

Application by Mobile Home occupier for an order for payment of the difference between the proposed new pitch fee and the previous pitch fee where the site owner has failed to supply the occupier with the prescribed mandatory information.

Paragraph 17(15) and (16) of Schedule 2 Chapter 2 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 you are the occupier of a Mobile Home on a protected site under an agreement governed by the Mobile Homes (Wales) Act 2013 (‘the occupier’) and;

- The site owner has served a written notice on you proposing a new pitch fee under paragraph 17(3) or 17(8)(b) of Schedule 2 Chapter 2 of the Act.
- The above mentioned written notice was of no effect because it was not accompanied by a document containing the prescribed information (required by paragraph 23 of Schedule 2 Chapter 2 of the Act) but;
- You have nonetheless paid the owner the pitch fee proposed in the written notice.

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 accompanying documents.
- A copy of any agreement or order in respect of the existing pitch fee.
- A schedule of the dates and the amounts of the payments made by the occupier to the site owner following the occupier’s receipt of the written notice proposing a new 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 below carefully before you complete this form.
Please write clearly in BLACK ink.

MH16

1. 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:

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).

2. DETAILS OF RESPONDENT SITE OWNER

Name:	
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Address (including postcode):	
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Telephone:

Day:

Evening:

Mobile:

Email address:

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 PROPOSED NEW PITCH FEE

Date of agreement for occupation was entered into:

Please attach a copy of the agreement (tick box to indicate included)

Existing pitch fee:

£

Proposed new pitch fee:

£

Date of agreement for occupation was entered into:

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 written notice of the proposed new pitch fee was served on the Mobile Home occupier:

Please provide a copy of the written notice of the proposed new pitch fee and any documents accompanying the notice (tick box to indicate included)

5. ORDER SOUGHT

For what period of time do you seek an order from the Tribunal?

From: _____ To: _____

6. ADDITIONAL INFORMATION

Please set out briefly why you believe that the Tribunal should make the determination requested and provide details of the dates and the amounts of the new pitch fee payments that were made.

What do you say is the difference between the amount which the occupier was required to pay the owner for the period in question and the amount which the occupier has paid the owner for that period?

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 Residential Property Tribunal will not accept applications by FAX or Email.

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

Residential Property Tribunal
1st Floor, West Wing
Southgate House
Wood Street
Cardiff
CF10 1EW