

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 11 December 2023

Request for Consideration of Landlord Registration

Item number

Report number

Executive/routine

Wards

All

Executive Summary

This is a request for the Licensing Sub Committee to consider the landlord registration of Mohammed Rezaq (Landlord registration application no. EDI-11135748-23).

This report outlines the procedures that the committee should adopt when considering this request and sets out the various options that are open to the committee.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Contact: Catherine Scanlin, Licensing Manager

E-mail: catherine.scanlin@edinburgh.gov.uk | Tel: 0131 529 4208

Request for Consideration of Landlord Registration

1. Recommendations

- 1.1 After hearing from Council Officers, Police Scotland and Mohammed Rezaq, it is recommended that the Licensing Sub-Committee revokes the entry of the landlord on the Register of Landlords.

2. Background

- 2.1 Landlord Registration was introduced in 2006 under the Antisocial Behaviour etc. (Scotland) Act 2004. Subject to some statutory exceptions, it requires landlords of let properties and Houses of Multiple Occupation to register with their local authority. The registered person is required to be a fit and proper person. The matters to which the local authority must have regard in considering whether a registered landlord is a fit and proper person are laid out in the Antisocial Behaviour etc. (Scotland) Act 2004.
- 2.2 The Act provides that the Committee must have regard to certain material, including whether the landlord has contravened any provision of the law relating to housing, or landlord and tenant law. As part of the registration process, applicants are asked to disclose relevant criminal convictions.
- 2.3 The actions of the landlord in relation to any antisocial behaviour affecting a house which they let or manage must also be taken into account.
- 2.4 Additionally, consideration must be given to any material that shows that the applicant has committed any offence involving:
- Fraud or other dishonesty;
 - Violence;
 - Drugs;
 - Discrimination;
 - Firearms (within the meaning of section 57(1) of the Firearms Act 1968); or that the applicant has
 - Committed a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995).

3. Main report

3.1 The entry for Landlord Registration (ref. EDI-11136748-23) (Appendix 1) of Mohammed Rezaq is for the following four properties:

3.1.1 126 Vexhim Park, Edinburgh EH15 3SE

3.1.2 114 Craigour Drive, Edinburgh EH17 7NT

3.1.3 1 Captains Road, Edinburgh EH17 8HY

3.1.4 15/2f1 Northfield Broadway, Edinburgh EH8 7PH

126 Vexhim Park

3.2 Checks carried out on Mohammed Rezaq show that in 2013 he failed to comply with a Repairing Standard Enforcement Order ('RSEO') for the property at 126 Vexhim Park. The repairing order was finally lifted in January 2021 on completion of the work.

15/2f1 Northfield Broadway

3.3 After neighbours raised concerns about the condition of this property, on 1 April 2022 Private Rented Sector ('PRS') officers forwarded a report on this property to the First Tier Tribunal (Scotland) ('FTT').

3.4 On 30 September 2022 the FTT served a RSEO on this property, with a three month compliance date. On reinspection on 14 March 2023, the FTT found incomplete compliance with the RSEO. On 5 May 2023 the FTT served a 15% rent relief order (which applies a 15% rent reduction) on Mr Rezaq with respect to his failure to comply with the RSEO on this property (Appendices 2a and 2b). On a subsequent visit to the property officers became aware that the tenants had not been made aware of this. Advice was provided to the tenants, and the FTT was updated.

3.5 On 20 July 2023 PRS officers discussed the failure to comply with the RSEO with Mr Rezaq. He stated that the majority of repairs were complete but financial difficulties precluded their completion. On 24 July 2023 officers forwarded Mr Rezaq a surveyor's report from a neighbour (Appendix 3) which stated that the floor of the property was dangerous due to rot/damp, asking him to resolve the issue urgently. Officers have tried to follow this up with Mr Rezaq on several occasions with no response to date.

3.6 Taking into account Mohammed Rezaq's history of failure to comply with RSEOs, the Committee is asked to consider revoking his Landlord Registration on the grounds that he is not a fit and proper person to be registered as a landlord with the City of Edinburgh Council.

3.7 If the Committee revokes the Landlord Registration of Mr Rezaq, the tenants at all four of his rented properties are at risk of being made homeless. PRS officers from the Homelessness and Enforcement teams would be able to give tenants advice and support, and ensure that any subsequent eviction notice was carried out legally under the current restricted measures for evictions.

3.8 Mr Rezaq has been invited to attend.

4 Measures of success

- 4.1 Not relevant, as decisions on individual registrations have to be considered on their own merits.

5 Financial impact

- 5.1 The Council's costs are contained within the fees charged for registration.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the First Tier Tribunal Housing and Property.

7 Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 None

11 Appendices

- 11.1 Appendix 1: Landlord Registration summary: Mohammed Rezaq
- 11.2 Appendix 2a: Report from First Tier Tribunal dated 5 May 2023
- 11.3 Appendix 2b: Report from First Tier Tribunal dated 5 May 2023
- 11.4 Appendix 3: Letter from Maintenance and Building Preservation Ltd dated 18 July 2023