



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

Case Reference : **MAN/00CG/HTA/2021/0004**

Property : **Twentywell Riverview Apartments,
Twentywell Lane, Sheffield S17 4QD**

Applicant : **The Twentywell Riverview Residents
Association**

Respondent : **Peter M Hill, Twentywell Developments Ltd**

Representative : **BRM Solicitors**

Type of Applications : **Application for a certificate of recognition of
a tenants' association
Landlord and Tenant Act 1985 – s 20C**

Tribunal Member : **Judge L Bennett**

**Date and venue of
hearing** : **Determined without a hearing**

Date of Decision : **24 January 2023**

DECISION

DECISION

The Tribunal grants a certificate of recognition to The Twentywell Riverview Residents Association for a period of 5 years.

REASONS

Background

1. On 15 November 2021, the Tribunal received an application for a certificate of recognition for The Twentywell Riverview Residents Association, being a recently established tenants' association in relation to Premises known as Twentywell Riverview Apartments, Twentywell Lane, Sheffield S17 4QD ("the Premises").
2. The application was made under section 29 of the Landlord and Tenant Act 1985 ("the Act"). The Respondent is Twentywell Developments Limited, the freehold owner of the Premises (and the landlord under the long leases). Peter M Hill is the sole director and shareholder of Twentywell Developments Limited.
3. I have not inspected the Premises, but I understand it to comprise of twelve, two-bedroom apartments constructed over three levels with four apartments to each level.
4. On 27 May 2022, the Tribunal gave directions for the conduct of this matter. The parties were informed that the application would be determined on the papers unless either party gave notice requiring an oral hearing to be arranged. No such notice was received, and I have therefore determined this application upon consideration of the papers supplied by the parties.

Law

5. An association which is a "recognised tenants' association" as defined by section 29(1) of the Act has certain rights concerning the management of the Premises concerned: it has the right:–
 - to nominate contractors for tender in a statutory consultation process carried out by the landlord under section 20 of the Act;
 - to be sent copy estimates obtained for the purposes of such a consultation process;
 - to ask for a summary of costs incurred by a landlord (section 21);
 - to inspect relevant accounts and receipts for expenditure (section 22);
 - to ask for a written summary of insurance cover; and
 - to ask to be consulted about appointment or re-appointment of a managing agent (section 30B).

6. An association of qualifying tenants may be recognised for these purposes by notice given by the landlord. Alternatively, it may be recognised by a certificate given by the Tribunal under section 29(1)(b)(i) of the Act.
7. In deciding whether to grant a certificate of recognition, the Tribunal must apply the Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018 ("the Regulations").
8. Regulation 3 lists the following matters to which the Tribunal must have regard when deciding whether to give a certificate of recognition:
 - the composition of the membership of the tenants' association;
 - the tenants' association's rules regarding membership, including whether tenants who are not qualifying tenants are entitled to become members;
 - the tenants' association's rules regarding decision making;
 - the tenants' association's rules regarding voting;
 - the extent to which any fees or charges payable in connection with membership of the tenants' association apply equally to all members;
 - the extent to which the constitution of the tenants' association takes account of the interests of all members;
 - the extent to which the tenants' association is independent of the landlord of the dwellings to which the association relates;
 - whether the tenants' association has a chairperson, secretary and treasurer;
 - whether the constitution of the tenants' association may be amended by resolution of the members and the rules regarding amendment;
 - whether the tenants' association's constitution, accounts and list of members are kept up to date; and available for public inspection; and
 - the extent to which the association operates in an open and transparent way.
9. Regulation 4 provides that the Tribunal must not give a certificate of recognition in certain circumstances: where the tenants' association represents fewer than 50% of the qualifying tenants; where a previous certificate is still in force; and where the Tribunal is not satisfied that the constitution and rules of the tenants' association are fair and democratic.

Grounds for the application

10. The Applicant's statement of case provided a detailed list of reasons of how The Twentywell Riverview Residents Association complies with each paragraph of Regulation 3.
11. The Applicant submits that the tenants' association has membership from 11 out of the 12 apartments and therefore the residents at the Premises desire a recognised tenants' association to represent the majority view of residents on matters of common interest that impact on individuals both financially and on their wellbeing.

Respondent's Submissions

12. The Respondent's submissions clarify the ownership of the freehold Premises and that the leaseholders of the Premises pay a variable service charge in accordance with Schedule 1 of the leases granted.
13. The Respondent reserves its position as to whether or not the Applicant's application meets the necessary requirements for recognition as a tenants' association by the Tribunal.
14. The Respondent submits that if a certificate of recognition is awarded, the recognised tenants' association's powers would not extend to matters concerning the redecoration of the communal interior of the flats, nor would it extend to when the work is completed and what materials and colours are used.

Consideration

15. The Tribunal is advised that leaseholders from 11 of the 12 apartments at the Premises are members of the association. The applicant has demonstrated written consent from members in 10 of those apartments.
16. It appears that the landlord does not object to the recognition of the tenants' association. The landlord has however, expressed concerns as to the members' views of the rights this recognition will bring. The scope and powers of a recognised tenant's association are set out in law as highlighted in paragraph 5 of this decision. The Tribunal can neither extend nor limit these rights.
17. I am satisfied that there are no circumstances which prevent the Tribunal giving a certificate of recognition in this case. Indeed, having reviewed a copy of the association's rules and constitution and having had regard to the matters specified in Regulation 3, I am satisfied that it is appropriate to give such a certificate, and that the association should thereby be recognised under the Act for a period of five years.

Costs

18. It is open to tenants to apply to be a recognised tenants' association and exercise their right to ask the Tribunal for a certificate of recognition. In this case, the landlord has solely involved themselves to submit that the tenants' association operates within the scope of its statutory remit. It appears that costs may have incurred in responding to the comments made in paragraph 1.3 of the Applicant's statement of case dated 6 June 2022, not through the landlord's imposition. Accordingly, I do not find grounds to make an order under section 20c of the Act. Any dispute as to the reasonableness of a resulting service charge would be a matter for a separate application to the Tribunal.



**First-tier Tribunal (Property Chamber)
Residential Property**

CERTIFICATE OF RECOGNITION

An application from The Twentywell Riverview Resident's Association for a Certificate of Recognition under the provisions of Section 29 of the Landlord & Tenant Act 1985, as amended by Paragraph 10 of Schedule 2 to the Landlord and Tenant Act 1987 has been considered by:

Judge Bennett

who is a person appointed to act as a member of the First-tier Tribunal Property Chamber.

This is to certify that

The Twentywell Riverview Residents Association

is a Recognised Tenants' Association for the purpose of the aforementioned Section.

The Certificate will be valid for a period of 5 years commencing on 24 January 2023, unless previously cancelled.

Signed: Judge L Bennett

(one of the persons appointed by the Lord Chancellor as
a member of the First-tier Tribunal)

Date: 24 January 2023