



**Application by an occupier of a mobile home on a protected site, or a mobile home site owner, for:**

**An order (under section 50(2)) implying a term or terms concerning the matters mentioned in Part 2 of Schedule 2 to the Act (see below) into an agreement for occupation, or**

**An order (under section 50(3)(a)) varying or deleting any express term (other than a site rule) of an agreement for occupation, or**

**An order under section 50(3)(b) that an unenforceable express term have full effect, or to have such effect subject to any variation specified in the order.**

**Sections 50(2) and 50(3) of the Mobile Homes (Wales) Act 2013 (“the Act”)**

**This application form is also available in Welsh. Please contact the tribunal for a Welsh version of this form.**

**Note** section 49(4) of the Act provides that any express term in the agreement (other than a site rule) that was not set out in a written statement given by the site owner before the agreement was entered into, in accordance with the Act, is unenforceable unless the Tribunal makes an order under section 50(3)(b).

This is the correct form to use if you are party to an agreement under which a mobile home is stationed on a protected site and you want the tribunal to;

1. order that there shall be implied into the agreement terms concerning the matters mentioned in Part 2 of Schedule 2 of the Act\*, or
2. make an order varying or deleting any express term of the agreement (other than a site rule) or
3. to order that an unenforceable express term in the agreement be enforceable in whole or as varied by the tribunal.

\* The matters referred to under Part 2 Schedule 2 are:

- a) The sums payable by the occupier in pursuance of the agreement and the times at which they are to be paid.
- b) The review at yearly intervals of the sums payable by the occupier in pursuance of the agreement.
- c) The provision or improvement of services available on the protected site, and the use by the occupier of such services.
- d) The preservation of the amenity of the protected site.

### **Time limits.**

Please note: Your application must be received by the Tribunal not later than 6 months after the date on which the agreement was made OR, where a written statement was given after that date not later than 6 months after the date on which the statement was given.

### **Note to Applicants**

Applicants are advised that any information that they provide to the Tribunal may be recorded in a decision document. All decisions made by the Tribunal are open to the public.

## **Documents**

You must send the following document(s) (“required document(s)”) with this application:

- A copy of the agreement between the mobile home owner and the site owner;
- A copy of the written statement of terms;
- A copy of any order made by a Court or Tribunal requiring the site owner to give to the mobile home owner a written statement of terms;
- Any relevant correspondence on the subject matter of your application.

Failure to send any required document(s) might make this application invalid.

Please do not send any other documents at this time. If and when further documents, information or evidence are needed, you will be asked to send them separately.

## **Application Fee**

Unless you are entitled to a waiver or reduction, you must send the Application Fee with the application and the required documents.

The amount of the application fee will depend on the number of pitches or mobile homes to which this application relates.

<b>Number of pitches or Mobile Homes to which this application relates</b>	<b>Application Fee</b>
Where the application relates to one pitch or mobile home	£155
Where the application relates to two pitches or mobile homes	£205
Where the application relates to three or four pitches or mobile homes	£410
Where the application relates to five or more pitches or mobile homes	£515

The fee must be paid by crossed cheque or a postal order made payable to the “National Assembly for Wales”. Do not send cash under any circumstances. Cash payments will not be accepted.

## **Please note:**

If you do not send the correct fee payable to the “National Assembly for Wales” or if you send cash, the application and the cash will be returned to you at your risk.

## **Waiver of Fees**

If the Applicant(s) or the partner(s) of any Applicant(s) is/are in receipt of certain income-related benefits, the Application Fee may be waived or reduced.

To claim a waiver or reduction in the Application Fee, the Applicant(s) in receipt of such benefit or Applicant(s) whose partner(s) is/are in receipt of such benefit must complete a waiver application form which can be obtained from the Residential Property Tribunal. This will not be copied to the other parties.

## **Language Preference**

The Residential Property Tribunal welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents and make written representations to the tribunal in Welsh or English.

Please inform the tribunal of your language preference by completing box 3 below.

It is important that you read the notes above carefully before you complete this form.  
Please write clearly in BLACK ink.

MH9

## 1. DETAILS OF MOBILE HOME AND SITE

Address of mobile home and site:	
----------------------------------	--

## 2. DETAILS OF APPLICANT

Name:	
-------	--

Address (including postcode):	
-------------------------------	--

Address for correspondence (if different):	
--	--

Telephone:

<i>Day:</i>
-------------

<i>Evening:</i>
-----------------

<i>Mobile:</i>
----------------

Email address:
----------------

Name and address and details of agent/representative (if relevant)
--

*Where details of an agent/representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for the applicant(s).*

## 3. LANGUAGE PREFERENCE

**Please indicate your language preference:**

Written correspondence? Welsh / English (please delete as appropriate)

Verbal communication? Welsh / English (please delete as appropriate)

Do you wish to speak Welsh in any legal proceedings that may result from this application i.e. tribunal hearing or pre-trial review?

Yes / No (please delete as appropriate)

#### 4. DETAILS OF RESPONDENT

Name of Respondent::	
----------------------	--

Address (including postcode):	
-------------------------------	--

Telephone:

<i>Day:</i>
-------------

<i>Evening:</i>
-----------------

<i>Mobile:</i>
----------------

Email address:
----------------

#### 5. DETAILS OF AGREEMENT

What was the date of the agreement? \_\_\_\_\_

Parties to the agreement:

--

Please enclose:

A copy of the agreement

A copy of any correspondence that you have sent or received in connection with subject matter of this application

#### 6. DETAILS OF ORDER REQUESTED

(a) If your application is for an order implying a term into the agreement please specify the term or terms that you want the Tribunal to imply giving reasons for your request:

--

(b) if your application is for an order varying or deleting an **express term** please give details as to the term or terms in question giving reasons for your request

(c) If your application is for an order that an unenforceable **express term or terms** in the agreement be enforceable fully or as varied by the Tribunal please specify the term(s) to which you application relates giving reasons for your request

**7. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?**

It is possible for your application to be dealt with entirely on the basis of written representations (“paper determination”) BUT ONLY IF:

- The tribunal thinks it is appropriate and
- No party requests An oral hearing.

Even if you agree to paper determination

- The Tribunal may nonetheless decide that an oral hearing is necessary.
- You or any other party may still ask for an oral hearing at any time before the determination is made.

Do you agree to this application being determined without an oral hearing?

Yes  No

**Please ensure that you complete this form in full on the assumption hat there will be an oral hearing.**

## 8. AVAILABILITY

If there are any dates or days we must avoid during the next three months (either for your convenience or the convenience of any witness or expert you may wish to call) please list them here.

Dates on which you will NOT be available:

Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

## 9. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. wheelchair access, presence of an interpreter). It will assist the Tribunal in making the arrangements if it has been made aware of your needs.

## 10. STATEMENT OF TRUTH

*I believe that the facts stated in this application are true.*

Signed: \_\_\_\_\_

Name (in capitals) \_\_\_\_\_

Capacity (if appropriate)(eg Director, Solicitor): \_\_\_\_\_

Date: \_\_\_\_\_

## CHECK LIST

Please check that:

- You have completed this form IN FULL.
- You have enclosed all the required documents.
- That you have paid the appropriate fee or application for waiver.

The Tribunal will not process your application if you have not done so.

If you have any questions about how to fill in this form or the procedure the Tribunal will use, please contact the Residential Property Tribunal on 0300 025 2777 or e-mail [rpt@gov.wales](mailto:rpt@gov.wales)

**The Residential Property Tribunal will not accept applications by FAX or E-mail.**

Please send the completed application form and the required documents to:

Residential Property Tribunal  
1<sup>st</sup> Floor, West Wing  
Southgate House  
Wood Street  
Cardiff  
CF10 1EW