

DRS2P

RICS Dispute Resolution Service (DRS)

Application for the appointment of a dispute resolver for a commercial lease renewal, also known as applications under the Professional Arbitration on Court Terms (PACT) scheme.

General information

An appointment of a dispute resolver for a lease renewal is offered by RICS as a form of alternative dispute resolution (ADR). It offers a quick, efficient and cost-effective solution to your commercial lease dispute.

The Regulatory Reform Order 2003, and the changes to the Landlord and Tenant Act 1954, ended the need for the tenant to make an early originating application to the courts. After the service of an initial Section 25 or 26 notice, the parties now have the option to refer their lease renewal matter to arbitration or expert determination and be bound by the result, instead of involving the courts.

This provides the opportunity for landlords and tenants to have the terms and rent payable under their new lease decided by a surveyor or solicitor acting as either an arbitrator or independent expert. The professionals appointed are experienced professionals within the commercial sector, dealing specifically with lease renewals.

Notes to consider before completing the application:

RICS does not have the duty or power to interpret a contract or lease and decide whether or not your application is valid. RICS acts in an administrative capacity and will make the appointment in accordance with the information supplied in the application form.

Important: This must be a joint application by both parties. If either party applies unilaterally, the appointed dispute resolver will have no contractual or statutory basis of authority.

RICS DRS reserves the right to copy the application and/or any accompanying documentation to the responding party and/or representatives.

The application form is the contract between the applicant and the President/Chairman of RICS and we will rely entirely upon the information contained herein. The information submitted on this application is accepted as being accurate and complete. Neither RICS nor the appointed dispute resolver accepts liability in relation to the appointment if information provided is inaccurate or incomplete.

If you have a Consent Order from the court, please include a copy of the signed consent order. In some instances parties are no longer required to obtain a consent order from the courts.

Authority to appoint

Do you require an appointment by: RICS President (England & Wales) RICS Chairman (Northern Ireland)

Information about the property

We need to know the nature and location of the property to aid the selection of an appropriate qualified and experienced professional. You must provide the full postal address including the post code (even it is only the first half of the code)

Address of the project: _____

Town/City: _____ Postcode: _____

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Brief description of the property:

Information about the dispute

It is essential RICS receives sufficient information about the nature of the dispute to enable an appropriate dispute resolver to be identified and appointed. The professional will require sufficient information to satisfy themselves that the dispute is within the areas of their own normal professional expertise.

Please provide brief details of the nature of the dispute:

Has a Consent Order been issued? (Please tick) Yes No

If yes, please give the Consent order Number

What type of dispute resolver is required? Independent Expert Arbitrator

Information about the parties and their representatives

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

Are you the landlord or tenant? (Please tick) Landlord Tenant

Current Landlord

Title: _____ First name: _____ Last name: _____

Firm name: _____

Address: _____

Town/City: _____ Postcode: _____

Email: _____ Telephone: _____

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Current Tenant

Title: _____ First name: _____ Last name: _____

Firm 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: _____

Tenant representative

Title: _____ First name: _____ Last name: _____

Designation: _____ RICS membership number (if applicable) _____

Firm name: _____

Address: _____

Town/City: _____ Postcode: _____

Telephone: _____ Mobile: _____

Direct line: _____ Email: _____

Professional background of the dispute resolver

Are there any specific requirements detailed in the Consent Order between the parties?

Yes No

(if there are no requirements please state none below)

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Please indicate any specific requirement (as detailed in the contract or agreed between the parties relating to the potential dispute resolver for example: experience, qualification's, time restrictions or if the decision requires reasons).

Conflict of Interest

RICS will take reasonable steps to ensure that the appointed professional is free from conflict of interest. It is therefore essential that you provide details of the parties involved including any companies or related entities that a prospective adjudicator would need to consider in their conflict of interest checks.

The dispute resolver is required to disclose involvement or potential conflicts of interest to RICS prior to nomination. RICS will never knowingly nominate a dispute resolver who has a conflict of interest.

If in your view there are any individuals who would have a conflict of interest regarding this matter, you should list them in the box below. Please also provide for 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 the effect of misrepresentations in this statement could invalidate the appointment process in its entirety, rendering any decision/award made unenforceable.

Name	Firm	Reason

Please note: while RICS will give careful considerations to any representations the approver will reach their own decision as to who is appointed.

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How to pay

RICS charges an administration fee of **£425.00** inclusive of VAT to process this application. 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).

Payment options (please tick then complete relevant section):

- Card
- RICS Bank account details:
- Trade Account

Card payment:

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. RICS is unable to accept credit or debit card details by email due to PCI compliance regulations. Please indicate who will be making the payment e.g. landlord/tenant or the landlord/tenant representative.

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

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

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Application submitted by:

Landlord signature: _____

Landlord name: _____

Date: _____

Tenant signature: _____

Tenant name: _____

Date: _____

Please note: Since this is a joint application of the parties, an application **cannot proceed** without the signature of both parties or an attached consent order.

Please tick to confirm you have read and understood the [explanatory notes](#). Your application is accepted on this basis.

Please return the completed application form by email:

Email: drs@rics.org Tel: +44(0)207 334 3806

Your Privacy

We understand that your privacy and the security of your personal information is extremely important. This [Privacy Policy](#) sets out what we do with your personal information, what we do to keep it secure, from where and how we collect it, as well as your rights in relation to the personal information we hold about you.