



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

Case reference : **CAM/22UJ/MNR/2023/0058**

Property : **Flats 1-20 Brickstock Furze
Abbotts Close, Shenfield, Essex,
CM15 8LX**

Applicant : **Brickstock Furze Residents
Association**

Representative : **Marion Macey (Secretary -**

Respondents : **Janis Halfhide**

Type of application : **Recognition of a Residents
Association**

Tribunal member(s) : **Mary Hardman FRICS IRRV(Hons)**

Date of decision : **21 August 2023**

DECISION

Decision:

The tribunal grounds the certificate of recognition of the applicants residents' association for a period of five years commencing on the date of this decision

Reasons

Background

1. On 12 January 2023 Ms Macey 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 them and in particular because the landlord had issued a Section 20 major works notice and the managing agents were not recognising the tenants’ association.
2. The resident’s association has been formed for a development of some 20 leasehold flats. All but three of the occupiers are members of the association.
3. The Tribunal wrote to the Respondent on 6 March 2023 enclosing the application and seeking their views. The Tribunal received their reply on 16 March 2023 in which they said that they had no objection and had notified the residents accordingly
4. They said that they had not received the residents’ letter of 21 November 2022 requesting recognition and once they were made aware had confirmed their acceptance.

The Law

5. 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 Tribunals decision

6. 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.
7. No representations have been made as to the duration of the

certificate. The Act gives the Tribunal discretion as to the period for which a certificate is granted and contains no specific factors to be taken account of.

8. The Tribunal notes that there is no objection to the recognition of the association, indeed one of the main parties with an interest appears to be entirely content with the recognition of the association.
9. A certificate of recognition for the period of four years from today's date is attached at Annex 1.

**Mary Hardman FRICS IRRV(Hons)
Regional Surveyor**

Rights of appeal

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.

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.

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.

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.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

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

CERTIFICATE OF RECOGNITION OF A TENANTS' ASSOCIATION
UNDER SECTION 29 OF THE LANDLORD AND TENANT ACT 1985,
AS AMENDED BY PARAGRAPH 10 OF SCHEDULE 2
TO THE LANDLORD AND TENANT ACT 1987

I hereby certify that Brickstock Furze Residents Association is recognised as an association of tenants of the properties Flats 1-20 Brickstock Furze Abbotts Close, Shenfield, Essex, CM15 8LX for the purposes of Sections 18-30 of the Landlord and Tenant Act 1985. This certificate is granted for a period of four years ending on 20 August 2027 unless previously cancelled.

Signed: *Mary Hardman*

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the

(one of the persons appointed by

Lord Chancellor as a member of the
First-tier Tribunal)

Dated: 21 August 2023

To: Secretary of Residents Association – Marion Macey
Landlord – Janis Halfhide

