

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE

Reference: LVT/0054/03/25

In the Matter of David Morgan Owners' Association; and
In the matter of an Application under the Landlord and Tenant Act 1985, Section 29(1)(b)(ii)

Applicant: David Morgan Owners' Association

Respondent: Tameside Metropolitan Borough Council
(as administrators of the Greater Manchester Pension Fund).

Tribunal: Ms C Jones LL. B Chairperson
Mr D Evans FRICS Surveyor Member

Property: David Morgan Apartments, The Hayes, Cardiff CF10 1UG

DECISION

The Tribunal notes that the Applicant is a recognised tenants' association ('RTA') by virtue of a Notice in writing dated 15 July 2025, given by the Respondent Landlord to the Secretary of the Applicant for the purposes of Section 29(1)(a) of the Landlord and Tenant Act 1985 ('the 1985 Act'). In all the circumstances, it has decided not to issue a Certificate under Section 29(1)(b)(ii) of the 1985 Act.

REASONS FOR THE DECISION OF THE LEASEHOLD VALUATION TRIBUNAL BACKGROUND

BACKGROUND

1. The Applicant's application to this Tribunal for recognition of the Applicant as a recognised tenants' association under Section 29(1)(b)(ii) of the Act was made by the Applicant's Chairman on form 'LVT9' dated 18 March 2025. In response to the question on the form; *'Have you asked the landlord for written notice of recognition?'*, the Chairman answered; *'Yes'*. The form then asked; *'If so, please ensure that you have included this notice in the required documents.'* The Association did not append a notice; however, it qualified the response by stating, *'Former Landlord (Helical Bar Ltd) understood to have recognised Association in April 2012, but records were not transferred when property sold in 2017.'* As to; *'The date of any previous certificate of recognition'* requested in the form, this was left blank, and in response to the question

'Has there been any change in the constitution of rules of the Association since this date?' the Applicant stated; 'No'.

2. The Applicant's Chairman submitted a written Constitution for the *'David Owen Apartments Owners' Association'* and appended a *'Schedule of relevant qualifying tenants who are members of the Association'*. This stated that of the 56 leasehold interests at the Property, 48 were members of the Applicant Association. He also submitted a decision of the Leasehold Valuation Tribunal relating to services charges for the Property dated 30 March 2011 under Sections 27A and 20C of the 1985 Act. Finally, he provided a copy of a letter dated 5 February 2025 from DAC Beachcroft, Solicitors, acting on behalf of the Respondent. This referred to the Applicant's letter dated 14 November 2024; however, this letter was unfortunately not appended.
3. Directions were issued by the Tribunal's Procedural Chairman on 3 April 2025, and amended Directions were issued on 12 June 2025. These provided an opportunity for the parties to inform the Tribunal whether they required an oral hearing of this matter. In the absence of any notification to this effect, the determination took place on 28 October 2025 on the basis of the written evidence submitted by the parties.

THE LEGISLATION

4. Section 29 of the Landlord and Tenant Act 1985 states, under the heading; *'Meaning of 'recognised tenants' association'* as follows:
'(1) A recognised tenants' association is an association of qualifying tenants (whether with or without other tenants) which is recognised for 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...(ii) in relation to dwellings in Wales, of a member of the local rent assessment committee panel...'

RESPONDENT'S EVIDENCE

5. Ms Stephanie Parkinson, Head of 'Pension Fund Legal' provided a statement dated 15 July 2025 on behalf of the Respondent. She explained that the Council was the freehold owner and Landlord for the Property and was the correct Respondent in these proceedings. She stated that whilst the Applicant had stated that the application was based upon the Landlord's refusal to recognise the Applicant as a recognised tenants' association, and had also stated that it had asked for written notice recognising its status pursuant to Section 29(1)(a) of the 1985 Act, she stated; *'This is incorrect.'*
6. Ms Parkinson explained that although there had been some correspondence between the parties relating to the tenants' association, the Applicant had not made a formal request in writing for recognition and had merely requested information as to its status in late 2024, as it thought that the previous landlord may have provided a certificate of recognition over 15 years previously. The Respondent had requested further evidence in order to consider the point further, but no such evidence was provided. It noted that the Applicant had produced a copy of a historical Tribunal decision regarding the

Property which specifically noted that the Applicant wasn't a recognised tenants' association for the purposes of the 1985 Act.

7. The Respondent considered that upon the sale of the freehold of the Property, the onus was upon the Applicant to provide the certificate of recognition to the new owner. Nevertheless, the Respondent said that it could *'see the benefit in the Applicant being recognised as a RTA. Therefore, the Council has produced the relevant notice in writing required by Section 29 (1)(a) of the 1985 Act'*. The Respondent requested that the Tribunal discontinue the application accordingly.
8. The Statement then appended the Landlord's written Notice addressed to the Applicant's Secretary and dated 15 July 2025, confirming that the Applicant was a recognised tenants' association in relation to the Property pursuant to Section 29(1)(a) of the 1985 Act.

APPLICANT'S EVIDENCE

9. Mr Dougald Robinson, the Applicant's Chairman, produced a statement in response dated 28 July 2025. He stated that he was duly authorised by the Applicant's members to make the representation on their behalf. He said that it was helpful to receive clarification as to the identity of the Respondent. He mentioned that reference to Greater Manchester Pension Fund in its letterhead *'may go some way to explain our previous confusion in this regard and has perhaps contributed to the postal issue necessitating the amended Tribunal Direction dated 12th June 2025...'* Mr Robinson stated that the Applicant appreciated that the Respondent had graciously recognised the Applicant as a recognised tenants' association pursuant to s.29 of the 1985 Act.
10. The Applicant was content that the matter could be disposed of by the Tribunal on the basis of written submissions in consequence of this. Notwithstanding the Respondent's letter of recognition however, it asked that the Tribunal issued *'a Certificate of Recognition of maximum duration as the Tribunal may determine'*. The Applicant explained that; *'Such a Certificate would provide continuity for the Tenant's Association in the event that the freehold was to change hands again, or if the administration of Tameside Metropolitan Borough Council were to materially change'*. The Applicant also observed that further changes to the legislative framework concerning leasehold properties were anticipated as well as issues arising from changes to estate management and fire safety which were *'germane to respective obligations under conditions of the residential lease'*.
11. Finally, the Applicant anticipated that there would be a future need for the Applicant to correspond with the Respondent Landlord on matters of collective leaseholder interest. It intended to use the address given in the Respondent's Notice dated 15 July 2025, with copies by e-mail to Ms Stephanie Parkinson. It said that it would *'appreciate a Respondent commitment to maintain an effective means of contact'*.

DETERMINATION

12. The Tribunal noted that the 1985 Act referred to a tenants' association being recognised **either** by a landlord's notice, **or** by a certificate of a member of the local rent assessment committee panel. Despite the legislation envisaging recognition being by one or the other but not both, the Tribunal considered that it had a wide discretion under Section 29 of the 1985 Act. It considered that it could, in principle, issue a Certificate recognising the tenants' association despite the Respondent having already issued a Notice to this effect.
13. Notwithstanding this wide discretion, the Tribunal then considered whether the Applicant had evidenced the need for a 'belt and braces' approach, being the issue of a Certificate in addition to the Notice.
14. The Tribunal was satisfied on the available evidence that the Applicant had not explicitly requested recognition of the tenants' association by the Respondent. It was also satisfied that certain statements made by the Applicant in the LVT9 application to this Tribunal were incorrect. The Tribunal noted that the Respondent had taken a pragmatic approach by nevertheless recognising the tenants' association. This indicated that the Respondent was satisfied with the relevant Constitution, (albeit with a slightly different name to that of the Applicant named in the LVT9), and that it was supported by a sufficient level of membership of qualifying tenants.
15. As for the Applicant's request for the Issue of a Certificate by a local rent assessment committee panel member as well as a Landlord Notice, the Tribunal did not consider that the Applicant had evidenced sufficient grounds for this to be necessary. On the question of continuity, the Applicant was now in receipt of a written Notice which had been formally noted by this Tribunal and unless it is formally cancelled, it will remain in effect, even if the freehold is transferred or if the administration of the Respondent is to materially change.
16. The Tribunal also noted that the correspondence in these proceedings suggested that the Applicant had certain concerns about the Respondent's management structure, about insurance arrangements and lack of, or confused communication. From the historical Tribunal decision, there had clearly been historical tensions and issues with the former landlord regarding service charges. Nevertheless, the Tribunal was satisfied that the Applicant would have recourse to this Tribunal if the Respondent were to give six months' notice of withdrawal of its Notice of recognition of the tenants' association at any time.
17. In addition, it is the normal practice of the Tribunal when issuing a Certificate under Section 29(1)(b)(ii) to issue it for a time-limited period, typically four or five years, whilst the Notice issued by the Respondent is not time-limited in this way. Whilst the Respondent may withdraw the Notice with not less than six months' notice of the date of withdrawal, the Applicant may again apply to this Tribunal using Form LVT9 if such circumstances arise.

18. In conclusion, whilst the Tribunal noted that the application in this case may have forced the issue and led to the Respondent to issue a Notice, it considered that the Applicant had now achieved its ultimate goal and had obtained recognised tenants' association status. It also considered that the available evidence didn't justify a 'belt and braces' approach by the issuing of a Certificate when a Notice was already in place, recorded in writing and noted by this Tribunal.

Dated this 11th day of November 2025

C Jones

Chairperson