



Application by site owner for a determination as to the site owners entitlement to terminate the agreement

Paragraph 5, 6 and 7(1)(b) of Chapter 2 of Schedule 2, Paragraphs 38,39 and 40(1)(b) of Chapter 4 of Schedule 2 to 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 site owner who wishes to terminate an agreement for occupation on one or more of the grounds mentioned in the above paragraphs AND an arbitration agreement has been entered into BEFORE the question to be determined arose (section 54(4) and (5)).

Please Note:

1. If there is no such arbitration agreement the application **MUST** be made to the Court.
2. Before an application is made under paragraph 7(1)(b) OR 40(1)(b) the Tribunal must first have made a determination under paragraph 7(1)(a) or 40(1)(a) that the Mobile Home is having a detrimental effect on the amenity of the site.

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 with the Mobile Home occupier.
- A copy of any documents served on the Mobile Home occupier giving notice of your intention to make this application.
- A statement of pitch fees due and received during the period in question (where it is alleged that pitch fees have not been paid).
- A copy of the Tribunal’s determination under paragraph 7(1)(a) (where the application is made under paragraph 7(1)(b)) or paragraph 40(1)(a) (where the application is made under paragraph 40(1)(b)).
- Any other relevant documents supporting the application.

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.

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 crossed cheque or a postal order made payable to the “National Assembly for Wales”. 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 “National Assembly for Wales” 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.

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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 (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)

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

Telephone:

Day:
Evening:
Mobile:
Email address:

5. GROUND(S) OF APPLICATION

Please tick appropriate boxes:

That the occupier has breached a term of the agreement and after service of a notice to remedy the breach, has not complied with the notice within a reasonable time (paragraph 5(a) of Chapter 2 Schedule 2, paragraph 38(a) of Chapter 4, Schedule 2).

That the occupier is not occupying the Mobile Home as his only or main residence (paragraph 6(a) of Chapter 2 Schedule 2, paragraph 39(a) of Chapter 4 Schedule 2.)

That having regard to its condition the Mobile Home is having a detrimental effect on the amenity of the site and that a Tribunal has made a determination to that effect (paragraph 7(1)(b) of Chapter 2 Schedule 2, paragraph 40(1)(a) of Chapter 4, Schedule 2)

Note that in each case the Tribunal cannot make an Order unless it is also satisfied that it is reasonable for the agreement to be terminated.

6. ADDITIONAL INFORMATION

Please set out briefly why you believe that the tribunal should make the determination(s) 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 either
- All the parties agree or
- The Respondent has notified the Tribunal that he/she does not oppose the application.

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.
- 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 email rpt@gov.wales

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

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

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