



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **CHI/23UE/PHI/2015/0042**

Property : **15c Woodlands Park, School Lane,
Quedgeley, Gloucester, GL2 4PT**

Applicant : **Gloucestershire Park Homes**

Representative :

Respondent : **Mrs. D. O'Neil**

Representative :

Type of Application : **Determination of new level of pitch
fee**

Tribunal Members : **Judge S. Lal**

**Date and venue of
hearing** : **Judge's home, 26 October 2015**

Date of Decision : **19 November 2015**

DECISION

1. This matter was listed for hearing on 26th October 2015 by way of determination on the papers only pursuant to Rule 31 of the Tribunal Procedure Rules 2013.
2. The matter comes before the Tribunal pursuant to an application by Gloucestershire Park Homes (the Applicant) for a determination of a new level of pitch fee. The Application is dated the 28th July 2015.
3. The matter was the subject of Directions issued by Tribunal (Judge Tildesley OBE) dated 13th August 2015.
4. The Application was deemed to stand as the Applicant's case and the Respondent was directed to send her Statement of Case by 3rd September 2015. In any event nothing has been received from Mrs O'Neil. The Applicant has produced a Bundle sent under cover of letter dated 15th September 2015 and they confirm that they have had no written or verbal response from Mrs O'Neil.

The Case for the Applicant

5. The Applicant sent an intention to increase the pitch fee from £218.04 to £220.22 to the Respondent on 27th March 2015. The letter was accompanied by the relevant form as prescribed by Regulations, namely the Pitch Fee Review Form. The proposed date of any pitch fee increase was the 1st May 2015 and any increase was calculated by reference to the RPI figure for February 2015.
6. The Tribunal has been supplied with the actual Mobile Homes Agreement and the Tribunal notes Condition 7 which specifies a review date of the 1st May in each year.

The Decision of the Tribunal

7. The Tribunal had regard to the provisions of the Mobiles Homes Act 1983 and The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations. The Tribunal notes that any proposed pitch fee increase has to follow a certain prescribed format. Specifically, the written notice must be served 28 days before the review date (1st May) which the Tribunal finds in this case it was. Secondly the application to the Tribunal must be made within the requisite three-month period and again this provision is satisfied. The RPI figure is calculated by reference to the last 12 month published RPI figure before the date by which the site owner should have served the review notice. In the instant application no other matters are proposed to be recovered from the occupier.
8. The Tribunal has been provided with no information from the Respondent to challenge or contradict the Application.
9. In the circumstances the Tribunal allows and approves the Application and the effective date for any pitch fee increase is 1st May 2015.

Although the Order of the Tribunal is as above, the Respondent shall not be treated as being in arrears until 28 days after the date of the Order made the Tribunal determining the new pitch fee.

10. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office, which has been dealing with the case. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
11. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
12. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

Judge S.Lal