

**Y Tribiwnlys Eiddo Preswyl**  
**Residential Property Tribunal Service (Wales)**  
**Leasehold Valuation Tribunal (Wales)**

Welsh Tribunals Unit, Oak House, Cleppa Park, Celtic Springs, Newport, NP108BD  
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**DECISION AND REASONS OF RESIDENTIAL PROPERTY TRIBUNAL**  
**Section 54(1) Mobile Homes (Wales) Act 2013**

Premises: 8 Willow Park, Station Road, Whitland, SA34 0QE (“the home”)  
RPT ref: RPT/0019/11/20  
Hearing: 26th February 2021  
Applicant: Tracey Hussell  
Representative: In person  
Respondent: Roy Spencer  
Representative: Mr Sunderland.  
Tribunal: Mr JE Shepherd – Judge Chairman  
Mr Hefin Lewis - Surveyor member  
Mr Hywel Jones JP - Member

**Decision**

There shall be no order made on the Application.

**Reasons**

1. In this case the applicant Tracy Hussell is the occupier of a mobile home at 8 Willow park , Station Road, Whitland, SA40QE (The home). The site owner of Willow Park is the Respondent, Roy Spencer. The application is dated 24th of September 2020. In the application the applicant sought assistance on three issues. Firstly, she wanted the Tribunal to prevent Mr Spencer from obstructing the sale of her mobile home. Secondly, she wanted to stop Mr Spencer from seeking to recover debts that he was not entitled to recover, in this case the cost of works to clear the drains in the proximity of the home. Thirdly, she wanted to stop the Respondent from employing a private detective to find out what her

current address was. In passing the Tribunal notes that the Applicant moved out of Willow Park during 2020 because she says that she was harassed by the Respondent. Indeed, it is fair to say that the documents in the case reveal allegations of harassment by the Applicant over a period of time. The Respondent denies these allegations. Although they formed a background, they were not one of the issues that the Tribunal was asked to deal with.

2. Mr Sunderland represented the Respondent in this action. He prepared a witness statement on his behalf which helpfully drew out the main issues for the Tribunal to deal with. In the Witness Statement two of the issues before the tribunal were effectively conceded. The only issue that remained outstanding was the question of whether the Respondent was entitled to recover the costs of drain works that he had to carry out he said because the Applicant had misused the drainage on site.
3. With the issue of the drains being the only live issue in mind Mr Lewis attended the site on the 25th of February 2021 and carried out a visual inspection of the drains. He found that parts of the foul drainage system and indeed, management of surface water generally, were less than satisfactory. We were advised that the drains had been replaced approximately 22 years ago. Nevertheless, a number of dirty inspection chambers were identified which was an indication of frequent blockage. He also found a collapsed chamber to the rear of a mobile home. In summary he found that the reason for the blockage was not conclusive and that the Respondent would have to prove that the drains are serviceable. He also recommended that a CCTV survey be obtained in order to determine whether there were any inherent defects in the drains.
4. Ordinarily the responsibility for maintaining the drains on a mobile home site is with the site owner. This is because there is an implied term in every site agreement pursuant to the Mobile Homes (Wales) Act 1983 Sch 2 para 22.
5. For the reasons that follow, the state of the drains was not actually relevant to the outcome of the Tribunal hearing. However, it was felt prudent to share the results of the inspection carried out by Mr Lewis, an experienced surveyor, because these details may be of use to the Respondent in the future.
6. On the evening before the hearing Mr Sunderland sent to the tribunal a form of assignment of the home signed by the Applicant. The purchaser is Ms Frew. This document was apparently signed on the 25th of February the day before the Tribunal hearing. In his email accompanying the assignment form Mr Sunderland argued that the Tribunal should strike out the application because the Applicant was no longer the owner of the home. At the start of the Tribunal hearing, he made further submissions to the same effect. The Applicant seemed slightly confused about the legal status of the form. Although she had signed it she said that an assignment had not actually taken place. In other words, she had not been paid the asking price and therefore she was actually still the owner of the premises. She seemed to be under the impression that she had to give notice to the site owner before she sold the property. She thought that this assignment form was that notice. It is patently clear to the tribunal that the Applicant needs legal advice before she sells the home. In any event it is clear that the sale of the

home is imminent. The purchaser already owns a mobile home on the site but apparently wants to move to this one.

7. Before reaching a decision in relation to Mr Sunderland's application the Tribunal probed the parties as to what it was being asked to deal with. As indicated earlier it was clear that the sole remaining issue was the cost of the drain works. To his credit The Respondent conceded this issue during the hearing. He also withdrew the allegation about the drains. He clearly wanted to move on. The Tribunal appreciates his candour on this issue. The tribunal were also very grateful for the assistance given by Mr Sunderland who agreed to act as a conduit between the Applicant and the Respondent when it comes to obtaining the requisite documentation of sale.
8. Once the respondent had withdrawn his claim for the cost of the drain works there were no issues for the Tribunal to address. Therefore, the hearing ended. Both parties appeared satisfied with this outcome. This is the end of a long and bitter dispute between the parties. It is hoped that they can now resolve any residual matters between them amicably.

Dated this 15<sup>th</sup> day of March 2021

Judge Shepherd