



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

Case Reference : **BIR/00CU/PHI/2024/0001**

Property : **33 Beacon Heights, Pinfold Lane, Walsall
West Midlands, WS9 0QX**

Applicant : **(1) Asa Hartley
(2) Helen Price**

Respondent : **Mr Lucas**

Application : **Application under paragraph 16 of Chapter 2 of
Part 1 of Schedule 1 to the Mobile Homes Act
1983 for the determination of the new level of
pitch fee for the subject property**

Tribunal : **Judge M Gandham**

Date of Decision : **25 July 2024**

DECISION

Background

1. On 19 March 2024 the Tribunal received an application from the Applicants seeking a determination under paragraph 16 of Chapter 2 of Part 1 to Schedule 1 to the Mobile Homes Act 1983 ('the Act') of a new level of pitch fee for the subject property with effect from 1 January 2024. The pitch fee notice was dated 24 November 2023.
2. The Applicants are the site owners of Beacon Heights Mobile Home Park and the Respondent is the occupier of the subject property.
3. On 27 March 2024, a Deputy Regional Judge issued Directions. In the Directions, the Tribunal drew the attention of the Respondent to the Pitch Fee Review Form issued by the Applicants and, in particular, to the statutory presumption (in paragraph 20 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983) that the pitch fee would increase or decrease by no more than the annual change in the Consumer Prices Index (CPI), unless that would be unreasonable having regard to the matters set out in paragraph 18(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.
4. The Respondent was directed, if they did not agree to the proposed new pitch fee, to send to the Applicants, and to the Tribunal, a Statement in Response, setting out in full their reasons for opposing the proposed new pitch fee. The Tribunal indicated that, if the Respondent failed to send a Statement in Response, they might be deemed to have agreed to the proposed new pitch fee.
5. No Statement in Response was received from the Respondent by the specified deadline.
6. On 29 April 2024, the Tribunal wrote to the Respondent, indicating that, if the Respondent did not provide a Statement in Response by 4 May 2024, the Tribunal was likely to confirm the pitch fee proposed by the Applicants.
7. On 12 June 2024, the Tribunal further directed that, as no response had been received from the Respondent, the Tribunal was minded to bar the Respondent from taking further part in the proceedings (pursuant to Rule 9(1) and (7)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the Rules') and to determine the new pitch fee at the level proposed by the Applicants (pursuant to Rule 9(8) of the Rules). The Tribunal gave the parties an opportunity to make written representations in relation to the proposed barring.
8. The Tribunal did not receive any representations and, accordingly, the Respondent has been automatically barred from taking further part in proceedings.
9. As the Respondent has been barred from taking further part in proceedings, the Tribunal need not consider any response or other submission made by them and, accordingly, the Tribunal summarily determines all issues against the Respondent (Rule 9(8) of the Rules).

DECISION

10. The Tribunal finds that the statutory presumption set out in paragraph 20 of the Act applies and that the pitch fee is to increase by 4.6% as at the date detailed in the Notice, being 1 January 2024. Accordingly, the Tribunal determines that the pitch fee for 33 Beacon Heights, Pinfold Lane, Walsall, West Midlands, WS9 0QX shall be increased from £1,929.17 per year to £2,017.91 per year, from 1 January 2024.

M Gandham
Deputy Regional Judge