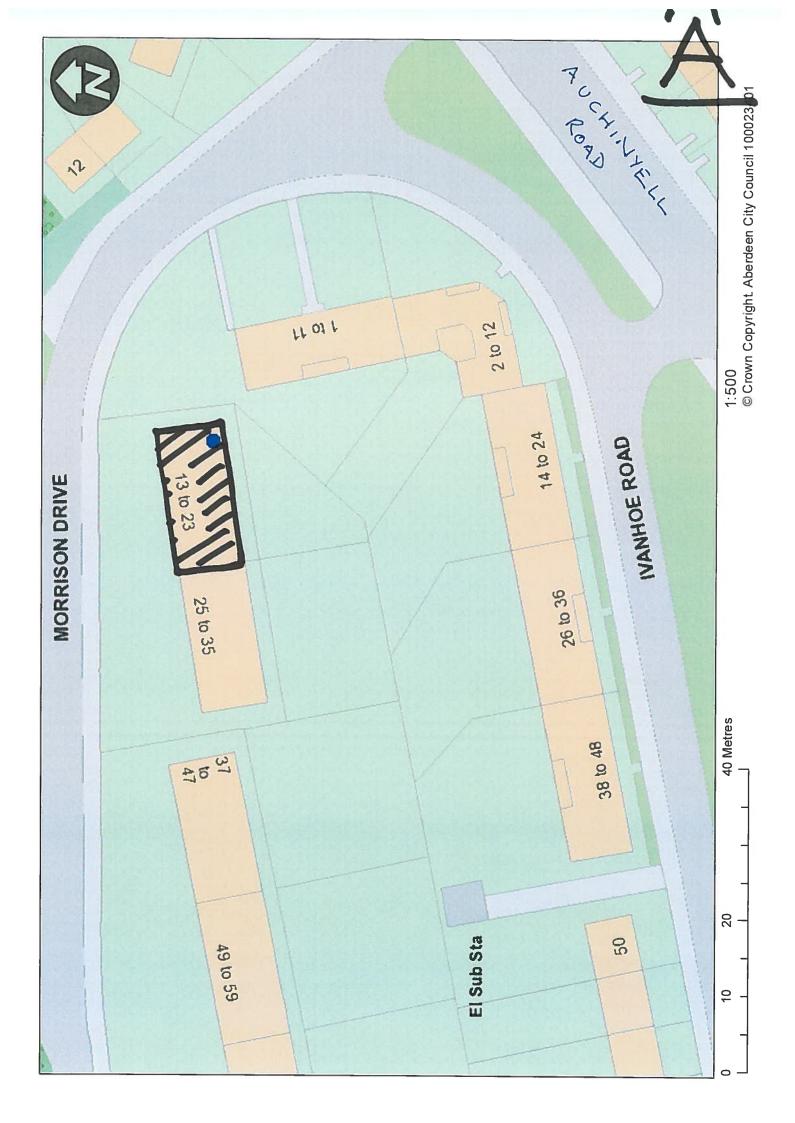
### Other Considerations:

- 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, Aberdein 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



HMO Unit
Housing & Environment
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

15 April 2015

Ms Julie Gilliatt

B

To the HMO Unit

Re: Application for HMO licence at Number 17 Morrison Drive

I would like to register my objection to the renewal of the above application due to the following

- 1. Environment Due to the tenants using all the bins for their rubbish, myself and other residents in the block have had to have locks fitted to our bins, this has led to the tenants leaving their rubbish at the side of the bins and myself and other residents having to clear up the mess.
- 2. Security The tenants used to prop the main front security door open with a brick so they could get in the building.

  this caused me concern as anyone had access to the building.
- 3. Safety If the tenants couldn't get in, they continually rang my buzzer. If I switched off my buzzer they would knock on my window, this would happen at all hours of the day and evening and as I live alone I found this very unsettling.
- 4. Noise Due to the lack of soundproofing from Number 17, I have had to listen to constant banging and stomping, this has caused me a lot of distress. My 8 year old Grandson has always stayed with me at least 1 night a week. This had to stop as he was not able to sleep due to the noise from number 17. I have to apologise to family and friends who come over to see me because of the noise, this makes it very difficult for me to relax in my own home. When it got too much for me, I did get the antisocial behaviour team to come out and after being in my flat and listening to the noise they went up and spoke to the tenants. I have also had to spend several nights sleeping on the sofa in my lounge as the tenants would keep me awake at night. I have kept a diary log of this
- 5. Damage I have lived in my property for over 20 years and had never had any problems with damage, yet in the last 12 months I have had hundreds of pounds of damage to both my kitchen and bathroom and as the damage was caused by water I cannot claim off the landlords insurance unless I can prove negligence so I am going to have to pay for the repairs myself. I received no apology from either the tenants or the landlords for the damage caused to my property.

I used to live in a safe, secure, peaceful and happy environment. For the past 12 months I have hated being at home, and as I am over 60 years of age, I am finding it difficult to deal with the stress caused by the continual disturbance from the tenants.

I would like to be happy at home again, I would love to have my family and friends over without having to apologise to them and to have my Grandson back in my life on a regular basis.

Aperceen Sty Council

Yours faithfully

Housing & Environment

DATE RECEIVED

16 APR 2015

Julie Gilliatt

Private Sector Housing Unit

(

27" May 2015

Mr Ally Thain
Private sector housing manager
Aberdeen City Council
Business hub 11
2<sup>nd</sup> Floor West
Marischal college
Broad street
Aberdeen AB10 1AB

Dear Mr Thain

Aberdeen City Council
Housing & Environment
DATE RECEIVED
2 9 MAY 2015
Private Sector Housing Unit

#### **HMO Application 17 Morrison Drive Aberdeen**

Further to your letter dated 16<sup>th</sup> 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 Aberdein 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 Aberdein 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. Aberdein 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 .
- 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 17<sup>th</sup> April having received your letter. It was still there today so obviously not causing too much concern.
- 3. Safety-Neither I nor Aberdein 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 Aberdein 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

 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 30<sup>th</sup> June so I may answer any questions that may arise.

Kind regards, Yours sincerely

Peter Mutch