



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

Case Reference : **MAN/32UH/LAM/2020/0001**

Property : **All Known Property Within Burton Waters,
Being 361 Residential Units and 18 Or More
Commercial Properties**

Applicant : **Burton Waters Independent Tenant's
Association**

Represented by : **Mr M. Connell**

Respondent : **(1)Burton Waters Management Limited
(2)Banks Long and Company**

Represented by : **Mills Chody LLP, Solicitors (replacing)
Wilkin Chapman LLP, Solicitors.**

**Type of
Application** : **Section 22 and 24 of the Landlord and Tenant
Act 1987.**

Tribunal Members : **Judge C. P. Tonge LLB, BA
Mr P. Mountain**

Date : **28 March 2022**

DECISION RELATING TO JURISDICTION AND ORDER

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Background

1. The Application is stated to be brought by Burton Waters Independent Tenant's Association, "the Applicant". This is an unincorporated association of tenant's that has not been recognised as the tenant's association for this site.
2. This case has been subject to a stay whilst an associated case could be dealt with. That stay was lifted on 7 March 2022 and this case then was then considered.
3. The Tribunal noted that there is a submission made on behalf of the Respondents' in this case that the Tribunal does not have jurisdiction to deal with this application because it has been brought by an unincorporated association that is not the recognised tenant's association and that only a tenant can bring such an application.
4. The Tribunal agrees with the submissions as made by the Respondents, in that the Applicant does not have standing to bring this case before the Tribunal. The Tribunal gave Mr M. Connell, who is an officer of the Applicant association and representative of the Applicant association, 14 days to make any submissions that he considered to be necessary with regard to the issue of the Tribunal's jurisdiction (Decision Relating To Jurisdiction, dated 7 March 2022, sent to the Parties 9 March 2022). That 14 day period of time has now elapsed and Mr M. Connell has not chosen to make any submissions.
5. The Tribunal now makes an order, pursuant to Rule 9(2)(a) of the of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 (as amended) to strike out the Applicant's case. The case has been brought by an unincorporated association that does not have standing to bring the case before the Tribunal so that this Tribunal does not have jurisdiction to consider the application.

Decision

6. This Tribunal decides that it does not have jurisdiction to consider this matter any further because the application has been brought before the Tribunal by Burton Waters Independent Tenant's Association and that association is not a tenant, as required by section 21 of the Landlord and Tenant Act 1987. As such the Tribunal now orders that this application be struck out pursuant to Rule 9(2)(a) of the of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 (as amended).
7. Appeal against this Decision is to the Upper Tribunal. Any party wishing to appeal must, within 28 days of this Decision being sent to the parties,

deliver to this First-tier Tribunal an application for permission to appeal, stating the grounds of appeal, the paragraphs of the Decision appealed against, particulars of the grounds of appeal and the result that is sought by bringing the appeal.

Judge C. P. Tonge

Annex 1. The Order to strike out the application.

Date this Decision and Order sent to the parties 30 March 2022

ANNEX 1.

Case Reference: MAN/32UH/LAM/2020/0001

Applicant: Burton Waters Independent Tenant's Association

Represented by: Mr. M. Connell

**Property: All Known Property Within Burton Waters, Being
361 Residential Units and 18 Or More Commercial
Properties**

**Respondents: (1)Burton Waters Management Limited
(2)Banks Long and Company]**

**Represented by: Mills Chody LLP, Solicitors (replacing) Wilkin
Chapman LLP, Solicitors.**

ORDER TO STRIKE OUT THIS CASE FOR WANT OF JURISDICTION

The Tribunal does not have jurisdiction to deal with this case because it has been brought before the Tribunal by Burton Waters Independent Tenant's Association and that association is not a tenant, as required by section 21 of the Landlord and Tenant Act 1987. As such the Tribunal now orders that this application be struck out pursuant to Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 (as amended).

Judge Tonge