



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

Case Reference : HAV/00ML/HTA/2025/0001/ST

Property : Nevill Court, Nevill Road, Hove, East
Sussex, BN3 7BS

Applicant : Nevill Court Tenants' Association

Representative : Andrea Mari
(Secretary)
Nigel Higson (Chairman)

Respondent : Nevill Court Investments Ltd

Representative : None

Type of Application : Application for recognition of a Tenants'
Association Section 29(1) Landlord and
Tenant Act 1985

Tribunal Member(s) : Mr Charles Norman FRICS

Date of Decision : 24 June 2025

DECISION

**The Tribunal grants a certificate of recognition to Nevill Court
Tenants' Association for a period of 4 years.**

Background to the application

1. On 16 December 2024 the Tribunal received an application for recognition of a Tenants' Association from Nevill Court Tenants' Association ('NCTA' or 'the Applicant'), pursuant to s. 29 of the Landlord and Tenant Act 1985 ('the Act').
2. Directions were given on 30 April 2025. These included directions that
 - (i) the landlord was required to complete an attached pro forma indicating whether it agreed to or disagreed with the application. The landlord was warned that if the form was not returned the Tribunal would assume the landlord agreed with the application.
 - (ii) The parties were informed that if the landlord agreed or did not return the form the Tribunal would grant the certificate of recognition for four years.
 - (iii) If the landlord disagreed the applicant had a right of reply.
 - (iv) The Tribunal determined that the case was suitable for a paper determination unless any party objected, which none did, or if the Tribunal on review of representations decided that a hearing was necessary. The Tribunal did not form that view.
3. No response has been received from the Respondent. Neither party requested an inspection.
4. The Tribunal is satisfied that it is able to make a fair decision without an inspection or a hearing of the appeal, and that it is in the interests of justice to do so.

The Documents

5. The Tribunal considered the documents which included:
 - The application for recognition
 - The constitution of NCTA
 - Evidence of membership of the NCTA
 - Minutes of the inaugural meeting of the NCTA
 - Membership applications by 20 signatories of whom 18 had given flat numbers in the property.

The law

6. A "recognised tenants' association" is defined by section 29(1) of the Act as an association of qualifying tenants, whether with or without other tenants. By section 29(4) tenants are "qualifying tenants" if each of them may be required under the

terms of his lease to contribute to the same costs by the payment of a service charge. A recognised tenants association has certain rights including the following:

- (a) the association has a right to ask for a summary of costs incurred by a landlord (section 22 of the 1985 Act),
 - (b) a right to inspect relevant accounts and receipts for expenditure (section 22 of the 1985 Act),
 - (c) a right to be sent estimates and to nominate contractors for tender under the section 20 consultation procedure of the 1985 Act,
 - (d) a right to ask for a written summary of insurance cover (the Schedule to the 1985 Act), and
 - (e) The right to be consulted about the appointment or re-appointment of managing agents (section 30B of the 1985 Act).
7. 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.
8. In deciding whether to grant a certificate of recognition, the Tribunal must have regard to the Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018 ("the Regulations").
9. 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 apply 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.
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 is still in force; and
 - where the Tribunal is not satisfied that the constitution and rules of the tenants' association are fair and democratic.

Discussion and reasons for the decision

11. Having considered the evidence provided by the Applicant, and in the absence of any objection from the Respondent, the Tribunal concluded that it was appropriate for the Tribunal to give a certificate of recognition to NCTA for the following reasons.
12. The Tribunal is advised that leaseholders from 18 of the 24 flats at the Premises are members of the association. This is supported by the signed applications to become members as referred to above. The Tribunal was therefore satisfied that a majority of the qualifying leaseholders are members of the Residents' Association. The code of conduct and constitution are fair, transparent and democratic. There is no membership subscription. All qualifying leaseholders will automatically become full members unless they opt-out of doing so. Non-qualifying members resident in Nevill Court may become limited members.
13. Having reviewed a copy of the association's constitution and having had regard to the matters specified in Regulation 3, I am satisfied that it is appropriate to give a certificate of recognition, and that the association should thereby be recognised under the Act for a period of four years.
14. No representations have been made by either party regarding the application fee for this application. The Tribunal makes no order in regard to fees.

Mr Charles Norman FRICS
Valuer Chairman

24 June 2025

Note: 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 that 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. The application must be sent by email to rpsouthern@justice.gov.uk and should include the case number and address of the property to which it relates.
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.



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CERTIFICATE OF RECOGNITION

An application from the Nevill Court Tenants' Association for a Certificate of Recognition under the provisions of Section 29 of the Landlord and Tenant Act 1985 (as amended by Paragraph 10 of Schedule 2 to the Landlord and Tenant Act 1987) has been considered by the Tribunal and there being no objection from the Landlord

THIS IS TO CERTIFY that

Nevill Court Tenants' Association,

is a Recognised Tenants' Association for the purposes of the Landlord and Tenant Act 1985.

This Certificate will be valid for a period of four years with effect from 24th June 2025, expiring on the 23rd of June 2029, unless cancelled earlier.

Signed Mr C Norman FRICS
A Valuer Chairman of the First-tier Tribunal (Property Chamber)

24th June 2025

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