



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

Application by owner of a Mobile Home site for a refusal order preventing the occupier from giving the mobile home and assigning the agreement to a member of the occupier's family.

Schedule 2, Chapter 2, paragraphs 13(3) and (4) 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.

This is the correct form to use if the following conditions are satisfied.

- a) You are a mobile home protected site owner; and
- b) An occupier of a mobile home on the site has served a notice of proposed gift on you under paragraph 13(1) of Schedule 2 Chapter 2 of the Act; and
- c) You want the tribunal to grant a refusal order preventing the occupier from giving the mobile home and assigning the agreement to the proposed occupier.

IMPORTANT INFORMATION ON TIME LIMITS

1. Your application must be received by the Tribunal within the period of **21 days** beginning with the date on which you received the notice of the proposed gift (paragraph 13(3)(a)(i) of Schedule 2 Chapter 2) and
2. You must within that **21 day** period, give notice to the occupier that you have applied to the Tribunal for a refusal order.(Paragraph 13(3)(a)(ii) of Schedule 2 Chapter 2.) Failure to do so will mean that your application will be treated as not having been made. (Paragraph 13(4)(a) of Schedule 2 Chapter 2.)

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 notice of proposed gift served upon you by the occupier.
- A copy of the notice that you have sent to the occupier informing them of your application to the tribunal for a refusal order
- A copy of any relevant correspondence that you have given or received in connection with the question to be determined.

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

A fee is payable for this application. 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.

Number of pitches or Mobile Homes to which this application relates	Application Fee
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 either a crossed cheque or postal order drawn in favour of the “Welsh Government” or by bank transfer, details of which can be provided upon request. 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 “Welsh Government” 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.

MH12

1. DETAILS OF SITE

Address of Site:	
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2. DETAILS OF APPLICANT SITE OWNER

Name:	
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Address (including postcode):	
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Address for correspondence (if different):	
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Telephone:

Day:

Evening:

Mobile:

Email address:

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

Name:	
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Address of premises to which agreement to occupy relates (including postcode):	
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Address for correspondence (if different):	
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Telephone:

Day:

Evening:

Mobile:

Email address:

5. DETAILS OF AGREEMENT AND OCCUPIER'S NOTICE OF PROPOSED GIFT AND ASSIGNMENT.

Date of agreement: _____

Parties to the agreement

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Date of receipt of occupier's notice of proposed gift and assignment of agreement _____

Please enclose:

- A copy of the agreement
- A copy of the occupier's notice together with all other prescribed documents and information received from the occupier
- A copy of any correspondence that you have sent or received in connection with the subject matter of this application

6. GROUND OF APPLICATION

The ground on which an application for a refusal order may be made is that, if the proposed occupier were to become the occupier, that person, or a person intending to reside with the proposed occupier, would breach a pre-commencement rule or site rule for one of the reasons below. (Please tick the appropriate box(s) indicating the reason(s) on which you rely.)

- By reason of age
- By keeping animals that are of a description specified in the rule;
- By parking vehicles on the site that are of a description specified in the rule, or
- By parking a number of vehicles on the site, in excess, of the number specified in the rule.
- That the proposed occupier has failed to provide the owner with (i) the relevant prescribed evidence that the proposed occupier is a member of the occupier’s family or (ii) any other satisfactory evidence that the person concerned is a member of the occupier’s family.

The evidence prescribed for the purposes of above is:

- Written information on oath given by the occupier and proposed occupier which explains the relationship between them;
- A birth certificate of certificate of adoption;
- A certificate of marriage or civil partnership.

(The Mobile Homes (Selling and Gifting) (Wales) Regulations 2014, regulation 6.)

Note:

- A ‘site rule’ is a rule made by the owner in accordance with any such procedure as may be prescribed which relates to (i) the management of the site or (ii) such other matters as may be prescribed.
- A pre-commencement rule means, in relation to a site, a rule made by the owner before the 1st October 2014 and which relates to any of the matters in (i) or (ii) above.

Please enclose a copy of the rule(s) on which you rely and state the date on which the rule(s) was/were made.

7. NOTICE TO OCCUPIER OF APPLICATION TO TRIBUNAL

Have you given notice to the occupier of your application to the Tribunal? Yes No

If Yes, please enclose a copy of your notice and specify the date on which you gave that notice to the occupier including evidence of how it was given.

8. 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 a 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 that there will be an oral hearing.

9. 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: _____

10. 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.

11. 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.
- You have enclosed the appropriate fee.

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

The tribunal will accept applications by email to rpt@gov.wales or in hard copy by post.

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

Residential Property Tribunal

Oak House

Cleppa Park

Celtic Springs

Newport

NP10 8BD