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RICS Dispute Resolution Service (DRS)

Request for the appointment of a neighbour dispute specialist.

General Information

The neighbour disputes service (NDS) is designed to help neighbours resolve a dispute without the need for intervention by the courts. The service generally lends itself to boundary matters. However, it is also available to provide an alternative method of resolving other issues that may arise between neighbours.

It focusses where differences of opinion clearly exist. Like any other alternative dispute resolution procedure, it requires the co-operation of both parties, in that each must agree to use it. The main benefits include informality and privacy, and it offers a significantly quicker and cheaper alternative to the courts.

The service falls into three stages, parties will aim to reach a settlement at each stage. However, if agreement cannot be reached, they will move onto the next stage:

Stage 1 – Expert evaluation - This involves the appointment of a chartered surveyor whose independence is assured. The surveyor is employed by both parties and RICS DRS will appoint them by making careful checks to ensure the surveyor has no personal or other interest in the outcome of the dispute. The surveyor will produce an expert valuation with brief reasons in a written report based written statements from both parties and an inspection of the disputed issue if the survey feels it is required. The parties may settle at this stage, but if the dispute continues, they move to stage two.

Stage 2 – Negotiation and compromise - This is not intended to be full-blown mediation, although surveyors appointed under the NDS have been trained in conciliation techniques. The surveyor will act as a facilitator in their attempts to obtain a settlement. Before any meeting is conducted both parties are invited to provide written statements giving individual perspectives on the current position. The objective is to identify the different needs of the neighbours and look at ways to break any deadlocks. If a compromise is not reached, they move to stage three.

Stage 3 – Expert witness report – Stages one and two are intended to resolve disputes and prevent escalation to the courts. However, some matters may require referral to court. This stage is intended to help courts decide disputes and speed up the litigation process and using the expert valuation report previously undertaken by a professional in the field should help prevent the dispute escalating to higher courts.

Notes to consider before completing the application:

RICS DRS reserves the right to copy the application and/or any accompanying documentation to the responding party and/or representatives. This is on the basis that your application is accepted.

The application form is the contract between the applicant and the President/Chairman, 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 Independent Expert accepts liability in relation to the appointment if information provided is inaccurate or incomplete.

Your application will proceed on the basis that appointments are often made on behalf of the President/Chairman of RICS by one of the duly appointed agents.

Authority to Appoint

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

Is this a joint or unilateral application? Joint Unilateral

If this is a unilateral application, are the other party/parties aware of this contact with RICS?

Yes No

Please note: Part of the process of an application includes RICS Dispute Resolution Services notifying all parties involved.

If yes, please provide details below:

Information about the dispute

It is essential RICS receives sufficient information about the nature of the dispute to enable an appropriate NDS specialist to be identified and appointed. The specialist will require sufficient information to satisfy him/herself that the dispute is within the areas of his/her own normal professional expertise.

Please provide brief details of the nature of the dispute, to appoint a suitably qualified neighbour dispute specialist we need to know the issues in dispute (e.g. a boundary dispute, right to light or right of way etc.) please also provide details of any relevant byelaw or legislative provision you are aware of:

How long has the dispute been in progress? _____

Have litigation or arbitration proceedings commenced in respect of this dispute?

Yes No

If yes, please provide details below:

Information about the parties and their representatives

The parties’ representatives must be stated. Where a party is unrepresented, please ensure 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 email addresses.

Party 1

Title: _____ First name: _____ Last name: _____

Address: _____

Postcode _____ County: _____ Country: _____

Email: _____ Telephone: _____

Party 2

Title: _____ First name: _____ Last name: _____

Address: _____

Postcode _____ County: _____ Country: _____

Email: _____ Telephone: _____

Party 1 representative

Title: _____ First name: _____ Last name: _____

Designation: _____ RICS membership number (if applicable) _____

Firm name: _____

Address: _____

Town/City: _____ Postcode: _____

Telephone: _____ Mobile: _____

Direct line: _____ Email: _____

Party 2 representative

Title: _____ First name: _____ Last name: _____

Designation: _____ RICS membership number (if applicable) _____

Firm name: _____

Address: _____

Town/City: _____ Postcode: _____

Telephone: _____ Mobile: _____

Direct line: _____ Email: _____

Are there any other parties to this dispute? Yes No

If yes, please detail the parties below:

Party 3

Title: _____ First name: _____ Last name: _____

Address: _____

Postcode _____ County: _____ Country: _____

Email: _____ Telephone: _____

Party 4

Title: _____ First name: _____ Last name: _____

Address: _____

Postcode _____ County: _____ Country: _____

Email: _____ Telephone: _____

Professional background of the neighbour dispute specialist

Please indicate succinctly any specific requirement or what qualities in your view should be taken into account when appointing a neighbour dispute specialist relating to the potential dispute resolver for example: (experience, qualifications, time restrictions or if the decision requires reasons). (If there are no requirements please state none):

Please note: DRS will aim to give careful consideration to reasonable requests, but the president will reach their own discretion as to who is appointed.

Conflict of Interest

RICS will take reasonable steps to ensure that the appointed Independent Expert 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 dispute resolver 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 appointment. RICS will never knowingly appoint an Independent Expert 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 each 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.

How to pay

RICS charges an administration fee of **£240.00** inclusive of VAT to process an application. This payment is non-refundable whether or not the appointment is made (e.g. if the matter is settled by agreement and the application is withdrawn). Parties are encouraged to share the cost of the application.

Please see explanatory notes for further details on the fees of the appointed specialist.

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 be aware the referring party has responsibility to ensure that payment is

complete. Please indicate who will be making the payment e.g. referring party or the referring party 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

Application submitted by:

We jointly agree to appoint a Neighbour Dispute Specialist through the RICS Neighbour Dispute Scheme.

Neighbour signature: _____

Print name: _____ Date: _____

Neighbour signature: _____

Print name: _____

*(The signature of the responding party is only necessary if there is no other agreement between the parties and you are making a joint application giving the President or Chairman Power to appoint).

Unilateral applications can only be processed if a court order is submitted with this application form.

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 to:

E: drs@rics.org T: +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.

The Scheme

- The service has three distinct stages, each one is designed to resolve a dispute and prevent it escalating further
- The appointed specialist will make their own investigations and rely on market/professional knowledge and expertise to reach a decision. The parties may feel they can rely on this expertise and not instruct their own Specialist, which will reduce costs. However, the scheme allows for these specialists to submit evidence if required, but the appointed specialist will not be bound to rely on this information.

Neighbour Dispute Scheme fees

- Unless otherwise agreed, the maximum fee payable to the specialist will be £3,500 plus VAT, exclusive of any reasonable out of pocket expenses incurred.
- Fees are set and payable for each stage
- Responsibility for the specialists fees should be shared equally between the two neighbours

Details of the fees for each stage are below:

RICS Dispute Resolution appointment under the NDS	The administration charge for the appointment is £200 plus VAT made payable to RICS
Stage 1 only	£2,400 plus VAT
Stage 1 & 2 only	£2,950 plus VAT
All three stages	£3,500 plus VAT