



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

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**Case Reference** : CHI/43UF/HTA/2023/0004

**Property** : 1 – 32 Merrywood Park, Reigate,  
Surrey RH2 9PA

**Applicant** : Merrywood Park Residents  
Association Secretary – Linda  
Morgan

**Respondent** : Racemoor Limited

**Type of Application** : Recognition of Residents  
Association

**Tribunal:** : Judge T. Hingston

**Date of Decision** : 25<sup>th</sup> July 2024

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**DECISION**

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1. The Applicant seeks an order recognising the Residents Association. The application explains that a certificate for a period of 4 years was first granted in 1992, and it has been regularly reviewed since then.
2. On 11<sup>th</sup> of November 2019 the last certificate was granted by the Tribunal under reference CHI/43UF/HTA/2019/0005.
3. This application was made dated the 4<sup>th</sup> of October 2023.
4. The Respondent landlord company has returned the proforma confirming that they support the application and agree that a certificate should be granted.
5. The only issue for the Tribunal is whether, or not, a certificate recognising the Residents Association should be granted.
6. On the 24<sup>th</sup> April 2024 the Tribunal directed that the Application be dealt with on the papers.
7. On consideration of the papers the Tribunal is satisfied that:
  - (i) the Applicant represents more than 50 per cent of the qualifying tenants, and
  - (ii) the Applicant's constitution and rules are fair and democratic.
- 8. The Tribunal grants the Applicant a certificate of recognition as tenant's association for the property in accordance with section 29 of the Landlord and Tenant Act 1985 for the period of 4 years with effect from 25<sup>th</sup> July 2024.**

## **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

## APPENDIX

### **The Law- Landlord and Tenant Act 1985.**

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 propose names of 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 (section 21);
- to inspect relevant accounts and receipts (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).

An association of qualifying tenants may either be recognised for these purposes by notice given by the landlord, or it may be recognised by a certificate given by the Tribunal under section 29(1)(b)(i) of the Act.

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”).

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 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’ associations rules regarding decision making
- the tenant association’s rules regarding voting
- the extent to which any fees or charges payable in connection with membership apply equally to all members
- the extent to which the constitution takes into account the interest of all members
- the extent to which the tenants’ association is independent of the landlord
- whether the association has a chairperson, secretary and treasurer
- whether the constitution may be amended by resolution of the members and rules regarding amendment
- whether the association, accounts and list of members are kept up to date and available for public inspection
- the extent to which the association operates in an open and transparent way.

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.

By section 96(2) of the Commonhold and Leasehold Reform Act 2002 (“CLARA”) “Management functions which a person who is landlord under a lease of the whole or any part of the premises has under the lease are instead functions of the RTM company”.