

RICS Dispute Resolution Service [DRS]

Request for the appointment of dispute resolver by the President of the Royal Institution of Chartered Surveyors relating to the small business rent review scheme

Information to note before completing an 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 appropriately qualified and experienced dispute resolver. You must provide the full postal address including the postcode (even if it's only the first half of the code).

Address:

Town/city:

Post code:

Brief description of the property (e.g. prime retail/offices/restaurant). Also include details of the permitted use and any other relevant information:

Information about the lease

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

Amount of passing rent: £ _____

Capacity required (please tick): Arbitrator Independent Expert Other (please state):

Arbitrator Independent Expert Other

(If other please state below):

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:

Party details

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).

Landlord

Title: _____

Surname: _____

Forename(s): _____

Telephone (home): _____ Mobile: _____

Email: _____

Home address: _____

Postcode: _____ County: _____ Country: _____

Original Landlord: _____

Parent/subsidiary: _____

Landlord representative [If applicable]

Title:	
First name:	Last name:
Designation:	RICS membership Number: (if applicable)
Firm name:	
Address:	
Town/city:	Post code:
Telephone:	Mobile:
Direct line:	Email:

Are there any other parties to this dispute?

Yes

No

If yes, please detail the parties below:

Tenant

Title:		
Surname:		
Forename(s):		
Telephone (home):	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:
Original Landlord:		
Parent/subsidiary:		

Tenant representative (if applicable)

Title:		
First name:	Last name:	
Designation:	RICS membership Number: (if applicable)	
Firm name:		
Address:		
Town/city:	Post code:	
Telephone:	Mobile:	
Direct line:	Email:	
Postcode:	County:	Country:

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

Conflicts 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 consider any representations, the approver will reach his/her own decision as to who is appointed.

Fees:

RICS charges an administration fee of **£120.00** inclusive of VAT to make an 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).

You can choose to pay by the following:

- Providing a cheque made payable to RICS. Please detail your name, the first line of the property in dispute and postcode on the reverse so that the payment can be allocated.
- A card payment. One of our advisors will contact you to arrange payment. Please tick this box:

RICS is unable to accept credit or debit card details by email due to PCI compliance regulations. Please be aware the applicant has responsibility to ensure that payment is complete. Applications are unable to be processed without full payment.

Application submitted by:

Submitting this application form to RICS DRS confirms:

- that both parties jointly agree to give up the right to have this rent review resolved by the dispute resolution procedures outlined in the lease in favour of the RICS Small Business Scheme notes.
- that parties have seen and understand the information contained in this application, and the notes regarding the scheme. Scheme notes can be obtained from www.rics.org/drs

Signed (Landlord):

Date:

Signed (Tenant):

Date:

Please return the completed application form by email or post to:

RICS dispute resolution services, Surveyor court, Westwood Way, Coventry, CV4 8JE

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 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.