

# 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.61 Leslie Road, Aberdeen**

**Applicant/s: Michael J.McFadyen**

**Agent: Winchesters Lettings Limited**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 19 February 2019 for the reason that the HMO upgrading work has not been completed.

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 an upper-floor maisonette providing accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'.

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 8 March 2018.

**HMO upgrading works and certification:**

The HMO Officer carried out an inspection of the property on 21 March 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. The door handle to bedroom 3 to be repaired or replaced as necessary.
2. The common areas to be permanently clear of obstructions.
3. The loft areas to be cleaned.
4. The mechanical extract fan in the bathroom to be cleaned.
5. The bath sealant to be replaced.
6. The mould growth in bedroom 3 to be eradicated and the affected area redecorated.
7. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate, Portable Appliance Test (PAT) certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO and made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.61 Leslie Road, Aberdeen.
- The applicant, agent, and No.61 Leslie Road, Aberdeen, are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in April 2015.
- The meeting of the Licensing Committee on 19 February 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 19 February 2019. I will advise the Committee whether or not all requirements have been completed.

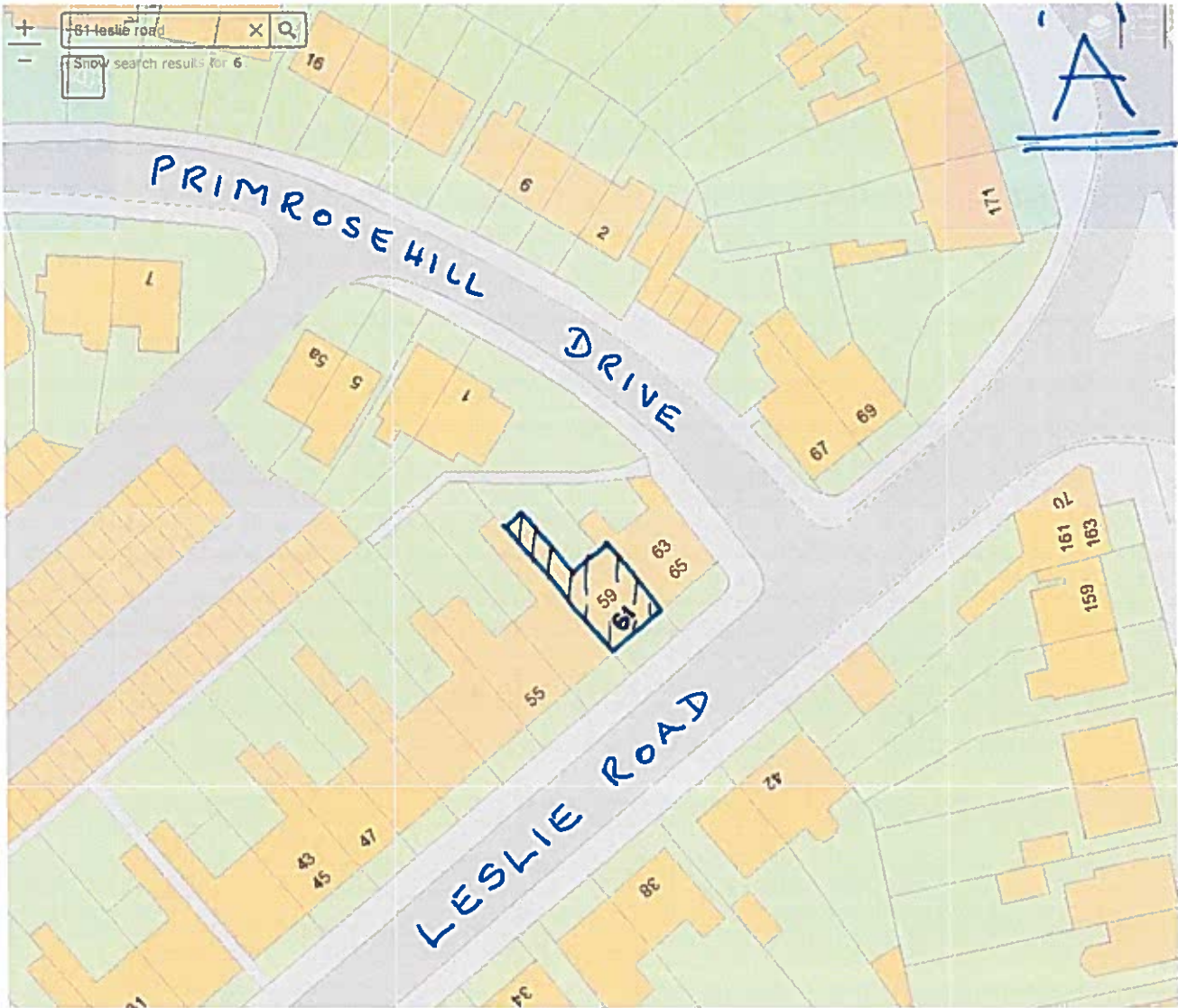
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager

Housing Web Map Application

Portal for ArcGIS

User Guide



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