

DRSGR

## RICS Dispute Resolution Service (DRS)

Request for the appointment of a dispute resolver to assess the ground rent in the United Kingdom.

### General Information

**Important:** Each tenant has their own legal right to go to Expert determination or Arbitration as per the lease. Unless there is a head lease that incorporates all of the leaseholders. RICS cannot prevent a leaseholder choosing to activate their right to go through the dispute resolution procedure on a separate application.

### 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 application.
- By completing and submitting this application form you are hereby confirming that you, as the applicant have informed each of the tenants within the units of the building that a review of the ground rent is taking place, and the process of DRS making an appointment.
- You will be required to provide the names and contact details of each of the tenants within the units being reviewed on this application form. This will be passed to the potential and appointed dispute resolver who will contact each of the tenants as part of the process. Please note this application form and contents may also be passed to each leaseholder.
- 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.

### Fees

The application fee is **£425.00** inclusive of VAT for the first flat in the block and there is a charge of **£20** inclusive of VAT for each further flat (unit) in the block. Please note that If the units are in separate blocks you will be required to complete a separate application form of £425 for each block and the same charging structure of £20 for each unit will be applied.

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 dispute resolver accepts liability in relation to the appointment. If the information provided is inaccurate or incomplete.

Your application is 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 (Scotland)  
 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 appropriately qualified and experienced dispute resolver. You must provide the full postal address including the postcode (even if its only the first half of the code).

Address of the project: \_\_\_\_\_

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

Please list the number of units being reviewed within the building: \_\_\_\_\_

### Information about the lease

Date of the lease: \_\_\_\_\_ Alleged date of review: \_\_\_\_\_

Amount of passing rent: £ \_\_\_\_\_

Is there a head lease?  Yes  No

**Please note:** Each tenant has their own legal right to go to Expert determination or Arbitration as per the lease. Unless there is a head lease that incorporates all of the individual leaseholders.

Capacity required (please tick)  Independent Expert  Arbitrator

Are there any special requirements listed in the lease?  Yes  No

Please indicate any special requirements stated in the lease relating to the proposed appointee. For example: experience, qualifications, time restrictions or if the decision requires reasons.

### 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.

**Applicant details (referring party)**

Are you the landlord or tenant? (please tick)  Landlord  Tenant  
Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Address: \_\_\_\_\_

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Applicant representative**

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_  
Firm name: \_\_\_\_\_  
Address: \_\_\_\_\_

Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

**Non-applicant (responding party) Tenant 1**

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Tenant 2**

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Tenant 3**

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Tenant 4

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

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_

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

Tenant 5

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

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_

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

Tenant 6

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

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_

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

Tenant 7

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

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_

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

Tenant 8

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

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

Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_

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

Tenant 9

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

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

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Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Tenant 10**

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

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Postcode \_\_\_\_\_ County: \_\_\_\_\_ Country: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Further tenant details**

If you have more than 10 tenants, please detail on a further sheet and submit this completed information with this applicant form. You must detail all of the tenant's names and contact details with the application.

**Tenant representative**

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Designation: \_\_\_\_\_ RICS membership number (if applicable) \_\_\_\_\_  
Firm name: \_\_\_\_\_  
Address: \_\_\_\_\_

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Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

**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

The application fee is **£425.00** inclusive of VAT for the first flat in the block and there is a charge of **£20** inclusive of VAT for each further flat (unit) in the block. Please note that if the units are in separate blocks you will be required to complete a separate application form of £425 for each block and the same charging structure of £20 for each unit will be applied within each block.

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:

Applicant signature: \_\_\_\_\_

Applicant name: \_\_\_\_\_

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

Submitting this application form to DRS confirms that you have read and understand the information contained in this application. Your application is accepted on this basis.

**Please return the completed application form by email to:**

**E: [drs@rics.org](mailto:drs@rics.org) T: +44(0)207 334 3806**

### 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.

### Explanatory notes:

- RICS has a duty to act independently and transparently when appointing a dispute resolver. On receipt of a request, DRS will select a suitability qualified dispute resolver who is free from conflicts of interest normally from the President/Chairman's panel of dispute resolvers. Details of your application will be sent to prospective third parties to help them decide whether they are able to take on the appointment.
- After checking that the dispute resolver meets the criteria an appointment is confirmed on or on behalf of the President/Chairman and the parties and the dispute resolver is notified.
- The application form contains sections to obtain information about the property, the lease and the parties. To help DRS select someone who will have the confidence of the parties we rely on the information given in your application. An incomplete or incorrect application can result in an inappropriate appointment. It is vital that you complete all sections of the application form; incomplete sections may result in delays.
- RICS is by law not required to provide a copy of the application form and/or related correspondence to the non-applicant parties and does not do so automatically. However, as a matter of good practice, RICS will provide a copy of the form and/or correspondence to the non-applicant parties on request. Therefore, please note all personal details contained in this form will be supplied.
- As a matter of policy, RICS may forward the information contained in an application, and any supplementary documentation in the case details, to the non-applicant party in the dispute and/ or their representative. Therefore, please note all personal details contained in this form will be supplied.

- Details of the case will also be sent to prospective dispute resolvers to help them decide whether they can or cannot take on the appointment. Therefore, please note all personal details contained in this form will be supplied.
- If the dispute is resolved before the President/Chairman makes an appointment, you must notify RICS as soon as possible.
- The lease is the document that gives the parties the right to apply for a dispute resolver to determine the ground rent. RICS does not have the duty or power to interpret the lease and decide whether or not your application is valid.
- RICS DRS acts in an administrative capacity and will make an appointment in accordance with your application. It is important that you check carefully to ensure that you have the right to make the application, and that your application is made in accordance with the requirements of the contract.
- Parties are reminded that by completing this application they may be jointly and severally liable, under the contract of statute, for payment of the dispute resolver's reasonable fees (including any abortive fees for any work undertaken if the matter is settled before a decision is given).
- You must confirm whether the lease requires the appointment of an Arbitrator or Independent Expert or other capacity. (Leases can sometime be ambiguous. Some provide that only the landlord can apply to RICS or decide whether the appointee acts as an Arbitrator or Independent Expert). Some leases also require dispute resolvers to have experience in the letting of valuation of similar properties and/or their decisions are made within a specific time period after the appointment is made.
- Your application will be processed on the basis that that appointments are often made on behalf of the President/Chairman of RICS by one of his/her duly appointed agents.
- RICS DRS will not always seek comments from the parties on disclosures made by potential appointees. In some cases, the President/Chairman may decline to appoint someone, even if they are satisfied that the potential dispute resolver has no conflicts of interest. Before an appointment is made RICS DRS will take into account a range of factors including representations made by both parties