



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

<b>Case Reference</b>	:	<b>CAM/38UD/PHK/2023/0003</b>
<b>Site</b>	:	<b>Wick Farm Park, Barton Village Road, Oxford, OX3 9SE</b>
<b>Applicant</b>	:	<b>Patricia Lee (as secretary of Wick Farm Park Residents' Association)</b>
<b>Respondent</b>	:	<b>Cotswold Country Estates</b>
<b>Date of Application</b>	:	<b>7 August 2023</b>
<b>Type of application</b>	:	<b>to determine whether the Applicant is a Qualifying Residents' Association</b>

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**DECISION**

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**Background**

1. By an application received on 7 August 2023, the Applicant, Wick Farm Park Residents Association, applied for recognition by the Tribunal as a qualifying residents' association. Such recognition confers upon the residents' association the consultation rights provided to such associations by Paragraph 22 (f) of the implied terms set out at Chapter 2 of Schedule 1 to the Mobile Homes Act 1983 (as amended).
2. The tribunal issued directions on 1 May 2024 and indicated that in the absence of a request for a hearing the matter would be decided on written submissions. No request for a hearing was made.

**The law**

3. The law is set out in the 1983 Act as an implied term of the occupation agreements between a park home site owner and each pitch occupier. The relevant statutory requirements of a QRA which can be recognised as such either by the site owner or, absent such recognition, this Tribunal can provide a certificate of recognition. The minimum requirements are:

*“(a) it is an association representing the occupiers of mobile homes on that site;*

- (b) *at least 50 per cent of the occupiers of the mobile homes on that site are members of the association;*
  - (c) *it is independent from the owner, who together with any agent of employee of his, is excluded from membership;*
  - (d) *subject to paragraph (c) above, membership is open to all occupiers who own a mobile home on that site;*
  - (e) *it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;*
  - (f) *it has a chairman, secretary and treasurer who are elected by and from among the members;*
  - (g) *with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home;”*
4. There is an additional requirement that for the purpose of calculating the 50%, each mobile home shall be taken to have only one occupier.

### **Position of the parties**

5. The issue between the parties appears to revolve around the ‘rules’ of the association. The Respondent requested these in an email to the Applicant of 27 April 2023 and the Applicant responded on 4 May 2023 attaching the constitution and confirming that there were no rules as yet.
6. In their witness statement dated 20 May 2024 as part of their tribunal submission the Applicant confirmed that the association does not currently have any rules.
7. However, the Respondent continued to pursue this issue and sent an email to the association on 13 June 2024 and a reminder on 14 June 2024.
8. In their submission they state that the Respondent had not refused to recognise this Residents’ Association but required the rules of the association to make such termination. It requested the tribunal issued ‘draft’ directions stating the Applicant must serve the rules of association, and that within 14 days of receipt, the Respondent must respond and confirm whether or not they recognise the Residents’ Association as a qualifying residents’ association.

### **Determination**

9. The Tribunal has considered the information supplied. It will not issue further directions as it is satisfied that there are currently no rules of the association and that the Respondent has been informed of this on several occasions. Nor will it further delay the process by

giving the Respondent addition time to consider whether they are content to recognise the residents' association.

10. The Tribunal considers that the Applicant has met the requirements of Paragraph 28 (1) of the Mobile Homes Act 1983 and accordingly finds that Wick Farm Park Residents' Association should be afforded qualifying residents' association status under the Mobile Homes Act 1983.

### **ANNEX - RIGHTS OF APPEAL**

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.



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**Residential Property**

**CERTIFICATE OF RECOGNITION**

An application from Wick Farm Park Residents' Association for a Certificate of Recognition under the provisions of paragraph 28 of Chapter 2 of Schedule 1 to the Mobile Homes Act 1983 has been considered by Mary Hardman FRICS IRRV(Hons) who is a person appointed under the Act to the panel of persons to act as members of the First Tier Tribunal (Property Chamber) for the Eastern area.

This is to certify that

**Wick Farm Park Residents' Association**

is a recognised Residents' Association for the purpose of the  
aforementioned section. The Certificate will be valid for a period of four  
years commencing 1 July 2024

Mary Hardman FRICS IRRV(Hons)

1 July 2024

