

DRS2SB

RICS Dispute Resolution Service (DRS)

Joint application for appointment of an Independent Expert by the President of the Royal Institution of Chartered Surveyors under the RICS Small Business Scheme

(Only for applications where the parties have agreed to opt out of the dispute resolution procedure detailed in the lease)

Notes to consider before completing the application:

The Small Business Scheme offers a way to have an independent expert settle disputed rent reviews on commercial properties. The expert will follow a set procedure and charge a fixed fee. Both the landlord and tenant must agree to use the scheme, and by doing so, they will benefit from getting the rent fixed quickly, cheaply, and efficiently. The scheme offers:

- An independent and fair review
- Fixed rate fee
- Backing and experience of RICS
- Flexibility to appoint additional advisors if necessary

The scheme is intended for rent reviews of small commercial properties occupied by small business in England and Wales. The two eligibility criteria are:

1. The property's rateable value must be less than £10,000 (£15,000 in London); and
2. The property is one of a maximum of two non-residential properties held by the tenant.

The scheme applies where there are no legal issues involved, the disputes must be a matter of pure valuation. (However, if parties can resolve their legal issues separately or the expert agrees to deal with them, then the scheme can be used). A reasoned determination will not be given but the expert will indicate briefly why this decision has been reached.

The scheme works on a capped-fee basis, and the maximum cost of using the scheme for the landlord and tenant will be £510 each (inc. VAT), plus any reasonable out of pocket expenses charged by the expert. The costs are made up as follows:

- There is a charge of £100 plus VAT for the appointment.
- The independent expert's fee, which the parties can negotiate with the parties upon appointment, will not exceed £750 plus VAT. The expert may charge reasonable out of pocket expenses.

These fees will be shared equally between the parties. (if either party has its own professional advisors, it will be responsible for their fees).

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 Independent Expert. You must provide the full postal address including the post code (Even it is only the first half of the code)

Address of premises for which rent is to be reviewed: _____

Town/City: _____

Postcode: _____

Brief Description of the dispute:

Information about the lease

Date of the lease: _____ Alleged date of review: _____

Amount of passing rent* _____

Capacity Required (please tick) Independent Expert

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

(if there are no special requirements please state none below)

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.

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

Current Landlord

Title: _____ First name: _____ Last name: _____
Address: _____

Town/City: _____ Postcode: _____
Email: _____ Telephone: _____
Original landlord: _____
Parent associated companies: _____

Landlord 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:

Current tenant

Title: _____ First name: _____ Last name: _____
Address: _____

Town/City: _____ Postcode: _____
Email: _____ Telephone: _____
Original landlord: _____
Parent associated companies: _____
Name of any guarantors: _____

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 note: RICS will be contacting the parties and/or representatives listed

Conflict of Interest

RICS will take reasonable steps to ensure that the appointed dispute resolver is free from conflict of interest and totally independent. The dispute resolver is required to disclose any involvement 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.

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

An administration charge of **£120**, inclusive of VAT, to cover the cost of the appointment. This payment is non-refundable whether the President/Chairman makes the appointment (e.g. if the matter is settled by agreement and the application is withdrawn).

Please **do not** send a payment with your application, on receipt of the application, DRS will begin processing and email you the DRS reference number for your case and request for payment of the application fee. This request will have the following payment options:

- A link to our online portal to make a secure online payment; or
- An option to complete a card payment by telephone through our secure automated process

Once we have received payment, we will start the process and your application will be formally acknowledged.

Trade Accounts

Our more frequent users may have an active trade account registered with us. If you have a trade account please supplied your account information, we will automatically raise an invoice, and this will be sent to you. **However**, please be aware that a quotation inviting you to pay online, or by telephone will also be despatched. For trade account applications only, we will start to proceed your application immediately.

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.

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:

Email: drs@rics.org **Tel:** +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.
- It is vital that you complete all sections of the application form; incomplete sections may result in delays and an inappropriate nomination.
- As a matter of policy RICS may forward the information contained in an application form and supplementary documentation in the case details, to the parties in dispute and/or the representatives. Details of the case will also be sent to prospective dispute resolver to help them decide whether they can or cannot take on the nomination.

- If the dispute is resolved before the professional is nominated, you must notify RICS as soon as possible.
- RICS DRS acts in an administrative capacity and will make an appointment in accordance with your application
- 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 their 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.