



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : CHI/43UE/HTA/2020/0002

Property : Reeves House and Henderson Crescent,
Leatherhead, Surrey

Applicant : Reeves Henderson Residents Association

Representative :

Respondent : Beechcroft Developments Limited

Representative :

Type of Application : Recognition of a Residents Association

Tribunal Member(s) : Judge J. Dobson

Date of Decision : 11th December 2020
Corrected 13th January 2021

DECISION
CORRECTED A TYPOGRAPHICAL ERROR
UNDER RULE 50 OF TRIBUNAL PROCEDURES RULES 2013
Re number of unoccupied properties set out in paragraph 3 and
the occupied properties and members set out in paragraph 8

Summary of Decision

1. **The Tribunal grants a certificate of recognition of the Applicant residents association for a period of 5 years commencing on the date of this Decision.**

Background

2. On 21st January 2016 Ms Bradburn on behalf of the Applicant applied to the Tribunal for a certificate of recognition for the Association under section 29 of the Landlord and Tenant Act 1985 as amended (“the Act”). The application was accompanied by a copy of the constitution of the Association signed by lessees as members of the Committee of the Association and accompanied by meeting minutes and a document detailing other relevant information. Whilst the application indicated that the Respondent was content to accept the residents’ association, the association sought a certificate of recognition to assist with their dealings with other parties and in the belief that the formality of the certificate of recognition by the Tribunal will persuade other organisations to respect their representation and will therefore facilitate resolution of any future problems relating to the estate experienced by the members of the association.
3. The resident’s association has been formed for a development of some 35 properties. 11 of those are recorded as being unoccupied. All but one of the occupiers are members of the association.
4. By Directions dated 9th November 2020, the Tribunal stated that the application would be determined on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 14 days of the date of receipt of those Directions.
5. The Directions also stated that the application would stand as the Applicant’s case and that the Respondent shall respond by 8th December completing a form and, if the application were objected to, explaining why. The Directions added that the Tribunal would thereafter determine the Application on the papers received.
6. On 11th November 2020, the Respondent wrote to the Tribunal, by way of its Managing Director, stating that it agreed to the recognition of the residents’ association and completing a reply form accordingly. The Tribunal has also received agreement to the recognition of the residents’ association from the Respondent’s managing agents, Ethical Leasehold Management Limited (ELM), by letter 17th September 2020 sent to the Secretary of the Resident’s Association.

The law

7. The relevant provision of the Act, section 29, provides that a recognised tenants' association, as this resident's association would be, is an association recognised for the purposes of the provisions of the Act relating to service charges either by a notice in writing given by the landlord to the secretary of the association or by a certificate from this Tribunal. There are various related provisions that are not relevant to this application.

The Tribunal's determination

8. The Tribunal is satisfied that a certificate of recognition of the Applicant under the Act should be issued. It is the Association that is being recognised and the constitution and membership of this Association complies with what the Tribunal would expect to see in a recognised tenants' association under the Act. Indeed, of the twenty-four occupied properties within estate all freeholders and lessees but one are members of the Association.
9. No representations have been made as to the duration of the certificate. The Act gives the Tribunal as discretion as to the period for which a certificate is granted and contains no specific factors to be taken account of.
10. The Tribunal notes that there is no objection to the recognition of the association, indeed the other parties with an interest appear to be entirely content with the recognition of the association. There is nothing to suggest that any issue might arise any time soon. In contrast, there is much to be said for the association having to go through this process to regularly, at least unless there had been concerns such that the Tribunal ought to review the situation- if ongoing recognition were sought- sooner.
11. A certificate of recognition for the period of five years from today's date will therefore be issued.

Rights of appeal

1. By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.
2. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.
3. The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.
4. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.