



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

Case Reference : **MAN/36UD/HTA/2018/0003**

Property : **7-11 and 13-15 Cheltenham Parade,
Harrogate HG1 1DD**

Applicant : **Cheltenham Residents' Association**

Respondent : **Pavement Properties Ltd (Mr Gino Zocaratto)**

Type of Application : **Landlord & Tenant Act 1985 – Section 29**

Tribunal Member : **Mr L Bennett (Deputy Regional Judge)**

Date of determination : **22 March 2019**

Date of Decision : **27 March 2019**

DECISION

Application

1. Cheltenham Residents' Association (Cheltenham RA) applies to the Tribunal under Section 29 of Landlord and Tenant Act 1985 (the Act) for recognition as a Tenants' Association.
2. The Respondents is stated to the Lessor of the apartments within the Property.

Grounds and Submissions

3. The application was received by the Tribunal on 27 November 2018.
4. The application included a list of members and officers of the Residents' Association, a copy of its Rules/Constitution in the ARMA Model, minutes of its initial meeting and copies of the underlying Leaseholders' commitment to form the Association.
5. On 4 February 2019, Deputy Regional Valuer Walsh made directions for determining the application.
6. In compliance with directions, the Applicant has provided a statement of case and copies of the documents referred to.
7. Although Mr Zocaratto has telephoned the Tribunal office, he has not provided submissions. He indicated he was not intending to do so.
8. Neither the Applicant nor the Respondent requested a hearing.
9. This determination was made on the papers.

Law

10. Section 29 of the Act defines a recognised Tenants' Association and provisions for recognition.
11. The Act further provides that the Secretary of State may make regulations setting the procedure and the matters to which regard is to be had.
12. Established criteria for recognition are that:
 - The rules of the Association should be fair and democratic
 - Membership should not be less than 60% of those eligible
 - Members must consist of those paying a variable service charge
 - One vote per individual leased unit
 - No more than one Association per block

Determination

13. After review of the application documents and the information supplied and in the absence of objection by the Respondent, the Tribunal finds that the application satisfies the criteria and that the Association should be recognised under Section 29 of the Act.

Order

14. Cheltenham RA shall be recognised as a Residents' Association.

Certificate



First Tier Tribunal (Property Chamber)

Residential Property

CERTIFICATE OF RECOGNITION

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

Laurence Bennett, Deputy Regional Judge

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

Cheltenham Residents' Association

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

The Certificate will be valid for a period of four years commencing 22 March 2019.

Laurence Bennett, Deputy Regional Judge

22 March 2019

**L J Bennett
Tribunal Judge
22 March 2019**