



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/OOBN/HTA/2023/0003

Property : 8 MALVERN GROVE, WEST DIDSBURY,
MANCHESTER

Applicant : THE 8 MALVERN GROVE RESIDENTS'
ASSOCIATION

Respondent : RAWLINGS & CRAWFORD LTD

Type of Application : For a certificate pursuant to section 29 Landlord
and Tenant Act 1985

Tribunal Members : A M Davies, LLB
A Hossain, Bsc (Est Man) MRICS

Date of Decision : 3 June 2024

DECISION

1. The Tribunal certifies that The 8 Malvern Grove Residents' Association is a recognised tenants' association for the purposes of the provisions of the Landlord and Tenant Act 1985.
2. The Respondent shall pay the Applicant £100 representing the application fee.

REASONS

1. On 15 September 2023 the Applicant Association was formed by the leaseholders of 4 of the 6 flats in the building known as 8 Malvern Grove, West Didsbury. The

remaining 2 flats (numbers 2 and 5) in the building have been retained by the Respondent, which owns the freehold of the property.

2. The 4 leaseholders who are members of the Applicant prepared its Constitution using as a guide the form provided by the Federation of Private Residents' Associations.
3. On 16 September 2023 the Applicant's members sent a copy of the Constitution to the Respondent with a letter requesting that the Respondent recognise the Association in accordance with section 29 of the Landlord and Tenant Act 1985. Section 29 (1) provides as follows:

"(1) A recognised tenants' association is an association of qualifying tenants (whether with or without other tenants) which is recognised for the 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;*"

4. The Respondent did not reply to the Applicant's request, and on 1 November 2023 the Applicant applied for a certificate of recognition by the Tribunal. An application fee of £100 was paid.
5. Directions were issued on 24 January 2024 requiring the Applicant to serve a Statement of Case, and the Respondent to send a Statement of Case in response. A Statement of Case was duly filed and served by the Applicant along with the required supporting documentation. No Statement of Case was filed by the Respondent. Following a warning order, the Respondent was barred from making representations by order dated 25 April 2024.
6. The Tribunal notes that the Applicant's Constitution provides:

for the composition of its membership, which is formed of leaseholders at 8 Malvern Grove other than the landlord;

for appropriate rules regarding membership: all members are to be qualifying tenants;

for appropriate rules regarding decision making and voting;

for any fees or charges to be paid in equal shares by the members;

for the interests of all members to be taken into account;

for the Association to be independent of the landlord;

for the Association to have a secretary and treasurer. In this regard, there is no provision of the Association to have a chairperson. The Tribunal accepts that in view of the small membership the roles of chairperson and secretary are effectively combined;

for appropriate rules regarding amendments to the Constitution; and

for appropriate provisions for the Constitution, accounts and membership lists to be kept up to date and available for inspection.

The Tribunal is satisfied that the Constitution is appropriate and that the Applicant Association operates openly and transparently.

7. The certificate requested by the Applicant is therefore granted.
8. Since there is no apparent reason for the Respondent's failure to recognise the Association, the Respondent is to repay to the Applicant the application fee of £100.



First Tier Tribunal (Property Chamber)

Residential Property

CERTIFICATE OF RECOGNITION

An application from 8 Malvern Grove Residents' Association for a Certificate of Recognition under the provisions of Section 29 of the Landlord & Tenant Act 1985 has been considered by:

Judge A. Davies

Who is a person appointed under the Act to the panel of persons to act as members of the First tier Tribunal Property Chamber for the Northern Region.

This is to certify that

The 8 Malvern Grove Residents' Association

is a recognised Tenants' Association for the purpose of the aforementioned section.

The Certificate will be valid for a period of five years from 3 June 2024.

Judge A. Davies

3 June 2024