



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

Case Reference : HAV/29UN/HTA/2024/0601

Property : Selwyn Court, 62 St Peters Road, Broadstairs,
Kent, CT10 2SR

Applicants : Selwyn Court Residents Association

Representative : Rebecca Weller

Respondent : Kesblade Limited

Representative : Not represented

Type of Application : Recognition of a Tenants Association

Tribunal Members : Judge N P Jutton

Date of Decision : 4 April 2025

DECISION

1 **Introduction**

- 2 The Applicant applies for a Certificate of Recognition of a Tenants' Association pursuant to section 29(1)(b) of the Landlord and Tenant Act 1985. The name of the proposed Tenants' Association is Selwyn Court Residents Association (the Association).
3. Directions were made by the Tribunal on 14 February 2025. They provided that the Respondent or its representative was required to complete an attached pro forma indicating whether it agreed or disagreed with the application. Further, that if the Respondent agreed to the application the Tribunal would grant a certificate of recognition for a period of four years.
5. The Respondent has sent to the Tribunal the pro forma document completed dated 20 February 2025 stating that the Respondent agrees to the application and to the matter being decided on the basis of written representations with no hearing.

6. **The Law**

7. Section 29 of the Landlord and Tenant Act 1985 (the 1985 Act) provides as follows:

“29(1) A recognised tenants’ association is an association of qualifying tenants (whether with or without other tenants) which is recognised for purposes of the provisions of this Act relating to service charges either -

- (a) by notice in writing given by the landlord to the secretary of the association, or*
- (b) by a certificate—*
 - (i) in relation to dwellings in England, of the First-tier Tribunal;..... “*

8. The Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018 (the 2018 Regulations) set out matters to which the Tribunal is to have regard in giving a certificate. Regulation 3 provides as follows:

“3 the First-tier Tribunal must, in particular, have regard to the following matters in giving a certificate –

- (a) the composition of the members of the tenants’ association;*
- (b) the tenants’ associations rules regarding membership, including whether tenants who are not qualifying tenants are entitled to become members;*
- (c) the tenants’ associations rules regarding decision making;*

- (d) *the tenants' associations rules regarding voting;*
- (e) *the extent to which any fees or charges payable in connection with membership of the tenants' association apply equally to all members;*
- (f) *the extent to which the constitution of the tenants' association takes account for the interests of all members;*
- (g) *the extent to which the tenants' association is independent of the landlord of the dwellings to which the association relates;*
- (h) *whether the tenants' association has a chairperson, secretary and treasurer;*
- (i) *whether the constitution of the tenants' association may be amended by resolution of the members and the rules regarding amendment;*
- (j) *whether the tenants' association's constitution, accounts and list of members are—*
 - (i) *kept up to date; and*
 - (ii) *available for public inspection;*
- (k) *the extent to which the association operates in an open and transparent way.*

10. 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 still in force; and where the Tribunal is not satisfied that the constitution and rules of the tenants Association are fair and democratic.

16. Consideration

17. I am satisfied that the Association represents more than 50% of the qualifying tenants. I am satisfied that there was no previous certificate in force. I have considered the constitution and rules of the association and, having regard to the matters set out in Regulation 3, I'm satisfied that they are fair and democratic.
18. I am satisfied that there are no circumstances which prevent the Tribunal giving a certificate of recognition in this case. I am satisfied that it is appropriate to give such certificate, and that the Association should therefore be recognised for a period of four years from the date of this decision. Accordingly the Tribunal grants a certificate of recognition in the form set out in the annex hereto.

ANNEX

CERTIFICATE OF RECOGNITION

This certificate is given by the Tribunal under section 29(1)(b)(i) of the Landlord and Tenant Act 1985 (the Act).

Selwyn Court Residents Association is hereby certified to be a recognised tenants association for the purposes of the provisions of the Act relating to service charges.

This certificate shall continue in force for a period of four years from the date hereof unless cancelled by the Tribunal before the end of that period.

Signed: N P Jutton
Judge of the First-tier Tribunal

Dated: 4 April 2025

Judge N P Jutton

Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application 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.