



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

**Case reference** : **CAM/12UD/PHI/2020/0005**

**Site** : **Keys Park, Parnwell  
Peterborough PE1 4SN**

**Park Home address** : **73 Keys Park**

**Applicant** : **1. Mr Vivian Gray  
2. Mrs Glenda Gray**

**Respondent** : **The Berkeley Leisure Group  
Limited**

**Type of application** : **Application under the Mobile  
Homes Act 1983 (the “Act”) to  
determine a pitch fee**

**Tribunal** : **Judge D. Wyatt**

**Date of decision** : **14 August 2020**

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**NOTICE OF DECISION TO STRIKE OUT A CASE**

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1. These proceedings are hereby struck out under rule 9(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “**2013 Rules**”).

**Reasons for strike out**

2. This application was made (under the term implied by paragraph 16 of Chapter 2 of Part I of Schedule 1 to the Act) to determine a pitch fee.
3. On initial review of the application, the tribunal noted that the application appeared to be substantially out of time. Accordingly, the tribunal wrote to the parties to allow an opportunity for any application for an extension of time and any other representations, so that the tribunal could then decide whether to strike out the application or allow it to proceed.

4. The applicants confirm that they received the respondent's review proposal in November 2019, which proposed a new pitch fee of £104.14 to take effect from the review date of 1 January 2020.
5. Under the term implied by paragraph 17 of Chapter 2 of Part I of Schedule 1 to the Act:
  - if the occupiers do not agree the proposed new pitch fee, either party may apply to the tribunal for an order under paragraph 16 determining the amount of the pitch fee;
  - any such application may be made at any time **after the period of 28 days beginning with the review date but no later than three months after the review date** (the tribunal may permit an application outside this time limit if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time); and
  - the occupiers shall continue to pay the current pitch fee unless/until the proposed new pitch fee is agreed by the occupiers or determined by the tribunal.
6. The applicants have not agreed the new pitch fee, but the respondent owner did not apply to the tribunal and the occupiers' application was not received by the tribunal until 16 June 2020.
7. I have carefully considered the reasons given by the applicants for the failure to apply in time, but I am not satisfied that these are good reasons. It appears they spent time in unproductive correspondence with the respondent and investigating whether their home insurance policy covered them for legal advice, matters which would justify some delay, but the application was not made until well over two months after the end of the three-month deadline.
8. Accordingly, I do not permit the application to proceed and the tribunal does not have jurisdiction in relation to the application. Under rule 9(2) of the 2013 Rules, I must strike it out.

### **General note**

9. It appears that the failure by either party to apply to the tribunal in time means that **only the previous pitch fee (£102) is payable by the occupiers for the current year.**
10. The letter of 10 August 2020 from the respondent appears to accept this, saying that it will "*allow*" the pitch fee to remain at the 2019 fee of £102 for 2020. No doubt the respondent will update its records accordingly; earlier requests for the proposed higher figure and purported "*arrears*" seem to have worried the applicants.

11. The respondent's letter indicates that it will be proposing an increased pitch fee to take effect from the next review date of 1 January 2021. The tribunal cannot give advice, but if in future the owner or the occupiers wish to make an application to the tribunal to determine this 2021 pitch fee, they should ensure that the application is made within the relevant time limits.
12. A copy of this notice is sent to all parties.

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).