

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

Paragraph 16 of Chapter 2 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 you are a Park Home protected site owner ('the owner') or occupier of a park home under an agreement governed by the Mobile Homes Act 1983 ('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.

Please note that;

- (a) 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, your 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.
- (b) 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, your 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.

The Tribunal has power to permit an out of time application but only if it is satisfied that the applicant can show good reason for not making the application in time and also for the delay since then in making the application.

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 Notice of proposed pitch fee served on the occupier and a copy of the agreement under which the occupier occupies the home**. 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

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

1. DETAILS OF SITE

2. DETAILS OF APPLICANT

Name:

Address of premises to which agreement to occupy relates:

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 RESPONDENT

Name:

Address:

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

4. REVIEW DETAILS

Date agreement for occupation was entered into:

Does the pitch fee include payment for;

(1) water

Yes No

(2) sewerage

Yes No

(3) gas

Yes No

(4) electricity

Yes No

(5) any other services (please give details)?

Yes No

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

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

Changes since last review

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

(1) which are for the benefit of the occupiers of park homes on the site Yes No

(2) which were the subject of consultation with the occupiers and any qualifying residents' association and Yes No

(3) to which a majority of the occupiers* did not disagree in writing or which, in the case of such disagreement, the tribunal, on the application of the 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 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 direct effect on the costs payable by the 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 in complying with the changes made to the Mobile Homes Act 1983 by the Mobile Homes Act 2013)? Yes No

Other changes

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 26 May 2013 (in so far as regard has not been had to that deterioration or decrease on a previous pitch fee determination)? Yes No

Has there been any reduction in the services that the owner supplies to the site, pitch or park home and/or any deterioration in the quality of those services since 26 May 2013 (in so far as regard has not been had to that reduction or deterioration on a previous pitch fee determination)? Yes No

Please give details of any changes specified above including the reference number of any tribunal decision referred to in (3) above.

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 Tribunal thinks it appropriate. Yes No

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.

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):

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

EITHER

A crossed cheque or postal order made out to HM Courts and Tribunal Service for the application fee of £20 (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.**

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 £20 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.

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.