

# MEMO

Private Sector Housing Unit

**Operations & Protective Services**

Lower Ground Floor West, Marischal College



**ABERDEEN**  
**CITY COUNCIL**

To	Fraser Bell, Chief Officer - Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	7 February 2019
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.13 Roslin Terrace, Aberdeen**

**Applicant/s: Andrew House**

**Agent: Stewart Property Services**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 19 February 2019 for the reason that one written representation 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.13 Roslin Terrace, Aberdeen, is a semi-detached three-storey house providing accommodation of 6 letting bedrooms, one bathroom, one shower-room, one cloakroom, 2 kitchens & 2 public rooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 8 January 2019 and was received by the HMO Unit on 11 January 2019.

**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 between 9 January 2019 – 4 February 2019.

**Letter of representation:**

One written representation was received by the HMO Unit on 16 January 2019, within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Letter from Applicant:**

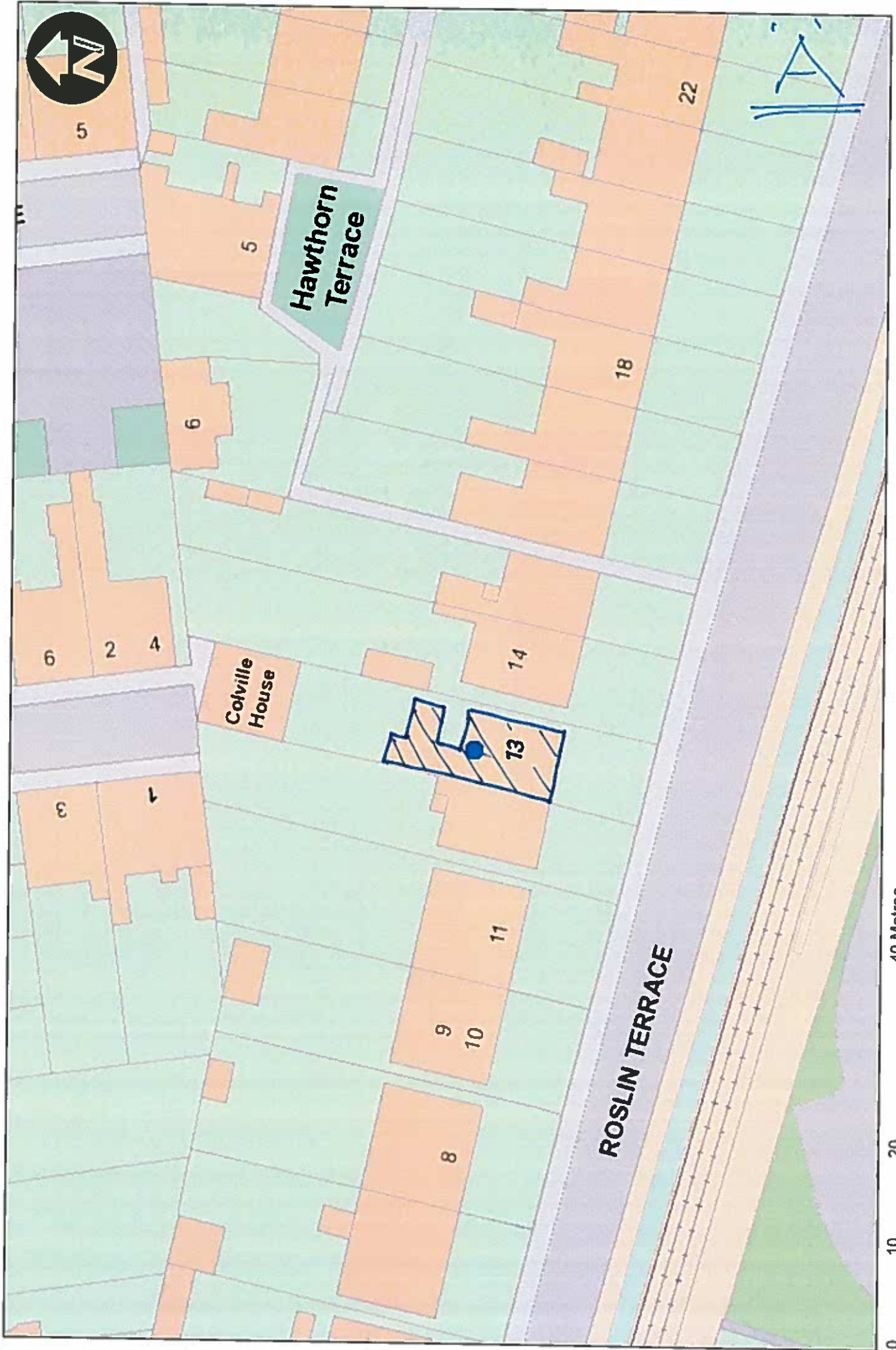
The agent, on behalf of the applicant, submitted a letter in response to the letter of representation. The letter includes an e-mail from the current tenants of No.13 Roslin Terrace, and is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person and 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 made no comment or objection.
- The letter of representation describes several instances of alleged anti-social behaviour, and the Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of responding to a complaint of antisocial behaviour within No.13 Roslin Terrace, Aberdeen, in May 2018, and a similar complaint in September 2018. On both occasions, no antisocial behaviour was witnessed.
- The applicant, agent and No.13 Roslin Terrace, Aberdeen, are currently registered with this Council.
- The applicant has requested an occupancy of 6 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew a current HMO licence. An HMO licence for the property was first granted in October 2005.
- The properties at Nos.1, 2, 3, 7, 11, 12, 15, 16A & 19 Roslin Terrace, Aberdeen, are currently HMO-licensed.
- Following receipt of the licence application, the HMO Officer carried out an initial inspection of the property which identified a need for several repairs to be carried out and safety certificates to be submitted to the HMO Unit. At the date of this report, these requirements have not been completed, however I will update the Committee on 19 February 2019.

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



1:500

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40 Metres



B

14/1/2019

AS.

Miss U SUTHERLAND

AS.

To whom This letter is read by  
I would like to give you my  
reasons for ~~OBJECTING~~ of  
13 ROSKIN TERRACE and its plans  
for Multi OCCUPANCY.

I am 60 years old I work hard  
as a care worker, I start work  
at 7 in the morning, I finish  
at 10, home by 11 = 15 hours a  
day this also means, I work  
weekends, I get home sometimes  
next door parties till 4 in the  
morning, noise is terrible, spoke  
to them once, and was told to  
put earplugs in your old bag, my  
elderly patients would never behave  
like that, So you can see how  
hard that would be to sleep.

Then when I get home it is  
intimidating, to see hoards of  
people in the street front and  
back garden, and still see

f.t.o

them when I go to work.  
And then there is the broken  
glass and mess and rubbish  
thrown into my garden.

They also have used my back  
garden to Urinate. My car  
was also reversed into.

Then you have the TAXIS  
coming and going.

I am at my wits end here  
I just want the rest of my  
life to be peaceful, as I  
have lived for over 30 years  
at this address.

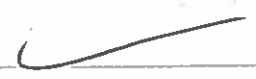
So please put a Stop to  
this address becoming MULTI  
occupancy, and let good working  
people enjoy peace and  
quite.

I do hope you can  
do this, as I am not selling  
up my house.

yours faithfully

Aberdeen City Council
Housing & Environment
DATE RECEIVED
16 JAN 2019
Private Sector Housing Unit

AC



Our Ref: AMM

24<sup>th</sup> January 2019

F.A.O. Ally Thain  
Operations and Protective Services  
Private Sector Housing Unit  
Aberdeen City Council  
Business Hub 1, Lower Ground Floor West  
Marischal College, Broad Street  
Aberdeen, AB10 1AB



RECORDED DELIVERY

C

Dear Mr. Thain,

REF: 13 Roslin Terrace, Aberdeen.  
Landlord Mr. House (Stewart property) Leasing Agent

Many thanks for providing visibility of the letter of objection regarding the application for House in Multiple Occupancy for 13 Roslin Terrace, Aberdeen which was submitted by Miss U Sutherland from

I must state that this was quite a surprise when I received this objection as I have never encountered an objection of any of the HMO properties which I have managed for many years. Nor was I made aware of any specific problem or issue at this property by any neighbour or other interested party.

This particular semi-detached property has been operated as a licenced HMO for 14 years and to my knowledge, the landlord and myself have never been made aware of any issues from any of the tenants which have resided in the property. All HMO's are subject to regular inspections and during these inspections along with inspections from the Fire Service, Council Officers and various trades persons, no one has ever raised concerns regarding the condition and the actions of the tenants within the property.

At no time have we been made aware of any issues by the objector and they have never contacted the landlord or myself and nor has the tenants raised concerns regarding complaints regarding their behaviour and general living conditions.

An HMO is subject to the same legislation as other properties regardless if it is private or council owned and any form of anti-social behaviour must be reported in the same manner. I have never been contacted by or made aware of any complaint to the Local Authority (Anti-Social Behaviour Team) or Police Scotland.

The current tenants have been in the property since July 2018 and I have already raised this objection with them and they have stated over the term of their tenancy that they have had two events (copy of email attached received from our tenants). The first event (some considerable time ago) did extend into the small hours however this again is no different from any other occupancy and again no complaints were raised to any concerned party. A second event also took place some

Ac.

Ac.



C

time after and on this occasion the tenants made the neighbours aware in advance that a party was to take place. Again, no complaints were raised, I would also ask is there any photographic evidence in regards to her allegations in her letter, reference broken glass etc in her garden?

Regarding the damage to the objectors vehicle, this was a minor accident which could have occurred at any place or time and the driver of the vehicle compensated the insurance excess to the objector and took full accountability for the incident. The status of the property being an HMO is not relevant to this matter.

I am also aggrieved that this letter has immediately provoked a full licencing committee meeting and I feel that this is a waste of resources regarding time and effort for all concerned. I believe a better use of resources would be for this 1 objectors letter to have been subject to an internal review by the HMO Officers to decide whether this should be taken to a committee meeting or not thus potentially reducing the number of applications which are to be heard at a full committee meeting along with the objectors and thus submitting the application.

I shall be in attendance to answer any questions which you require and please advise if you require any additional information which I can prepare in advance. I also remain open to speaking to the objector directly to answer any specific issue she might wish to raise,

Please confirm safe receipt of this letter and I look forward to hearing from you in due course.

Yours sincerely

AC

Anna Munro  
ENC

Ar.

Ar.



Tenants Email.

C

**From:** [redacted]  
**Sent:** 22 January 2019 15:16  
**To:** [redacted]  
**Subject:** RE: HMO visit

Hi Anna, thanks for your visit.

Firstly:

Regarding the neighbours, we have had no personal comments to ourselves either which is rather frustrating. The [redacted] is very kind to us, the [redacted] a bit more grumpy in all honesty. We have had people round once and they made no comment, we let them know people would be round, providing all of our phone numbers, so they could call us if there were any issues (eg we were not aware about bottles being thrown, and we attempted to be as respectful as possible as we know they have dogs). I know number [redacted] frequently have parties/people round so they might be confused with them on some occasions. Just to reiterate, *we have had no complaints to us which we feel is not fair.*

I personally accidentally reversed into their car on my way to work in the dark at 5am, their car was parked slightly out of a marked space, however I apologised, and **paid more than £200 in damages** so I also believe this has no relevance to a HMO licence, as this could happen to and by anyone. I believed this to be settled and can show you photo-evidence of payment and the 'scratch'.

Finally, taxi's come to both our flat and many other student flats on the street, never any later than 11pm. Again, we don't feel like this has implications on a HMO licence.

In our personal opinion, we believe we are very reasonable towards number [redacted]. We do feel that the [redacted], that lives there may have a bit of an 'ill opinion' on all students and student houses, as he has made some needless passing comments. The [redacted] is very nice and has had no issues with us.

Obviously if we feel like we have done something wrong we would admit to it. After the party we had (again, the neighbours were informed and given our contact numbers) we have decided to have no more, which we have abided to. We have had no issues with any other neighbours on the street.

Hope you understand our opinions, and you are welcome to come in on Saturday to fix the issues. I understand these issues have just been passed on to you today (as have we).

All the best, 13 Roslin Terrace girls