



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

**Case Reference** : **MAN/00EB/HTA/2023/0001**

**Property** : **Mansion House,  
Fleet Avenue,  
Hartlepool TS24 0WN**

**Applicant** : **Mansion House Residents Association**

**Respondent** : **Jomast Developments Ltd**

**Type of Applications** : **Application for a certificate of recognition of  
a tenants' association Landlord and Tenant  
Act 1985 – s 20C**

**Tribunal Member s** : **J A Platt FRICS FTPI (Chairman)  
A Davis MRICS FAAV**

**Date and venue of  
hearing** : **Determined without a hearing**

**Date of Decision** : **04 July 2024**

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**DECISION**

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## **DECISION**

**The Tribunal grants a certificate of recognition to Mansion House Residents Association for a period of 5 years.**

## **REASONS**

### **Background**

1. On 24 August 2023, the Tribunal received an application for a certificate of recognition for Mansion House Residents Association, being a recently established tenants' association in relation to Premises known as Mansion House, Fleet Avenue, Hartlepool TS24 0WN ("the Premises").
2. The application was made by Mr C D Law, Secretary of the Association, under section 29 of the Landlord and Tenant Act 1985 ("the Act"). The Respondent is Jomast Developments Limited, the freehold owner of the Premises (and the landlord under the long leases).
3. The Tribunal did not inspect the Premises, but understands it comprises of 40 flats, 35 of which are let on long leases.
4. The Tribunal issued directions on 7 December 2023. The parties were informed that the application would be determined on the papers unless either party gave notice requiring an oral hearing to be arranged. No such notice was received, and the Tribunal has therefore determined this application upon consideration of the papers supplied by the parties.

### **Law**

5. 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 nominate 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 by a landlord (section 21);
  - to inspect relevant accounts and receipts for expenditure (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).

6. An association of qualifying tenants may be recognised for these purposes by notice given by the landlord. Alternatively, it may be recognised by a certificate given by the Tribunal under section 29(1)(b)(i) of the Act.
7. 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").
8. 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 the 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' association's rules regarding decision making;
  - the tenants' association's rules regarding voting;
  - the extent to which any fees or charges payable in connection with membership of the tenants' association applies equally to all members;
  - the extent to which the constitution of the tenants' association takes account of the interests of all members;
  - the extent to which the tenants' association is independent of the landlord of the dwellings to which the association relates;
  - whether the tenants' association has a chairperson, secretary and treasurer;
  - whether the constitution of the tenants' association may be amended by resolution of the members and the rules regarding amendment;
  - whether the tenants' association's constitution, accounts and list of members are kept up to date; and available for public inspection; and
  - the extent to which the association operates in an open and transparent way.
9. 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.

### **Grounds for the application**

10. The Applicant's statement of case provided a detailed a list of reasons of how Mansion House Residents Association complies with each paragraph of Regulation 3.
11. The Applicant submits that the tenants' association has membership from 33 out of the 35 qualifying tenants (being long leaseholders of apartments let on a long leases) plus 2 of the non-qualifying tenants and therefore the residents at the Premises desire a recognised tenants' association to represent the majority view of residents on matters of common interest that impact on individuals both financially and on their wellbeing.

### **Respondent's Submissions**

12. The Respondent responded to the Applicant's submissions by email from Mark Hill, Commercial Property Director, on 20 March 2024 stating:

*It now appears that the Applicant's Statement of Case (together with the supporting documentation) is compliant with the provisions of Section 29 of the Landlord and Tenant Act 1985 and as such the Landlord has no objection to the recognition of the Residents Association.*

### **Consideration**

15. The Tribunal is advised that leaseholders (qualifying tenants) from 33 of the 40 apartments at the Premises are members of the association. The applicant has demonstrated written consent from members in all of those 33 apartments (plus 2 others).
16. The landlord has confirmed that it does not object to the recognition of the tenants' association.
17. The Tribunal is satisfied that there are no circumstances which prevent the Tribunal giving a certificate of recognition in this case. Indeed, having reviewed a copy of the association's rules and constitution and having had regard to the matters specified in Regulation 3, the Tribunal is satisfied that it is appropriate to give such a certificate, and that the association should thereby be recognised under the Act for a period of five years.



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

**CERTIFICATE OF RECOGNITION**

An application from Mansion House Residents Association for a Certificate of Recognition under the provisions of Section 29 of the Landlord & Tenant Act 1985, as amended by Paragraph 10 of Schedule 2 to the Landlord and Tenant Act 1987 has been considered by:

J A Platt FRICS FTPI  
A Davis MRICS FAAV

who are persons appointed to act as members of the First-tier Tribunal Property Chamber.

This is to certify that

**Mansion House Residents Association**

is a Recognised Tenants' Association for the purpose of the aforementioned Section.

The Certificate will be valid for a period of 5 years commencing on 04 July 2024, unless previously cancelled.

Signed: J A Platt FRICS FTPI

(one of the persons appointed by the Lord Chancellor as  
a member of the First-tier Tribunal)

Date: 04 July 2024