

DRS2D

# RICS Dispute Resolution Service (DRS)

Application for appointment/nomination of an Arbitrator / Independent Expert by the President of the Royal Institution of Chartered Surveyors.

(Dilapidations disputes)

I / We hereby request the President of the Royal Institution of Chartered Surveyors to appoint / nominate \* an Arbitrator / Independent Expert \* to act in the case described overleaf.

## Information about the parties and their representatives

The parties professional representatives must be stated. If a party is unrepresented, please ensure contact numbers and email addresses are included. RICS DRS will forward all relevant correspondence to them. Normally correspondence from DRS is sent by email. Therefore, it is important that you provide email addresses.

### Landlord

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Landlord representative

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_

Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

Please state in what capacity representative is acting e.g. as a company official, a surveyor or solicitor.

\_\_\_\_\_

**Tenant**

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Tenant representative**

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_  
Firm name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

Please state in what capacity representative is acting e.g. as a company official, a surveyor or solicitor.

**Information about the dispute**

It is essential RICS receives sufficient information about the type of dispute to enable an appropriate dispute resolver to be identified and appointed. The dispute resolver will also require sufficient information to satisfy themselves that the dispute is within the areas of their own normal professional expertise. It may be necessary to provide a summary or extract from an appropriate document.

Brief Description of nature of the dispute:

## Conflict of Interest

RICS will take reasonable steps to ensure that the dispute resolver is free from conflict of interest. It is therefore essential that you provide details of the parties (including any parent and/or subsidiary companies or related entities that a prospective appointee would need to consider in their conflict checks).

If in your view there are any potential dispute resolvers who would have a conflict of interest in this case, you should list them below. Please also provide for each such person, brief but clear reasons for this statement. Your attention is drawn to the decision in Eurocom Ltd -v- Siemens Plc [2014] EWHC 3710 (TCC) to effect the misrepresentation in this statement could vitiate the appointments process in its entirety rendering any award made unenforceable:

Name	Firm	Reason

**Please note:** While the President/Chairman will give careful consideration to any representations, they will reach their own decision as to who is appointed and always retains an unfettered discretion to any dispute resolver he/she regards as suitable.

## Agreement to refer

Is there a contract or agreement between the parties that gives the President of the RICS the power to make this appointment? If so, please attach a copy of the contract or agreement to this application.

If there is no such contract or agreement, both parties must agree, in writing, to an appointment by the President of the RICS. Signatures from both parties on this application form will be sufficient for this purpose.

**Whilst the President may have regard to any contract / agreement supplied, this application form is the contract between the applicant(s) and the President, and he will rely entirely upon the information contained herein.**

If in your view there are there any panel member who would have a conflict of interest in this case, you should list them in this box. Please also provide for each such person, brief but clear reasons for this statement. Your attention is drawn to the decision in Eurocom Limited v Siemens PLC [2014] EWHC 3710 (TCC) to the effect that misrepresentation in this statement could vitiate the appointments process in its entirety, rendering any award made unenforceable.

RICS is by law not required to provide a copy of the application form to the non-applicant party and does not do so automatically. However, as a matter of good practice, RICS will provide a copy of the form to the non-applicant party on request.

*Notwithstanding any such statements, the President of RICS always retains an unfettered discretion to appoint any adjudicator he/she regards as suitable.*

We accept that in some circumstances the appointment will be made by the President through one of his Vice-Presidents or duly appointed agents and this is the basis upon which the application is submitted to you and upon which the application will be entertained. We accept that in special circumstances (to be decided by the President) it may be inappropriate for the President to make the appointment and in these circumstances, it may be made by a Vice-President in his own name.

### How to pay

RICS charges an administration fee of **£425.00** inclusive of VAT to make a nomination. This payment is non-refundable whether or not the President/Chairman makes the appointment (e.g. if the matter is settled by agreement and the application is withdrawn).

A card payment can be completed online through the RICS secure portal we will provide instruction on how to do this within the formal acknowledgement communication that is sent. To help us bill the correct person on this matter. Please indicate who will be making the payment e.g. referring party representative of the referring party contact.

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If you are using your bank or building society to pay the application fee.

#### RICS Bank account details:

Account number: 30786339

Sort code: 56-00-45

Swift Code: NWBK GB2L

You must provide your name, your firm name, and the date of your application. This will ensure that your payment is correctly allocated and your application is processed. Please email a copy of the remittance to [bacs@rics.org](mailto:bacs@rics.org)

#### Trade Accounts

Debit my RICS trade account number: \_\_\_\_\_

Account holders will be invoiced by our finance department. To apply for an account please email [drs@rics.org](mailto:drs@rics.org)

RICS is unable to accept credit or debit card details by email due to PCI compliance regulations. Please be aware the referring party has responsibility to ensure that payment is complete.

#### Application submitted by:

Landlord \*\* Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Tenant \*\* Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*\* (Two signatures are only necessary if there is no other agreement between the parties giving the President the power to appoint. If there is such an agreement, then the applicant need only sign and date the form).

## Your Privacy

RICS takes the privacy and security of the personal information you provide very seriously. Your details are held in a secure database with authorised access only. We apply data processing policies in compliance with the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations (EC Directive 2003). RICS will not use the information you provide in this application to contact you with offers of products and services. Nor will RICS share your information with third parties for the purpose of sending you details of offers of products and services.

Please return completed application forms to [drs@rics.org](mailto:drs@rics.org)

T: +44 (0) 207 334 3806