



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

**Case Reference** : **MAN/30UH/PHK/2017/0001**

**Property** : **Broadfields Park  
Oxcliffe Road  
Morecambe  
LA3 3EH**

**Applicant** : **Broadfields Park Residents'  
Association**

**Representative** : **Alan Thorpe**

**Respondents** : **Britaniacrest Limited**

**Representative** : **Richard Hill**

**Type of Application** : **Mobile Homes Act 1983 – Sch 1 para  
28(1)(h)**

**Tribunal Member** : **Deputy Regional Valuer N Walsh  
Judge J Holbrook**

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

**Date of Decision** : **August 2017**

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**DECISION**

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## DECISION

**The Applicant is recognised as a qualifying residents' association in accordance with Paragraph 28(1)(h) of the Mobile Homes Act 1983.**

## REASONS

### Background

1. On 14 June 2017, the Applicant applied for recognition by the Tribunal as a qualifying residents' association in order to obtain the consultation rights provided to such associations by Paragraph 22(f) of the implied terms set out at Chapter 2, Schedule 1 to the Mobile Homes Act 1983 (as amended).
2. On 22 June 2017, the Tribunal gave directions for the conduct of the proceedings. The parties were informed that this matter was considered suitable for a determination without an oral hearing unless either party gave notice that they wished a hearing to be listed. As no such notification was received, the Tribunal will determine the matter on the basis of the evidence provided in the application and in written submissions and correspondence.
3. Shortly after the Tribunal issued its directions the Respondent advised the Tribunal that it recognised the residents' association to be qualifying and on 18 July 2017 the Respondent wrote to the Applicant confirming this, and inviting the Applicant to withdraw their application. On 20 July 2017 the Applicant wrote to the Tribunal to request that their application proceed to a determination.

### Law

4. Paragraph 28 (1) of the Mobile Homes Act 1983 sets out the requirements to be met by an association.

28(1) A residents' association is a qualifying association in relation to a protected site if -

- (a) it is an association representing the occupiers of mobile homes on that site;
- (b) at least 50% of the occupiers of the mobile homes on that site are members of the association;
- (c) it is independent from the owner, who together with any agent or employee of his is excluded from membership;

- (d) subject to paragraph (c) above, membership is open to all occupiers who own a mobile home on that site;
- (e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;
- (f) it has a chairman, secretary and treasurer who are elected by and from among the members;
- (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home; and
- (h) the owner has acknowledged in writing to the secretary that the association is a qualifying residents' association or, in default if this, the [tribunal] has so ordered.

### **Conclusion**

Having reviewed the Applicant's application and supporting documentations the Tribunal can find no contravention of the requirements as set out in paragraph 28 of the Mobile Homes Act 1983. The Tribunal also notes that this application is not contested by the Respondent site owner. The Tribunal therefore finds that the Applicant, Broadfields Park Residents' Association, should be afforded qualifying residents' association status under the terms of the Mobile Homes Act 1983.