

Y TRIBIWNLYS EIDDO PRESWL  
RESIDENTIAL PROPERTY TRIBUNAL  
LEASEHOLD VALUATION TRIBUNAL

Reference: RPT/0024/10/19

In the matter of an Application under Section 54(1) of Part 4 of the Mobile Homes (Wales) Act in relation to Chalet 3, Henllan Caravan Park, Llangyniew, Welshpool, Powys, SY21 9HF

**Applicant:** Mr Roger William Craddock and Mrs Margaret Anne Craddock

**Respondent:** Mr Christopher Round and Mrs Susan Round represented by their solicitor Mr Nicholas Jones.

**Tribunal:** Mr Anthony Robin Phillips (Tribunal Judge)  
Mr Hefin Lewis (Surveyor Member)  
Mr Bill Brereton (Lay Member)

### **Decision**

The Tribunal orders that the Respondent shall disclose to the Applicant all suppliers and contractors bills in relation to the provision, maintenance, servicing and repair of the sewage system together with a further written explanation as to the basis of the calculation of the charges levied by the Respondent upon the Applicant for the period 2<sup>nd</sup> October 2014 to 17<sup>th</sup> March 2020.

### **Reasons**

1. The Applicants applied to the Tribunal by way of an application dated 21<sup>st</sup> September 2019 for an order for the Respondent to disclose copies of contractors bills and details of the calculations to show how the sewerage charges for their mobile home are calculated. That application followed on from correspondence over a number of years in relation to this and other charges and issues at the caravan park. A number of those issues have been resolved leaving the question of the charges in relation to the provision of services in relation to sewerage.

2. In support of this the Applicant relies upon the Mobile Homes (Wales) Act 2013, Schedule 2, Section 22(1)(b) which sets out that the owner must:
  - “if requested by the occupier, provide (free of charge) documentary evidence in support and explanation of-
  - (i) any new pitch fee
  - (ii) any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement, and
  - (iii) and any other charges, costs or expenses payable by the occupier to the owner under the agreement”
3. Directions were issued by the Tribunal that the Respondents were to provide a Statement to the Tribunal by 12 noon on 27<sup>th</sup> November 2019 and that the Applicants were to file with the Tribunal a Statement in response by 12 noon on 11<sup>th</sup> December 2019.
4. In accordance with the Directions the Respondent Christopher Round produced a Statement of Truth dated 4<sup>th</sup> December 2019 and Mr and Mrs Craddock produced a Statement dated 17<sup>th</sup> December 2020.
5. Both Statements are concise in themselves and attach a number of documents in support and set out the respective parties' positions.
6. The Tribunal attended at the site on the morning of the hearing to inspect.
7. The site consists of six residential mobile homes together with 64 static holiday caravans and 12 touring caravan pitches. The six residential mobile homes share a 1200 gallon septic tank with 28 of the static holiday caravans. The septic tank in question also serves the toilet block. There are 2 other septic tanks serving the rest of the caravan park.
8. Mr and Mrs Craddock confirmed in their evidence to the Tribunal that they considered that they lacked the necessary information in the form of invoices to enable them to evaluate the demands for payment that they have received from the Respondents. They wish to see how the charges are broken down and how other users of the septic tank contribute towards the costs.
9. Mr and Mrs Round accepted in their evidence that the Applicants had not been provided with all the information requested by the Applicants and that some of the documentation was still with their accountants, in particular an invoice for emptying the septic tank in 2018.
10. The Tribunal is of the opinion that the Respondent could and should have been more proactive in obtaining a copy of the 2018 invoice from their own accountants. The Respondents agreed in evidence that they would chase this up.

11. A copy of an invoice from Corzak Waste Disposal for emptying the septic tank dated 16<sup>th</sup> January 2007 was provided at the hearing and a copy passed to the Applicants. Given that this invoice is over 12 years old, the Tribunal found that it provided limited assistance. Further invoices relating to emptying and maintenance of the septic tank are presented in the respondents' statement of case which date from 2011 to 2015. Whilst these are more recent invoices, it does not address the applicants request for full disclosure.
12. The Respondent's case was however that they had provided the Applicant with the information that enabled the Applicants to evaluate the demands for payment as per the Respondent's Statement dated 4<sup>th</sup> December 2019.
13. The basis for the demand for payment of £150 is set out more particularly in the Respondent's statement in paragraphs 5 -8.
14. This was confirmed in evidence to the Tribunal and was the average charge for a property in the area. It was accepted that this was not calculated with reference to the actual costs incurred by the Respondents but a comparative figure from a residential property. The Respondent stated they were entitled to make a profit.
15. It is clear to the Tribunal that there is fundamental disagreement as to how the charges should be calculated. The disclosure of the further information is unfortunately not going to resolve whether the Respondents approach or the Applicant's approach is correct.
16. The Application made to the Tribunal is for disclosure rather than determination as to whether the charges are reasonable or appropriate.
17. Neither party made an application for an order for costs.
18. Either party may appeal this decision to the Upper Tribunal. An application for permission to appeal should in the first instance be made to this Tribunal within 21 days of the date upon which this decision was made.

Dated this 24<sup>th</sup> day of April 2020

R PHILLIPS  
CHAIRMAN