

Tenants' Associations

Application for Recognition

Guidance on Procedure

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1. What is a Tenants' Association?

A Tenants' Association is a group of tenants (lessees) who hold houses or flats on tenancies/ leases from the same landlord upon similar terms containing provisions for the payment of variable service charges. To be wholly effective an Association needs to be formally recognised.

2. Why form a Tenants' Association?

A landlord can be required to consult a recognised Association regarding such matters as service charges and management, which would not be so in the case of individual tenants. It should also be helpful to a landlord to consult with an Association rather than to have to go to the greater trouble and expense of dealing with individual tenants.

3. What is the role of a recognised Association?

The Members will have come together to represent their common interest so that the Association can with their consent and on their behalf:

- ask for a summary of costs incurred by their landlord in connection with matters for which they are being required to pay a service charge
- inspect the relevant accounts and receipts
- be sent a copy of estimates obtained by the landlord for intended work to their properties
- propose names of contractors for inclusion in any tender list when the landlord wishes to carry out major works
- ask for a written summary of the insurance cover and inspect the policy
- be consulted about the appointment or re-appointment of the agent managing the services.

4. How does an Association become recognised?

There are two ways of seeking recognition. The first of these is for an Association to ask the landlord for written notice of recognition. If this is given, then no further steps to establish recognition need be taken. The landlord cannot withdraw such recognition without first giving at least six months notice to the Association. If however the landlord refuses or withdraws recognition, then the Association can apply for recognition to one of the five Rent Assessment Panels which constitute the Residential Property Tribunal Service (RPTS) and in whose region the properties are located. A list of the Panels and their addresses is given in the Annex to this booklet.

5. Who will be eligible for Membership of the Association?

There is no precise definition of tenants' qualifications and each case must be considered on its merits. Basically a Member must be contributing to the payment of a service charge levied by a landlord and which the landlord can, under the terms of similar leases/tenancies, vary from time to time to meet expenditure incurred or to be incurred in the maintenance, repair or insurance of a block or estate of dwellings in the landlord's ownership. Tenants paying fixed rents, which incorporate a non-variable service charge, will not qualify for full Membership and, although they can become Members, they will have no voting rights.

Membership will not be open to landlords personally or, in the case of company landlords, their employees or directors. A management company (including its directors, employees, Members or shareholders) which has purchased the freehold on behalf of the tenants (lessees) cannot be a Member(s) of a Tenant's Association. This is because on enfranchisement, the company effectively becomes the landlord of the building(s).

Tenants of shops, offices, restaurants or similar business premises (unless their tenancies incorporate residential accommodation) would not usually qualify. Membership of an Association may be extended to other individuals with a common interest (for example sub tenants) but they will not have voting rights and cannot be party to the proceedings of the Association in its role as a Recognised Association.

6. Can an estate have more than one recognised association?

In certain circumstances, more than one Association will be recognised where there is no duplication and the interests of tenants can be seen to differ – for example separate blocks of flats (but not separate Associations representing tenants in the same block).

7. What if there is a change of landlord?

The Association with a current Certificate of Recognition should serve a Notice on the new landlord if it still wishes to be consulted indicating the existence of a Certificate.

8. What will it cost to make the application?

The Panel makes no charge but each party must meet their own costs.

9. How is application for recognition made to a Panel?

An application form can be obtained from a Panel office. The Association will need to supply with its application a copy of its rules and constitution and any relevant correspondence.

10. What form should the Association's rules take?

You may draft your own rules but you should consider taking legal advice on their content. However, you must ensure that they are fair and democratic and that they meet the essential criteria set out in paragraph 11 below.

11. What is meant by fair and democratic?

The Panel will need to be satisfied that the Rules cover the following matters, among others:

- Openness of Membership – Election of a Secretary, Chairman and any other Officers
- Payment and the amount of the subscription – Obligatory Annual Meetings
- Notices of Meetings
- Voting arrangements and quorum – Only one vote per flat or house will be permitted
- Independence from the landlord.

12. Who will deal with the matter?

In the first instance, the Case officers who comprise the administrative staff of the Panel will deal with the application. They will deal with all correspondence and will continue to deal with the paperwork until the final decision is reached. Case officers are able to speak to an applicant about the processes and procedures relating to the application. They cannot however give legal advice or advise parties about the law relating to an application. It should be noted that it is the Panels' practice to pass copies of documentation received from a party to any other interested party. It follows that correspondence written 'without prejudice' or 'in confidence' cannot be accepted.

13. When the Panel receives the application what procedure will be followed?

On receipt of the application it will be copied to the landlord and any other interested parties for their comments. Once these comments have been received the Case officers will then place the application and any comments from the landlord and any other interested parties before a Member of the Panel for consideration.

14. Who will decide whether or not recognition will be granted?

The Member of the Panel, who will have been nominated by the Panel President or by a Vice-President, will consider the application and decide whether or not recognition should be granted. The Member will be a qualified lawyer or a valuer (a surveyor with experience of the management of housing property).

15. Will recognition be granted automatically?

No. The Panel has a discretion as to whether recognition should be granted and will need to be satisfied that the Rules of the Association are fair and democratic – also that the actual Membership of the Association will represent a significant proportion of the potential Membership. As a general rule, the Panel would expect the Membership to be not less than 60% of those qualifying to join the Association. In very exceptional circumstances, if a dispute of fact cannot be resolved by correspondence, the Member may arrange an oral hearing.

16. How is recognition by a Panel given and for how long will it last?

If the Member is satisfied that rules are fair and democratic and that there is no reason why recognition should be refused, he or she will issue a Certificate of Recognition. The length of validity of the Certificate is at the Panel's discretion but will usually be for four years. When the Certificate expires, the Association can apply for renewal. It is open to the Panel to cancel a Certificate at any time if it is considered that for some reason the Association no longer merits recognition.

Annex

Panels and their addresses

Northern Rent Assessment Panel

President: Martin Davey

Regional Manager: Beatrice Whipp

1st Floor, 5 New York Street

Manchester M1 4JB

Tel: 0845 1002614

0161 237 9491

Fax: 0161 237 3656

Midland Rent Assessment Panel

President: Simon Duffy

Regional Manager: Sara Whale

2nd Floor, Louisa House

92-93 Edward Street

Birmingham B1 2RA

Tel: 0845 1002615

0121 236 7837

Fax: 0121 236 9337

Eastern Rent Assessment Panel

President: Bruce Edgington

Regional Manager: Mark Allbut

Unit 4C, Quern House

Mill Court, Great Shelford

Cambridge CB22 5LD

Tel: 0845 1002616

01223 841 524

Fax: 01223 843 224

London Rent Assessment Panel

President: Siobhan McGrath

Regional Manager: Donald Brown

1st Floor, 10 Alfred Place

London WC1E 7LR

Tel: 020 7446 7700

Fax: 020 7637 1250

Southern Rent Assessment Panel

President: John Tarling

Regional Manager: Jim May

1st Floor, 1 Market Avenue

Chichester PO19 1JU

Tel: 0845 1002617

01243 779394

Fax: 01243 779389

Corporate Unit

Senior President: Siobhan McGrath

Chief Executive: Michael Ross

3rd Floor, 10 Alfred Place

London WC1E 7LR

Tel: 020 7446 7750

Fax: 020 7580 5684

RPTS national helpline: 0845 600 3178

RPTS website: www.rpts.gov.uk

Disclaimer

The contents of this publication are correct at the time of going to press.

Tribunal Decisions and the RPTS Website

All decision and reasons documents made by Rent Assessment Committees and Leasehold Valuation Tribunals from 01 January 2003 are published on the RPTS website.

Decisions made by Leasehold Valuation Tribunals up to 31 December 2002 are available online on the Leasehold Advisory Service website at www.lease-advice.org/.

A request to remove a particular decision from the RPTS website must be made in writing to the RPTS Corporate Unit (see annex for address) The request should set out the reasons for wanting the decision removed. All requests will be considered on a case by case basis.

RPTS Booklets/Leaflets

Code	Description
FR/1	Booklet 1 – Rent Assessment Committees; Fair Rents; Guidance on procedure
MR/2	Booklet 2 – Rent Assessment Committees; Market Rents; Guidance on procedure
LVTB/3	Booklet 3 – Leasehold Valuation Tribunal (LVT): Service Charges dispensation with charge consultation. Administration charges, Variation of Leases, Right to manage, Appointment of Manager, Landlord's choice of insurer
LE/4	Booklet 4 – Leasehold Enfranchisement
TA/5	Booklet 5 – Tenants Association Application of Recognition, Guidance on procedure
UWS/6	Booklet 6 – Unhappy with our service? Here's what we'll do
RTB/7	Booklet 7 – Right to Buy: Determinations by Residential Property Tribunals as to whether a dwelling-house is particularly suitable for occupation by elderly persons
EDMO/8	Booklet 8 – Housing Act 2004: Applications and Appeals in Respect of Empty Dwelling Management Orders under the Housing Act 2004
HHSRS/9	Booklet 9 – Housing Act 2004: Housing Health & Safety Rating System Application and Appeals relating to Improvement Notices, Prohibition Orders, Demolition Orders, Emergency Measures (Unfit Properties)
GNL/10	Booklet 10 – Are you a Landlord, Tenant or Leaseholder? Can the Residential Property Tribunal Service help you? It helps thousands every year.
HMOs/11	Booklet 11 – Housing Act 2004: Application and appeals relating to Licensing of houses in multiple occupation (HMOs) Selective licensing of other residential accommodation
MOs/12	Booklet 12 – Housing Act 2004: Application and Appeals relating to Licensing Interim and Final Management Orders (MOs) under the Housing Act 2004
LVTL	Are you a Landlord, Tenant or Lessee? Can the Leasehold Valuation Tribunal help you to resolve disputes?
EOP	Equal Opportunities Policy
AR	Annual Report
DW	Document Wallet
CP	Corporate Plan
RPTS DVD	Property Matters: An introduction to RPTS. What to expect at a Rent Assessment Committee or Leasehold Valuation Tribunal

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National Helpline

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Website

www.rpts.gov.uk

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