



Y Tribiwnlys Eiddo Preswyl
Residential Property Tribunal

Application by site owner or occupier for determination of new level of pitch fee.

Paragraph 17(1)(b), 17(1)(6)(a) and 17(11)(a) of Schedule 2 Chapter 2 and paragraph 47(1)(b), 47(5)(a) and 47(9)(a) and 47(11) of Schedule 2, Chapter 4 of the Mobile Homes (Wales) Act 2013 (“the Act”).

THIS FORM RELATES TO MOBILE HOME SITES IN WALES ONLY INCLUDING PERMANENT PITCHES ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES IN WALES.

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 you are a Mobile Home protected site owner (‘the owner’) or occupier of a Mobile Home under an agreement governed by the Mobile Homes (Wales) Act 2013 (‘the occupier’) and the owner has served a written notice on the occupier proposing a new pitch fee but the parties have been unable to negotiate a new fee and you wish to apply to the Tribunal to determine the new level of the pitch fee.

Time limits please note that:

- If, at least 28 clear days before the review date, the owner served a written notice on the occupier in the prescribed form with proposals for a new pitch fee, *the owner or the occupier’s* application to the Tribunal can be made at any time after the end of the period of 28 days beginning with the review date but not later than 3 months after the review date. (Paragraph 17(7) Schedule 2, Chapter 2 of the Act).
- If the owner did not serve such a notice at least 28 clear days before the review date, but did serve a notice any time thereafter, *the owner or the occupier’s* application to the Tribunal can be made at any time after the end of the period of 56 days, beginning with the date on which the owner served the notice, but not later than 4 months after the date on which the notice was served. (Paragraph 17(12) Schedule 2, Chapter 2 of the Act).
- *In relation to permanent pitches on local authority gypsy and traveller sites* if, at least 28 clear days before the review date, the owner served a written notice on the occupier in the prescribed form with proposals for a new pitch fee, *the owner* can apply to the Tribunal at any time after the end of the period of 28 days beginning with the review date but not later than 3 months after the review date. (Paragraph 47(6) of Schedule 2, Chapter 4 of the Act.)
- *In relation to permanent pitches on local authority gypsy and traveller sites* if the owner did not serve such a notice at least 28 clear days before the review date, but did serve a notice any time thereafter, *the owner* can apply to the Tribunal at any time after the end of the period of 56 days, beginning with the date on which the owner served the notice, but not later than 4 months after the date on which the notice was served. (Paragraph 47(10) Schedule 2, Chapter 4 of the Act).

The Tribunal has power to permit an out of time application but only if it is satisfied in all the circumstances that you can show good reasons for not making the application in time and also for the delay since then in making the application. (Paragraph 17(13) Schedule 2, Chapter 2 and paragraph 47(11) Schedule 2, Chapter 4 of the Act).

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 site owner and Mobile Home occupier.
- A copy of the notice served on the Mobile Home occupier setting out the site owner’s proposals in respect of the new pitch fee, and any document accompanying that notice.
- A copy of any agreement or order in respect of the existing pitch fee

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.

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.

MH15

1. DETAILS OF MOBILE HOME AND SITE

Address of mobile home and site:	
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2. DETAILS OF APPLICANT

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:

<i>Day:</i>

<i>Evening:</i>

<i>Mobile:</i>

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

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. REVIEW DETAILS

Date agreement for occupation was entered into: _____

Existing pitch fee _____

Does the pitch fee include payment for:

Water Yes No

Sewerage Yes No

Gas Yes No

Electricity Yes No

Any other services (please give details)? Yes No

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Review date (if any) specified in agreement: _____

Date of last review: _____

Was the last review by agreement or by order of the Court or Tribunal?

Agreement Court Tribunal

Please provide a copy of the agreement or order

Date when the notice of the proposed new pitch fee was served on the mobile home occupier: _____

Changes since last review

Has the site owner, since the last review date, spent money on improvements which:

Are for the benefit of the occupiers of mobile homes on the site Yes No

Were the subject of consultation with the mobile home occupiers and any qualifying residents' association and Yes No

A majority of the mobile home occupiers* did not disagree in writing or which, in the case of such disagreement, the Tribunal, on the application of the site owner, has ordered should be taken into account when determining the amount of the new pitch fee. Yes No

*When calculating what constitutes a majority of the mobile home occupiers each home is to be taken to have only one occupier. If a home has more than one occupier the occupier is deemed to be the first person named on the agreement.

Has there been any deterioration in the condition and/or any decrease in the amenity of the site or any adjoining land which is occupied or controlled by the owner since 1st October 2014(in so far as regard has not been had to that deterioration or decrease on previous pitch fee determination)? Yes No

Has there been any reduction in the services that the owner supplies to the site, pitch or mobile home and/or any deterioration in the quality of those services since 1st October 2014 (in so far as regard has not previously been had to that reduction or deterioration on a previous pitch fee determination)? Yes No

Has there been any direct effect on the costs payable by the site owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date? (save for costs incurred by the owner since the last review date for the purpose of complying with the changes made to the Mobile Homes Act 1983 by the Mobile Homes (Wales) Act 2013)? Yes No

Please give details of any changes specified above including the reference number of any Tribunal decision referred to above.

6. ADDITIONAL INFORMATION

Please set out briefly why you believe that the Tribunal should make the determination requested:

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 has requested a hearing

Even if you agree to a 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.

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.

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 and the required documents to:

**Residential Property Tribunal
Oak House
Cleppa Park
Celtic Springs
Newport
NP10 8BD**