



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

Case Reference : **BIR/31UB/PHK/2018/0003**

Property : **Castlewood Mobile Home Park Hinckley Road
Sapcote Leics LE9 4JZ**

Applicant : **Castlewood Residents' Association**

Representative : **Margaret Greenfield**

Respondent : **Henry Johnson**

Type of Application : **An Application under paragraph 28 (1) (h) of
Chapter 2 of Schedule 1 to the Mobile Homes
Act 1983**

Tribunal Member : **V Ward BSc Hons FRICS**

Date of Decision : **12 November 2018**

DECISION

BACKGROUND

1. On 16 September 2018, the Applicant, Castlewood Residents' Association, applied for recognition by the Tribunal as a qualifying residents' association. Such recognition confers upon the residents' association the consultation rights provided to such associations by Paragraph 22 (f) of the implied terms set out at Chapter 2 of Schedule 1 to the Mobile Homes Act 1983 (as amended).
2. By way of Directions issued on 12 October 2018, the Respondent was invited to advise the Tribunal by 30 October 2018 if the application was opposed and on what grounds.
3. No response was received. The Tribunal therefore proceeded to make its determination on the basis that the Applicant did not object to the application.

The 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*

(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.

Determination

5. Following an initial review of the application, the Tribunal requested additional information in order to ascertain if the provisions of Paragraph 28 (1) had been met.
6. Following a further review of the information supplied, and in the absence of an objection by the Respondent Site Owner, the Tribunal considers that the Applicant has met the requirements of Paragraph 28 (1) of the Mobile Homes Act 1983 and accordingly finds that Castlewood Residents' Association should be afforded qualifying residents' association status under the Mobile Homes Act 1983.

Appeal

7. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal an aggrieved party must apply in writing to the First-tier Tribunal for permission to appeal within 28 days of the date specified below stating the grounds on which that party intends to rely in the appeal. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).

V Ward



First tier Tribunal (Property Chamber)

Residential Property

CERTIFICATE OF RECOGNITION

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

V Ward BSc Hons FRICS

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 Midlands area

This is to certify that

Castlewood 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 12 November 2018

V Ward BSc Hons FRICS

12 November 2018