



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

**Case reference** : **CAM/38UD/HTA/2023/0002**

**Property** : **Gardeners Copse, Sonning  
Common, Reading, Oxfordshire,  
RG4 9JJ**

**Applicant** : **Maple Wood Residents Association  
Donna Creswell (Secretary)**

**Respondents** : **Linden Homes Thames Valley**

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

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

**Date of decision** : **22 February 2024**

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**DECISION**

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**Decision:**

**The application is struck out on the grounds that the tribunal does not have jurisdiction to grant a certificate of recognition of the applicant residents' association.**

## **Reasons**

### **Background**

1. On 15 April 2023 Ms Creswell 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 meeting minutes and whilst, it stated it was accompanied by a copy of the rules and constitution, it does not appear to have one attached.
2. The resident’s association has been formed for a development of 7 freehold houses.
3. All occupiers are members of the association.
4. The Tribunal wrote to the Respondent on 1 August 2023 enclosing the application and seeking their views. The Tribunal received their reply on 7 August 2023
5. They said that in the normal course of business they had no issue recognising a tenant’s association. However, the provisions of the Landlord and Tenant Act 1985 did not apply to this development as it consisted of seven freehold houses. They attached a copy of the transfer for the Tribunal’s information. There were no leaseholders on this development to whom the provisions of the act applied. In the circumstances they did not believe the tribunal had jurisdiction to grant a Certificate of Recognition.
6. The tribunal wrote to the Applicant on 12 September 2023 explaining that they could not issue a certificate of recognition as they could only do so where there were the required number of qualifying tenants. A qualifying tenant being someone who may be required under the terms of his or her lease to contribute to the same costs by way of a service charge.
7. The Applicant responded to say that they were obliged to pay a service charge of around £1600 per household and it did not seem reasonable that the landlord could bill them and spend these funds in any way that they deemed fit.
8. The tribunal responded to say that it did not have jurisdiction to recognise an association where the members were freeholders and intended to strike out the application.
9. The Applicant responded on 4 October 2023 to say that they had spoken to the Leasehold Advisory Service and their opinion was that, even though they own the freehold to their properties they had a lease with regards to the development their properties were built on. Under the terms of the lease they were advised that they qualified under section 29 Landlord and Tenant Act .

## **The Law**

10. The relevant provision of the Act, section 29, provides that a recognised tenants' association is an association recognised for the purposes of the provisions of the Act relating to service charges paid by leaseholders either by a notice in writing given by the landlord to the secretary of the association or by a certificate from this Tribunal.

## **The Tribunal's decision**

11. The Tribunal has asked for a copy of the lease which the Applicants say they hold and has been directed to the TP1 (Land Registry – Transfer of title) form in respect of one of the properties which refers in Part B (1) to Maintenance Obligations Expenses and Administration of the Maintained Areas.
12. The Tribunal, having examined this, is not satisfied that the Applicants are 'qualifying tenants' and therefore it does not have jurisdiction to issue a Certificate of Recognition of the Applicant under the Act.
13. The application is therefore struck out.

**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).

Annex 1

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

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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:

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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