



Application for a repayment order by the occupier of an unlicensed site

Section 33 (4) 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 you are (or were) an occupier of a residential mobile home as your only or main residence stationed on an unlicensed site, and;

- You have made any payment to the owner or manager of the site in respect of the purchase of a mobile home on the site OR
- The owner or manager of the site has been paid commission by any person in respect of the purchase of a mobile home stationed on the site OR
- A pitch fee has been paid in respect of the mobile home on an unlicensed site OR
- Any periodical payments have been paid in respect of the mobile home on an unlicensed site

And you wish to apply for a repayment order under section 33(4).

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 documents”) with this application:

- evidence that the owner of the site has been convicted of an offence under section 5 of the Mobile Homes (Wales) Act 2013 (causing or permitting a regulated site to be used as a regulated site without a site licence)
- evidence that you have made any periodical payments or pitch fees in respect of your mobile home to the owner or manager of the site for the period which it is alleged that such an offence was being committed.
- evidence of payments by the occupier (or the person through whom the occupier of the mobile home has acquired ownership of the mobile home) to the owner or manager of the site in respect of the purchase of a mobile home stationed on the site
- evidence of any commission paid to the owner or manager of the site by any person in respect of the sale of a mobile home stationed on the site.
- Any evidence relating to the matters mentioned in section 33(9), and
- Any other relevant documents supporting the application.

Failure to send the 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.

| 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.

Time Limits The application must be made within the period of 12 months beginning with the date of the conviction.

- The Tribunal cannot order repayment of any amount paid in respect of any time falling outside the period of 12 months ending with the date of the occupier’s application to the tribunal (section 33(10)).

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.

MH7

1. DETAILS OF SITE

| | |
|------------------|--|
| Address of Site: | |
|------------------|--|

2. DETAILS OF APPLICANT

| | |
|-------|--|
| Name: | |
|-------|--|

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|---|--|
| Address of mobile home (including postcode): | |
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|---|--|
| Address for correspondence (if different): | |
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Telephone:

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| Day: |
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| Evening: |
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| Mobile: |
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| Email address: |
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|--|
| Name and address and details of agent/representative (if relevant) |
|--|

If there is more that Applicant please provide details on a separate sheet.

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 SITE OWNER

| | |
|--|--|
| Name of site owner who has received payments:: | |
|--|--|

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

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

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| <i>Day:</i> |
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| <i>Evening:</i> |
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| <i>Mobile:</i> |
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| Email address: |
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5 DETAILS OF RESPONDENT SITE MANAGER

| | |
|--|--|
| Name of site manager who has received payments:: | |
|--|--|

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|-------------------------------|--|
| Address (including postcode): | |
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|--|--|
| Address for correspondence (if different): | |
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Telephone:

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| <i>Mobile:</i> |
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| Email address: |
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6. DETAILS OF INTERESTED PERSONS

The Tribunal needs to know the names and addresses of other people who may be significantly affected by this application such as other residential occupiers of mobile homes on the unlicensed site:

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| Name of interested person:: | |
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| Address (including postcode): | |
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| Name of interested person:: | |
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| Address (including postcode): | |
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| Name of interested person:: | |
|-----------------------------|--|

| | |
|-------------------------------|--|
| Address (including postcode): | |
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If there are more interested persons, please provide details on a separate sheet.

7. DATE OF CONVICTION OF SITE OWNER UNDER SECTION 5

What was the date of the conviction of the site owner? _____

Please provide evidence of the conviction.

Please confirm that this application is being made within the period of 12 months ending with the date of the conviction Section 33(6) (c).

YES NO

8. DETAILS OF PAYMENTS MADE UNDER SECTION 5 OF THE ACT

Please set out details of; the payments made, to whom made, date of payments and include documentary evidence of the payments.

Note: The tribunal only has jurisdiction to make a repayment order in respect of payments made within the period of 12 months ending with the date of the occupier's application to the tribunal.

9. FURTHER INFORMATION

Please give details of any further information about the conduct and financial circumstances of the owner of manager of the site that you wish the tribunal to take into account. Please continue on a separate sheet

10. 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.

11. URGENCY OF APPLICATION

Please let us know if there is a particular urgency for a determination in this case and if so, why?

12. 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: |
|-------|-------|-------|

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| Date: | Date: | Date: |
|-------|-------|-------|

13. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have. Hearings are held in local venues. It will assist the Clerks to book a suitable venue if they have been made aware of your needs.

14. 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

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**