

Y Tribiwnlys Eiddo Preswyl

Residential Property Tribunal Service (Wales)

Reference: RPT/00010/09/17

In the matter of 39 Castleton Park , Castleton Road, St Athan , Barry , CF62 4LG

In the matter of an Application under Sched 2, para 7 of the Mobile Homes (Wales) Act 2013

Applicants: Mr William Forrest and Mr Matthew Forrest

Respondent: Mr Stephen Thomas

**Tribunal : Jim Shepherd: Tribunal Judge
Hefin Lewis: Surveyor Member
Juliet Playfair: Lay Member**

Venue: St Athan Golf Club

ORDER AND REASONS OF RESIDENTIAL PROPERTY TRIBUNAL

ORDER

The tribunal found that having regard to its condition 39 Castleton Park, Castleton Road, St Athan, Barry, CF62 4LG ("The Home") is having a detrimental effect on the amenity of Castleton Park ("The Site").

Reasons

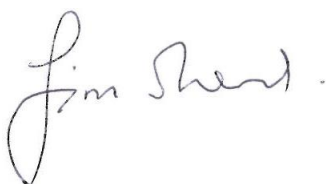
1. The Applicants are the owners of the site and the Respondent is the owner and occupier of the home which is on a pitch on the site.
2. The Applicant made an application for a determination that, having regard to its condition, the home is having a detrimental effect on the amenity of the site.
3. An initial hearing took place on Thursday 25th January 2018 following an inspection of the site. At the hearing the parties were notified that the Tribunal intended to grant an interim order. The home was having a detrimental effect on the amenity of the site but because the Respondent intended to carry out works to the home an interim order was appropriate. The interim order required the Respondent to carry out various works to upgrade the condition of the home and its surrounds. The interim order stated as follows:

INTERIM ORDER

The tribunal found that having regard to its condition 39 Castleton Park , Castleton Road, St Athan , Barry , CF62 4LG ("The Home") is having a detrimental effect on the amenity of Castleton Park ("The Site") and determined to adjourn the application to **Wednesday 18th April 2018** and to make an interim order in the following terms:

1. The Respondent shall carry out the following works within 2 months of receipt of this order:
 - i). Property and site improvements including:
 - a) Removal of general debris, rubbish and household waste from the site and the decking.
 - b) Removal of stored tyres and wheels below the home.
 - c) Removal of gas canisters.
 - d) Reinstatement of excavated soil heaps in the garden and re-turf where necessary.
 - e) Reinstatement and grading of chippings to the parking areas.
 - ii). Undertake decorative works to the mobile home body work including the repair and replacement of rotten timber cladding where found necessary.
 - iii). Repair damaged floors and reinstate exposed insulation slabs.
 - iv). Undertake repair or replacement of decayed timber decking and re-hang gate.
 - v). Reconfigure exposed cabling hanging off the home.
2. No later than **Thursday 12th April 2018** the **Applicant and the Respondent** are required to notify the Tribunal whether the matters listed in paragraph 1 above have been completed.
3. A further inspection of the Home and Site will take place at 9.30 am on Wednesday 18th April 2018 with a hearing to follow at 10:15am at St Athan Golf Club, Golf Club Lane, St Athan, CF62 4LJ.

Dated this 2nd day of February 2018



CHAIRMAN

4. The tribunal convened again on 18th April 2018. We carried out an inspection of the home and the site. It was clear during the inspection that very little work had been carried out by the Respondent. Although the site had been largely cleared of rubbish and tyres etc there was still some debris evident in the surrounds to the home. In addition there had been no works done to the home itself.

5. Both parties attended the hearing after the inspection. William Forrest attended. His brother, Matthew was unable to attend but he was assisted by his wife. The Respondent, Mr Thomas represented himself. We gave the parties the opportunity to make further submissions. The Applicant said the evidence spoke for itself and the bare minimum of the works had been carried out. The Respondent admitted that he had not complied with the order. There was a dispute about the origin of the mounds of soil on the site. Mr Forrest said it was the Respondent's responsibility to rectify whilst Mr Thomas said that the soil was left by contractors digging a trench on behalf of the Applicant. Mr Thomas had not raised this issue at the previous hearing. He accepted however that the chippings on the parking area had not been reinstated.

6. Mr Thomas said that the reason he had not carried out the works in the order was because he could not afford it. He was on benefits. He was hoping that he would get some money from his mother as a result of the sale of her property but there was no written agreement in this regard. The Tribunal remained sceptical about Mr Thomas' ability to improve his home in the near future.

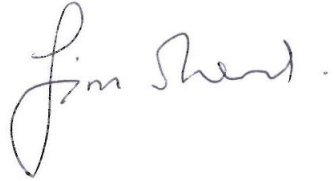
7. In summary the Tribunal found the following in relation to the works ordered:

- i). Property and site improvements including:
 - a) Removal of general debris, rubbish and household waste from the site and the decking: **Partially completed.**
 - b) Removal of stored tyres and wheels below the home: **Completed**
 - c) Removal of gas canisters: **Completed.**
 - d) Reinstatement of excavated soil heaps in the garden and re-turf where necessary: **Not completed but issue as to responsibility.**
 - e) Reinstatement and grading of chippings to the parking areas: **Not completed.**
- ii). Undertake decorative works to the mobile home body work including the repair and replacement of rotten timber cladding where found necessary: **Not completed.**
- iii). Repair damaged floors and reinstate exposed insulation slabs: **Not completed.**
- iv). Undertake repair or replacement of decayed timber decking and re-hang gate : **Not completed.**
- v). Reconfigure exposed cabling hanging off the home : **Not completed.**

The tribunal deliberated about the matter. We decided that notwithstanding the issue about the soil mounds and that some minor clearance of rubbish had taken place the

home was undoubtedly still having a detrimental effect on the amenity of the site. Very little works had been carried out by Mr Thomas. Accordingly the order above was made.

Dated this 26th day of April 2018

A handwritten signature in black ink, appearing to read "Jim Sheel". The signature is written in a cursive style with a large initial 'J' and a trailing flourish.

CHAIRMAN