



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

Case Reference : CHI/21UH/PHM/2022/0001

Property : 52 Lion House Park, Mill Road, Hailsham,
East Sussex, BN27 2SF

Applicant : The Berkeley Leisure Group Limited

Representative :

Respondent : Mrs Irene Ward

Representative : Fox and Sons Estate Agents

Type of Application : Refusal Order Section 7B or 8B of the
Mobile Homes Act 1983

Tribunal Member(s) : Judge D Whitney

Date of Directions : 13th April 2022

DECISION

The Application

1. The Applicant seeks a refusal order in respect of a proposed sale or gift of a mobile home.
2. The Applicant's grounds for seeking such an order are that the Proposed Occupier, Mr Christopher Roberts intends to keep a dog at the Mobile Home in breach of the Park Rules. Mr Roberts contends the dog is an assistance dog.
3. Directions were issued by the Tribunal on 1st April 2022. These provided each side with an opportunity to file any further representations or documents upon which they sought to rely. Nothing further has been received.
4. The directions provided the matter would be determined on the papers. I am satisfied that this matter is capable of being determined on the papers.

DISCUSSION AND DECISION

5. Application was made on 24th March 2022 by the site owner. The site owner confirmed notice had been given to the Respondent by post and also emailed to her agents dealing with the sale on the same date. I am satisfied the relevant notice was given to the Respondent.
6. Notice of the proposed sale is dated 11th March 2022. I am satisfied the application for a refusal order has been made within the statutory time limits.
7. The Respondent intends to sell her park home to a Mr Christopher Roberts. The notice states that he intends to keep at the home a "Disability support dog cocker spaniel." The Application has been made on the basis that the site rules prohibit the keeping of a pet or an animal. A copy of the site rules dated 2014 are attached to the application and rules 15 and 16 deal with the prohibition on keeping a pet or animal. Rule 16 does provide that a support dog may be kept on site if there is some form of evidence issued by Assistance Dogs UK that the dog is a support dog. It appears no such evidence has been produced.
8. The would be purchaser Mr Roberts has produced two letters from his general practitioner Dr McCloskey the first dated 17th March 2022 and the second 31st March 2022. The first letter states Mr Roberts "has a dog which offers him a positive focus and gives support in connection with his mental health." The second letter expands on matters and states "He has a dog and obtains significant companionship from the dog, which is a support animal with regards to his mental health." Both letters are addressed "To Whom it may Concern" and I understand

were requested by Mr Roberts in support of opposition to the application. I record that no further statements or documents have been filed by the Respondent or on behalf of Mr Roberts.

9. Whilst it is clear from the GP letters that Mr Roberts benefits from his dog in the way I would suggest many pet owners do there is no evidence that the dog is a support dog as recognised by Assistance Dogs UK. I am satisfied that the site rules prohibit pets save for specific circumstances to allow those people who require a specific support animal to have a dog subject to evidencing the same. In my judgment these rules are reasonable. In my judgment Mr Roberts does not satisfy these requirements as no evidence has been adduced that his dog is any more than a pet and not a recognised support dog. In so determining I accept the GPs evidence that the dog assists Mr Roberts in managing his mental health conditions. This is not however the test under the Site Rules.. The site rules have been implemented for the benefit for all occupiers of the site and I am satisfied that it is right and proper for the Applicant to rely upon and enforce such regulations.
10. I am satisfied that I should make a refusal order in this case and do so. The tribunal determines that the keeping of the cocker spaniel would be a breach of the Site Rules and pursuant to paragraph 7B of Chapter 2 of Part 1 of Schedule 1 of the Mobile Homes Act 1983 a refusal order should be made.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk
2. 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.
3. 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.