

# LICENSING COMMITTEE INFORMATION SHEET

## 06 September 2023

### LANDLORD REGISTRATION

**TYPE OF APPLICATION:** LANDLORD REGISTRATION

**REGISTERED LANDLORD:** MIAN ALI

**RENTAL PROPERTIES:**

- 33 SEAMOUNT COURT, ABERDEEN, AB25 1DQ
- MCDONALD COURT 78A, JUTE STREET, ABERDEEN, AB24 3HB
- 7 SEAMOUNT ROAD, ABERDEEN, AB25 1DY
- 4 SEAMOUNT COURT, ABERDEEN, AB25 1DQ
- 6A CHARLES STREET, ABERDEEN, AB25 3TU

### INFORMATION NOTE

The Committee is requested to consider whether the applicant is a 'fit & proper' person to be registered as a landlord in relation to property management and condition.

The Scottish Government's 'Prescribed Information' legislation ([The Private Landlord Registration \(Information\) \(Scotland\) Regulations 2019](#)) came into force on 16 September 2019. Any landlord who applies to register or renew are required to declare they meet specific obligations. This requires applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition.

As a result of the above legislation, Local Authorities can request copies of safety certificates when required. If a landlord does not co-operate and supply copies of the required certificates/evidence a registration can be revoked/refused.

### THE LEGISLATION

This application for Landlord Registration is being dealt with under the provisions of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended. The Act states that when deciding whether a landlord is fit and proper, the local authority is entitled to take into account specified categories of information (albeit these are not exhaustive). There are three categories specified in the Act which can be summarised as follows:-

- (1) Material that shows that the applicant has—
  - committed any offence involving sexual offences; fraud or other dishonesty; violence or drugs;
  - practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
  - contravened any provision of the law relating to housing; or landlord and tenant law.
- (2) Material that relates to any actings of the applicant as respects antisocial behaviour affecting a house subject to a relevant lease or occupancy arrangement;

(3) Material the authority considers is relevant to the question of whether the applicant is a fit and proper person.

The Act further states that if an applicant knowingly provides false mandatory information or knowingly omits mandatory information (eg. A relevant conviction), the applicant will have committed a criminal offence under the Act.

## CURRENT POSITION

- The landlord in question is a registered landlord within Aberdeen City and it came to the attention of the Private Sector Housing Team on 16 January 2023 that smoke detection was not present in one of the above rental properties. Battery operated smoke detectors were fitted, in the interim, by the Fire Service. The Private Sector Housing Team contacted the landlord to request evidence that safety certification and smoke detection is in place for all 5 rental properties.
- Contact was made by email from the Landlord Registration Team, on 17 January 2023 to Mr Ali requesting copies of evidence that safety certification and smoke detection is in place for all 5 rental properties.
- Further attempts to request safety certification were made on:
  - 20 February 2023 (Email)
  - 22 May 2023 (Email)
- A representative for Mr Ali responded to email requests, however all certificates were not supplied within the deadlines provided.
- A request was made by the Landlord Registration Team to visit the properties and Mr Ali agreed to contact the team with dates. However these inspections have not taken place.
- Mr Ali's landlord registration is current, he may therefore act as a landlord until his Registration status has been reviewed by the Licensing Committee.

## OBJECTIONS/REPRESENTATIONS

- N/A

## REASON FOR REFERRAL TO LICENSING COMMITTEE

The Licensing Committee is requested to review Mr Ali's registration as a landlord in light of information not supplied by the landlord, when requested by the Private Sector Housing Team, that refers to 'Obligations' of being a registered landlord.

## OTHER CONSIDERATIONS

- Mr Ali submitted a renewal application on 16 June 2022 for Landlord Registration with the Council and paid the relevant fee and declared 5 rental properties. The application was approved for a further 3 years with an expiry date of 05 July 2025.
- Mr Ali has been registered as a landlord since at least July 2016.
- The above-mentioned legislation requires this local authority to determine Mr Ali's status as a registered Landlord, based on whether he is considered to be a 'fit & proper' person.
- The above-mentioned legislation allows local authorities to approve or refuse Registration applications and revoke approved Registrations. Where applicants are refused Registration or Registrations are revoked, an appeal to the Housing & Property Chamber for Scotland, First-tier Tribunal, is available to the applicant/landlord.
- If a local authority revokes a Landlord Registration, and the applicant does not appeal the decision, or any appeal is not upheld, the applicant cannot, by law, act as a landlord.