

Application by site owner for a determination as to the applicant's entitlement to terminate the agreement

Paragraph 4, 5, or 5A(2)(b) of Chapter 2 or paragraph 4, 5 or 6(1)(b) of Chapter 4 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (as amended)

It is important that you read the notes below carefully before you complete this form.

This is the correct form to use if (a) you are a Park Home protected site owner who wishes to terminate an agreement for occupation on the grounds below and (b) an arbitration agreement had been entered into before the question to be determined arose.

Note: If (b) above is not satisfied the application must be made to the court and not the tribunal. However, in such a case if the application is made under paragraph 5A(2)(b) of Chapter 2, or paragraph 6(1)(b) of Chapter 4 of part 1 of Schedule 1 to the Mobile Homes Act 1983 a determination will need to have been made by the tribunal under paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4 of part 1 of Schedule 1 to that Act (see Form PH4).

A fee is payable for this application (see section 8 for Help with Fees).

Applications should be sent as a Microsoft Word document by **email** to the relevant regional tribunal address shown in the Annex to this form. You must also send by email **a copy of the agreement under which the occupier occupies their home and any other documents requested below**. If you cannot access email or find someone to assist you in lodging your application by email, then a paper application will be acceptable although there may be a delay in dealing with this. Sending an application on paper will not be suitable in urgent cases.

You can now pay the **the fee (if applicable) by an on-line banking payment or by cheque/postal order enclosed with the application form**.

If you want to be sent online banking payment details by email, please tick this box

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Please make sure a copy of the application is served on the other party/parties to the application. If you are unable to serve a copy on the other party/parties, please bring this to the tribunal's attention in the covering email or if sending by post in a covering letter.

Please do not send any other documents. When further evidence is needed, you will be asked to send it in separately.

If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use please contact the appropriate regional office.

If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

1. DETAILS OF SITE

Address of site:

Is the site a local authority (including county council) site providing accommodation for gypsies and travellers?

☐ Yes ☐ No

NOTE that Chapter 2 of Part 1 of Schedule 1 to the Act governs agreements relating to pitches in England *except* pitches on local authority provided gypsy and traveller sites and Chapter 4 of Part 1 of Schedule 1 to the Act governs agreements relating to *permanent* pitches on local authority provided gypsy and traveller sites.

2. DETAILS OF APPLICANT

Name of site owner:

Address (including postcode) of site owner:

Address for correspondence (if different from above):

Telephone:

Day:

Evening:

Mobile:

Email address:

Fax:

Name and address and details of agent (if relevant) *Where details of an agent have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting.*

3. DETAILS OF OCCUPIER

Name:

Address of occupier (including postcode):

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

4. GROUND(S) OF APPLICATION

Please tick appropriate boxes:

- (a) That the occupier has breached a term of the agreement and after having been given notice to remedy the breach has failed to do so within a reasonable time (paragraph 4 of schedule 2 or 4). ☐
- (b) That the occupier is not occupying the home as his only or main residence (paragraph 5 of chapter 2 or 4). ☐
- (c) That having regard to its condition the home is having a detrimental effect on the amenity of the site and that a tribunal has made a determination to that effect (paragraph 5A(2)(b) of chapter 2 or paragraph 6(1)(b) of chapter 4). ☐

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.

Please enclose copies of:

- (1) any documents served on the occupier by the site owner giving notice of the site owner's intention to make an application under paragraph 4, 5 or 5A(2) of Chapter 2 or paragraph 4, 5 or 6(1) of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act; ☐
- (2) in the case of an application under paragraph 4 of Chapter 2 or Chapter 4 of Part 1 of Schedule 1 to the 1983 Act where the alleged breach is failure to pay the pitch fee, a statement of pitch fees due and received during the period in question; ☐
- (3) any other relevant documents supporting the application; and ☐
- (4) in the case of an application under paragraph 5A(2) of Chapter 2 or paragraph 6(1) of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act a copy of the tribunal determination under that paragraph. ☐

Please set out briefly why you believe that the tribunal should make the determination(s) requested.

5. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ('A paper determination').

Please let us know if you would be content with a paper determination if the ☐ Yes ☐ No Tribunal thinks it appropriate.

Note: Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

6. AVAILABILITY

If there are any dates or days we must avoid during the next four 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:

7. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

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Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

8. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done. Please ensure that the following are enclosed with your application and tick the appropriate box to confirm:

A copy of the required documents

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EITHER

A crossed cheque or postal order made out to HM Courts and Tribunal Service for the application fee of £100 (if applicable) is enclosed. **Please write your name and address on the back of the cheque or postal order. Please also send a paper copy of your application with your cheque or postal order, regardless of whether you have already emailed the application.**

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OR

You have ticked the box at the top of this form to say you want the relevant regional tribunal office to send you details on how to pay the application fee of £100 by on-line banking. **The unique payment reference the tribunal office supplies MUST be used when making your on-line banking payment.**

DO NOT send cash under any circumstances. Cash payment will not be accepted.

Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at www.gov.uk/help-with-court-fees or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees or from your regional tribunal office.

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

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If you have completed form EX160 “Apply for Help with Fees” it must be included with your application.

The ‘Apply for help with fees’ form will not be copied to other parties

9. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed: _____ **Dated:** _____

ANNEX: Addresses of Tribunal Regional Offices

NORTHERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, 1st Floor, Piccadilly Exchange, Piccadilly
Plaza, Manchester M1 4AH

Telephone: 01612 379491

Fax: 01264 785 128

Email address: RPNorthern@justice.gov.uk

This office covers the following Metropolitan districts: Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.

It also covers the following unitary authorities: Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

It also covers the following Counties: Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

MIDLAND REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Centre City Tower, 5-7 Hill Street,
Birmingham, B5 4UU

Telephone: 0121 600 7888

Fax: 01264 785 122

Email address: RPMidland@justice.gov.uk

This office covers the following Metropolitan districts: Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

It also covers the following unitary authorities: Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

It also covers the following Counties: Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

EASTERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Cambridge County Court, 197 East Road
Cambridge, CB1 1BA

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

DX 97650 Cambridge 3

This office covers the following unitary authorities: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

It also covers the following Counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

SOUTHERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Havant Justice Centre, The Court House,
Elmleigh Road, Havant, Hants, PO9 2AL

Telephone: 01243 779 394

Fax: 0870 7395 900

Email address: RPSouthern@justice.gov.uk

This office covers the following unitary authorities: Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

It also covers the following Counties: Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire.

LONDON REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, 10 Alfred Place, London WC1E 7LR

DX 134205 Tottenham Court Road 2

This office covers all the London boroughs.

Telephone: 020 7446 7700

Fax: 01264 785 060

Email address: London.RAP@justice.gov.uk

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024/ Textphone 18001 0300 123 1024.