APPENDIX 3

WRITTEN SUBMISSIONS

a) Applicant, Raymond Garden – 12/04/24

a) Written Submission from Applicant, Raymond Garden – 11/04/24

Response to Objections to STL Licence Ref /00756/23

2 Dunnotar Square, Stonehaven AB393UJ Dated 11 April 2024

Background.

I have owned the property for around 25 Years. I resided there for around 3 years. I have very fond memories of my time in Dunnottar Square.

Due to a moving abroad. I decided to lease out the house. I live in Thailand and will most probably remain there.

I commenced leasing out the property in 2002. I had 2 tenants in total. One for 13 years and another who stayed for 1 year.

Prior to the last tenant leaving the property, there were a number of issues. Property damage, noise at the weekend and smoking. I had seriously thought about selling the house at that point. I had no desire to repeat the experience of another bad tenant or pay an agent for basically sending out a bill once a month. All the time the property was leased, 14 years, I had only ever received one direct complaint. That was about the damage caused by my tenant to the sewage system by putting incorrect items down the toilet. I am not sure how anyone could possibly know what people flush down their toilet, that has never been explained to me. I called Briggs who service and repair the system. They told me they were not aware of any problem.

It was a prejudicial remark and I just left it at that.

I decided to go the holiday let route. It would supplement my pension and give Sharon some income too. And pay enormous sums in commission. It has become an important part of both our income streams <u>In</u> the last year or two it has business has slowed down considerably.

Sharon is the house <u>manger</u>. She has high standards, very competent, thorough nt and approachable. I have total confidence in her. I would never have attempted it with anyone else.

If am honest, I can say I had not given the neighbours as much consideration as I should have. Not long after we got started Mr Wark, suggested I should have informed all the neighbours of my plans. There had been so much hostility directed at myself and Sharon. I decided not to, which was a mistake on my behalf.

Statement

I want to put this right at the top of the agenda. My sister, Sharon Garden and guests to a lesser extent have both been, intimidated and confronted aggressively by one neighbour in particular. This can be backed up by some the reviews and comments in the visitors book. I am pretty sure the rest of the neighbours are of better character and don't know anything about it. If I am mistaken and they do support that kind of approach. I will withdraw my application immediately. If I cannot be sure about my guest's safety which is what the license is all about. I would prefer not to continue. Sounds a bit dramatic, but, please, do not doubt my sincerity.

There already has been a very serious incident where one of the guests was so aggressively confronted, with his young family present, by his own volition, called the police. He wanted action taken to ensure that this behavior was not repeated.

Sharon thinks residents at Dunnottar don't want her there. She has been confronted, sometimes quite aggressively.

Judging by your objections I feel there is an element of ganging up here. Some people live at the other side of the square and could not possibly be disturbed in any way.

Most items can be resolved by taking a commonsense approach and better communication.

There is not one constructive proposal in any of these objections. Everyone wants to complain but no one wants to fix it. In other <u>words</u> you say what you don't want but never say what you do want or how it can be achieved. We are willing to work with the community to try and resolve any issues.

In some cases, there seems to be a rule for me and not anyone else. Some the comments are really quite inappropriate.

Response To Objections

<u>First of all</u>, I would like to thank those who took the time and trouble to object.

There are some serious accusations, none of which have been substantiated, some items disingenuous. some at best are general comments.

However, I do take your objections seriously will and endeavor to answer as honestly and openly as I can.

I will start by commenting on the most common objections first and proceed to comment on each individual objection. Where I have aready addressed an issue, I will refer you back to my previous comment.

Public Notice

The public notice has come into a lot of scrutiny. I possess time stamped photos to substantiate it was posted no later than 30 Sep. They were taken on 30th Sep, a few days after it was posted. I asked Sharon to take the photos as I knew, going by the track record there would be accusations made. To say the public notice was not posted until mid-October is completely wrong.

The date is correct, where it was displayed is correct and duration correct. I followed the guidelines. If you feel the guidelines are not robust enough or misleading, I am the wrong person to take it up with.

If the notice had been placed, if the notice were posted in say upstairs bedroom window or not posted at all I fully understand why people would accuse me of being deceitful.

Further to that, it was placed inside the house because I did not want to present an opportunity for sabotage.

I am astounded so many have brought this into their objection. No one can have <u>first hand</u> knowledge because the accusation is untrue and can be substantiated. So, unless you think I have been up to some kind of electronic trickery I you have to take the evidence at face value.

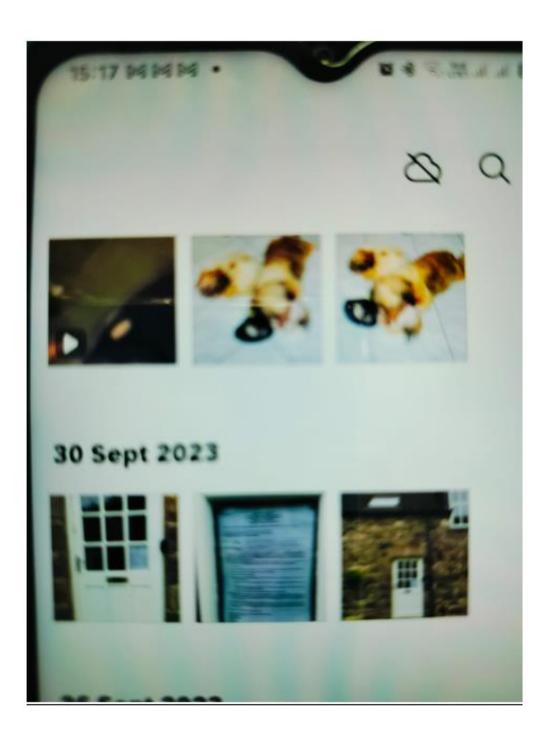
Sounds to me someone has just said mid - October and their word has <u>been</u> taken to be correct. What other explanation could there be?

Perhaps some people should examine their own integrity instead of questioning mine.

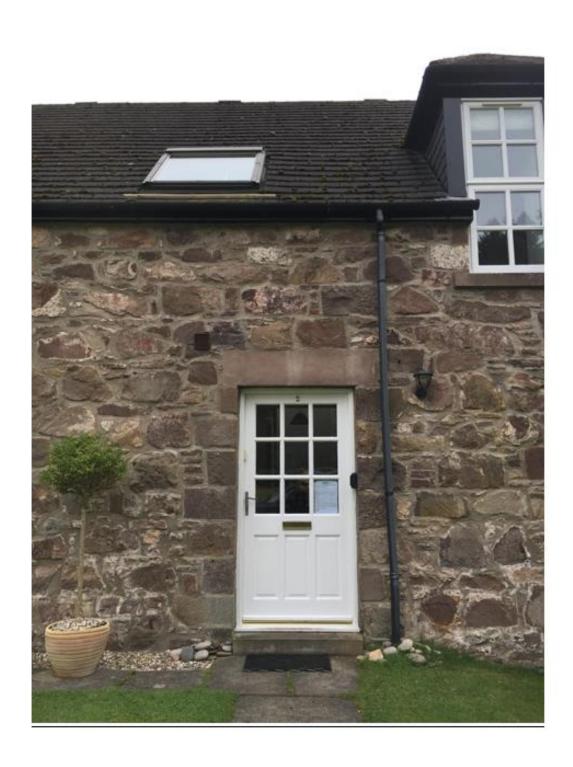
Sadly, that is where it has got to I do share some of the responsibility. If I had been on good terms with the neighbours, I could have informed them it was posted.

See photos, the date stamped ones are <u>pretty clear</u>. I had to take the photos <u>of my</u> phone. I don't know how to produce them with the date actually on the picture <u>itself</u> but I think they are clear enough.









Commercial Vehicles

I am not sure how accurate the statements are about multiple commercial vehicles. We target tourists. We had never envisaged workers (for want of a better term) showing up. One group behaved badly, smoking in the house, moving <u>furniture</u> and leaving the house in poor condition, took 6 hours work to get it ready for incoming. We had some Spanish tourists who removed property from the house. That is the only problem we have had with occupants in 7 years. The agents we use do not vet the clients.

We will have another look at the booking conditions to see if there is a way of excluding commercial vehicles or maybe only allowing one.

Parking

There should be no issue here if **everyone** follows the rules and uses common sense. One of the neighbours has demanded of guests, often in an aggressive manner, to remove their cars from the car park. This has been recorded in the both the visitors book and in some reviews. Some of the guests are good natured enough to laugh about it others are not, and probably never will return. This is nothing more than harassment

The person doing this, have absolutely no authority to do so. I seriously question the interpretation of the rules as per the title deeds. The whole idea that someone can misunderstand what the deeds say and then use that as a mark of authority to evict people, who have a perfect right to be there is ludicrous and discriminatory.

My sister Fiona when she visited my house Was asked by a lady who resides at Dunnottar to remove her vehicle from car park. <u>Obviously</u> she thought it was one of my guests. This type of prejudice is not acceptable and inappropriate. My understanding as per the title deeds is.

Every household has been allocated 1 parking space. It also says occupants are entitled to use that space. This has been completely overlooked. My clients are are legitimately occupants and therefore have every right to use the car park. Staying overnight in a visitor space is not permitted. It clearly states that on the title deeds that Mr Turnbull kindly provided. If the letter of the law is to be followed exactly. It means any visitor, that is, not an owner or an occupier, staying overnight are not allowed to leave their vehicle in the car park if the allotted space for that particular residence or occupant is already in use.

Can every resident put up their hand and say they follow those <u>rules? Exactly I</u> don't think so. It does not make any sense that family, friends etc. staying overnight at Dunnottar Square should be asked to remove their car. Has anyone ever asked their visitors to remove their vehicle?

Seems to me my guests again are being discriminated against.

There is an inconsistency. If you want me to follow the <u>rules</u> then everyone else has to do the same if that's what you want.

At the last count one neighbour had 4 cars and a camper van, see photo, maybe not correct now but it was at the time. He also has a method of parking his vehicles to take up the maximum space. (Same neighbour that evicts my guests from the car park)

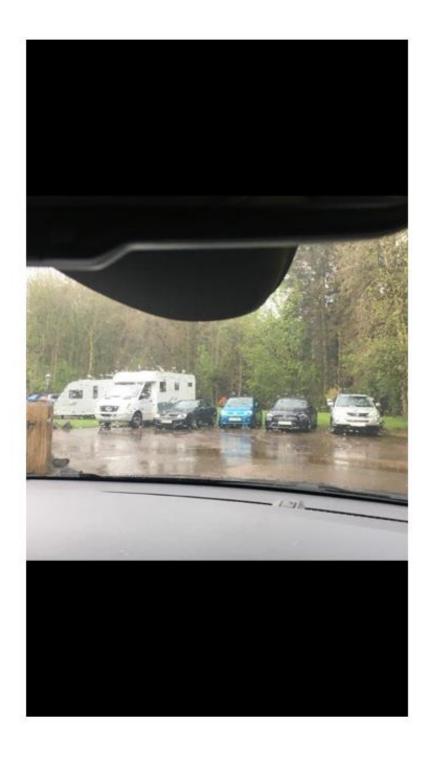
I have absolutely no objection at all, in fact I really don't care.

What I do object to, is my guests being excluded. They have every right to use the carpark.

In the title deeds commercial activity being undertaken in the car park is not allowed. Provision of goods or services from the car park has never been a problem as far as I know. Is parking a van a commercial enterprise? If that is thecorrect interpretation, in the interests of fairness is any commercial vehicle, regardless of who it belongs to should be excluded. I don't think any of the resident will tolerate that.

One way of handling this, is that the car park be divided up and one space numbered for each household and then 2 visitor spaces. I have no problem paying my fair share. I am pretty sure its an idea that won't be supported, why should it? All reasonable behavior should be tolerated with out imposing or having to enforce unreasonable rules or in the worst case, just making them up. In fact I feel there has been no issues with parking that cannot be approached sensibly I am surprised it forms such a dominant part of these objections. Recently a large sign was erected (see photo) saying the parking is for residents only. This is not correct. Obviously no one has pointed this out to the originator. Its obviously designed to prevent any of my so called guests using the car park. What other purpose could it have? I use the term guests very loosely as its obvious they are not welcome at Dunnottar Square.

My answer to all this parking issues is, tell me what you want and if its reasonable and everyone else is following the same rule I will comply too. I have not seen any suggestion on how to resolve issues around parking. Which seems to bother people so much.





Sewage System Maint and Repair.

In the past, Mr Turnbull and subsequently Mr Wark arranged the servicing and repairs with Briggs Environmental. I was then sent a copy of the invoices. I <u>always</u> paid my share promptly.

I have not received an invoice for payment for a number of years. After reading these objections. I telephoned Briggs Monday 8th April, they informed me they have not serviced or repaired the machine for almost 4 years. There process is to to have their invoices paid up front. The invoice had been sent to Dunnottar Square for payment. After they had sent several reminders they stopped. No contact has been made since then.

So, unless the vendor has been changed, which Sharon and I have never heard about. I am surprised its still running.

For the neighbours that say they are very concerned about the sewage system it seems to me they are not concerned enough have it serviced regularly. If the machine breaks down due to lack of servicing, and an expensive repair is <u>incurred</u> houses are affected. We all know how inconvenient that will be. By the sounds of it I will probably get the blame anyway.

All this talk about who is putting what down the toilet I find quite incredible. How has such knowledge been acquired? I have notices posted in the house addressing this. Again, another example of discrimination.

This same accusation was made several years ago. I called Briggs who informed me they were not aware of any issues.

Recycling And Waste

Is there absolute certainty that all the recycling and waste issues originate with No 2? Why do you think that?

Sharon goes to the house every time a guest departs. It is one of her tasks to check the recycling, garbage etc. She is very diligent. As guests normally don't stay more than a few days they don't generate much in the way of waste. Sharon told me that one of the residents had approached her about garbage which was actually put there by no 3. There is also a notice in the house saying guests will be charged extra if we need to intervene with their recycling. See attachment. Someone at Dunnottar is not as diligent with their recycling as the objections would suggest. One of our guests reported someone had dumped a load of

rotting fish into our recycle bin. Our guest didn't mind too much about clearing it up. I sincerely would like to think it was not a deliberate act.

Common Grounds Maint and Contribution

More than happy to contribute financially. Is there a system in place to contribute on a monthly basis? How is this money collected? Do I owe any money? No one has ever mentioned it.

There had been some talk in the past with Mr Turnbull and Mr Wark about appointing a factor I fully supported the idea. It never came to anything. If that is still an option, I would be more than happy to contribute. There was also talk about tarring the road outside houses 1 to 4. The neighbour at No 3 had no interest in contributing and that was the end of that. If the new occupant is interested in tarring the <u>road</u> I am quite happy to pay my share.

Response to individual objections

There is a great of similarity in these objections. Where I have already commented to a same or similar <u>subject</u> I will refer you back to my previous comment.

Anthony and Mary Ray Objection Dated 13 October

Date of posting notice. I refer you to my previous comment.

Commercial Vehicles. To my knowledge no one has ever showed up with 3 commercial vehicles. However, I accept your point. I will talk to Sharon to see if booking conditions can be changed to one commercial vehicle max. I will also add that any guests arriving have no more than two vehicles.

Parking I refer you my previous comments.

Common grounds maintenance. I refer you to my previous comments.

Difficulties in accessing the house It's a sad fact of life that some people cannot read and follow simple instructions...

I believe this only happened once several years ago when a resident actually offered to help. I do take your point.

All of them have Sharons contact details. It's a very simple system, park the car outside the property, get the key from the key safe and you are in. They already know the combination. So, unless do not understand English I am baffled how anyone could misunderstand

I will discuss with Sharon to see if this needs improved.

Recycling. I refer you to my previous comment.

Non collection of bins. When exactly did the council refuse to collect the bins? Do you have a record of <u>that</u>. Bit strange no one else has mentioned this incident or incidents in their objections. I would say that is a quite a serious accusation and am sure it would have been brought up elsewhere.

My sister, Sharon is not an agent she is the property manager. She is very approachable, and takes her work seriously, you can contact her by phone, <u>text</u> or e mail if you have any issues.

Recycling and waste, I refer you to my previous comment.

David and Jane Thurley Objection dated 13th October

People coming and going What actual impact does it have on you? I understand people arriving late at night or early hours of the morning and banging about would make me very annoyed too. This may happen but very rarely I will revisit the booking conditions so its made clear arrival time is no later than 9 pm.

Sometimes guests show up that have two vehicles one of which is allowed to use my allotted space in the car park and the other one can be parked outside my house. I will have the booking conditions altered to say no more than 2 vehicles. I don't particularly want people coming in vans but I think in the 7 years we have been operating its does not happen often. See my previous about parking.

Day to Day up keep I refer you to previous comment.

Property Resale values. Is this a general comment or specifically about Dunnottar Square? Have you had this verified?

Public notice date, duration and location | refer you to my previous comments

John and Veronica Robertson objection dated 14 October

Public notice date, duration and location. I refer you to my previous comment.

Guests Occupying Parking spaces. I refer you to my previous comments. Free parking has been offered, that is a true statement. What exactly is your objection here? There is no fee for parking. Its appropriate to include info about parking in the booking conditions. Go to a hotel downtown Edinburgh many have no parking. This made obvious when booking.

Thank you for acknowledging I have a parking space.

Having a garage means you can occupy only one space. Is this something new? Never heard this before. Does it say that in the title deeds? Is everyone following this rule? Everyone has 1 parking space any way.

I refer you to my previous comments about parking.

Contributing to the upkeep of communal property. I refer you to my previous comment.

Concerns about Dunnottar Community. I don't know what to say except we <u>are obviously</u> not included. .

Graham Wark 16 Oct

Parking Of Vehicles Please refer to my recent comments.

I am not sure I understand what you mean by my guests' parking habits interfering with your day to day living at Dunnottar Square. I only know of one such occasion where you told me there was an issue with the condition of the van used by a contractor working at my house. You also informed me about 2 vans

parked outside number 3 which were in a very poor state and blocking your entrance. Turns out they were carrying out work for no 3 which you very well knew at the time. I think this was conveyed to you anyway at the time. I am not clear about how this relates to deliveries, school buses etc Again, another complaint about parking and no constructive suggestions regarding the issue pf parking.

Kids playing in your garden I was informed, first guest actually, about 6 years ago that some young kids showed up in your garden and were playing there. Part of a family that were staying in my house. Did they damage your property. You did not seem particularly perturbed about it at the time. Has this reoccurred? How often has it happened? Would you condemn this behavior if it had been any of the other residents' kids or their friends? I had previously received a complaint from a neighbour about kids riding their bikes adjacent to his house on Xmas day. There is provision in the booking conditions for neighbours, their property and their right to privacy. This has also been posted in the house.

We do make it clear in the booking conditions about respect for neighbours and private property I will review it with my Sharon.

Sewage system. I was not aware we still had septic tanks I thought everything went through the sewage plant.

Apart from that, I refer you to my previous comment.

Recycle and garbage see my previous comments I have my suspicions why this is happening.

Reluctance to Approach Guests I am sorry to hear you don't feel confident enough to approach any of the guests. If any issue should arise. Let Sharon know by text or call her. She will take whatever action is necessary. You know her number and my e mails address if you want to call me, please be aware of the time difference.

Some neighbours don't want us to use the car park and you don't want vehicles parked outside my house. Short of guests arriving by helicopter or parachute, what am I to do? You suggest bad management, think that is unfair and an exaggeration. If the whole development were managed properly or even at all.

<u>None</u> of these items would be an issues. As usual, instead of taking any responsibly, you are allowing people to behave badly and then pointing the finger at me.

Mr Turnbull 13 October 2023

Public notice. I refer you back to my previous comment. Posted on the 24 Sep is not correct, it was 25th

Constant disturbance? Can you be a bit more specific? What is the nature of the disturbance? We do tell guests that there is a quite time at 22:00.

Most guests are tourists and don't usually go out late. Preferring to stay in the house. If you inform me or Sharon we will talk to the guests and evict them if they persist with anti-social behavior. Hopefully that will never happen.

I appreciate your house is the most public at Dunnottar and you are our closest neighbour, physically speaking of course. Everyone coming to Dunnottar Square has to pass your house. How can you be certain every disturbance is from our guests?

People coming and going, noise at night. Please refer to my previous statements

No Concern for neighbours It is not correct to suggest that. We put signs up in the house about noise, recycling <u>and</u>, not disturbing <u>neighbours</u> are mentioned in the booking conditions. The guests are normally very considerate of the fact this is a quiet and secluded area. That's why they book the house in the first place. Why do you feel your house and gardens are no longer yours?

Police Called to Evict People from the property. I wasn't aware police had the power to evict people from a property when they have a legal right to be there. My nephew used the house to <u>self isolate</u>, which you were very <u>well aware</u> of. The police arrived, asked my nephew a few pertinent questions and disappeared into the night.

The second time I had a family self-isolating at the house, perfectly legal. He was approached aggressively in front of his young family. He felt so threatened that he called the police.

I had offered the guest some more free time in the house by way of compensation which he declined. An apology was made and hopefully that will not happen again.

Thankfully he did not make a comment in the review, it would have shown Dunnottar Square in a very bad light.

These guests were behaving responsibly and staying well away from the other properties at Dunnottar.

I don't understand your point about me living in Thailand. I do not "allow" Sharon to manage the property, we are a partnership.

Rental fees. I don't think this is an appropriate subject for an objection.

Advertising of <u>property_I</u> need to look further into that. I certainly don't want to mislead guests and have them going to the wrong door. Has this <u>actually happened</u> or are you concerned it may happen?

Advertising the Property Yes, I advertise on all these forums which is common practice. What is the issue?

Title Deeds My interpretation is different from yours. They don't say an awful lot but the ones pertinent to the house and car park. I think the meaning is clear. I can see absolutely no reference to letting out property, leased or otherwise being a prohibited activity. Several houses at Dunnottar have been leased out over the years. It has never been an issue. There is nothing to say the practice is not permitted as long as all the safety requirements are met...

Parking

The big sign that has been installed on a tree in the car park is incorrect and misleading. The target is obviously my guests who have a perfect to right use the car park for one vehicle.

Next item is visitor spaces. No parking overnight. Is that a rule being followed by every one? I don't care either way but there cannot be one rule for me and one rule for everyone else. I refer you back to my previous response.

Maintenance of sewage plant, contributing to maint of common areas I refer you to my previous comments

I don't know the local MP but I am pretty sure he would be my MP too. If you think you have a case then put it to him, I quite happy to talk with him.

Summing Up Remarks

I am very sorry it has come to this. You all have <u>rights</u> but I have rights, Sharon and guests have rights too. One right they have is not to be subjected to bullying and intimidation. As occupiers they have every right to use the facilities at Dunnottar Square and not be discriminated against.

Of course we want our activity to have the minimum impact on every one. Nonsense to suggest other wise. By far the majority of people coming to the house behave in a responsible way. They want peace and quiet too, that's why they book the property. In the whole time we have been operating, we have only had two guests who caused a problem for us.

Sharon or I were never invited (or wanted to be) to join your WhatsApp group. From what I have heard both Sharon and I came in for a good deal of abuse. I was told this by someone who left the group because of it. What was it they said about good men doing nothing?

Most issues could be resolved by better communication and <u>management</u>. Frankly I think you have chosen the wrong person as your spokesman. Length of tenure does not equate to being in an authority and doing what every he sees fit. I must admit I don't respond well to some of the e mails I have had. For <u>example</u> I have been threatened with court action one. Withdrawn and an apology the next day. One <u>note</u> I received told me that I was to be disciplined in front of the whole Dunnottar community. I still have them and won't produce them. I think there has been enough antagonism. I am fed up with it now.

I am pretty sure who sent them has totally misjudged the character of the people of Dunnottar.

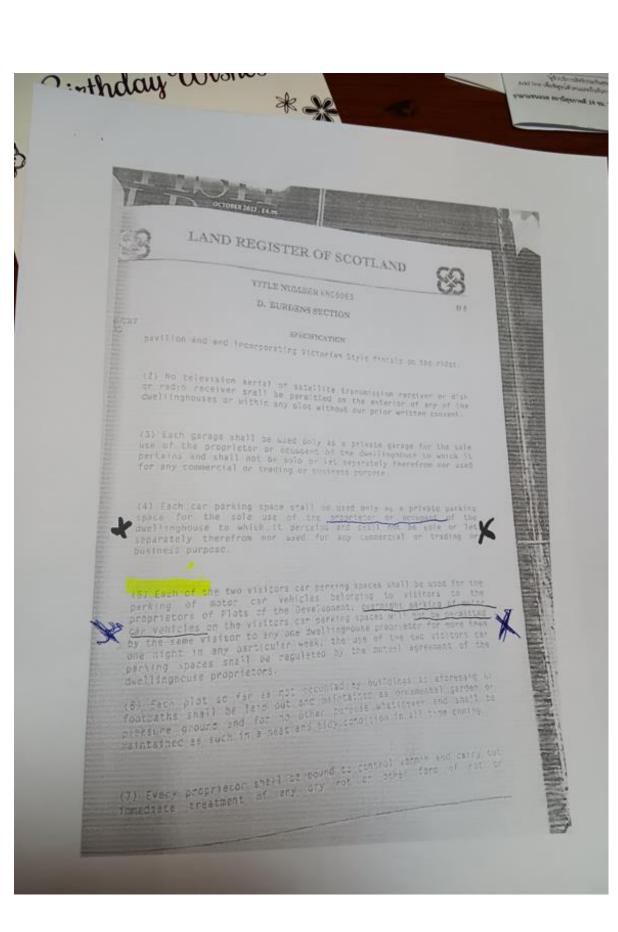
My suggestion is that you appoint someone, or no more than 2 people who can bring all the real issues, compiled in such a way they are not repeated. We can

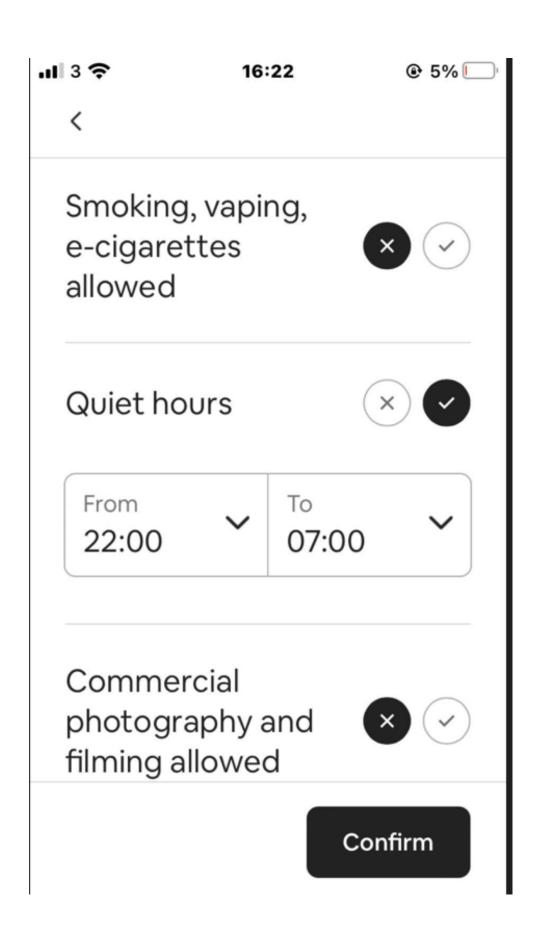
then meet and find common ground for improvement. We can do this regularly annually or whatever you suggest. It can be used as forum for gathering up concerns, as they arise as long as it remains constructive I am in fayour. Sharon is quite capable of handling this, I will over in August this year I can attend if you want. Its really up to all the neighbours (residents and occupiers alike) I am certain the situation can be resolved by better and regular communication and I don't mean abusive e mails.

Let Sharon know what you want to do. If you don't, I will assume <u>every thing</u> is OK I cannot produce documents in the house a Sharon is in London. <u>However</u> if <u>any one</u> is interested in seeing them contact Sharon she will give you access to the house.

Sincerely

Raymond Garden





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checkout times

Arrive between 15:00 - 22:00 Leave before 10:00

Number of guests

<u>Edit</u>

5

Additional rules

Edit

-There is a strict recycle policy, please pay attention to the information provided, bins are checked after each check-out and a fee will be charged should guidelines not be followed correctly.

Confirm