

Application for the appointment of dispute resolver for service charge disputes on commercial and residential properties in England, Wales or Northern Ireland

General Information

Service charges are imposed by landlords to recover the costs they incur in providing services to a property. The charge normally covers the cost of such matters as general maintenance and repairs, insurance of the building and, where the services are provided, central heating, lifts, portage, lighting and cleaning of common areas etc. The charges may also include the costs of management by the landlord or by a professional managing agent and for contributions to a reserve fund.

This form is to be used to apply for the appointment of a service charge specialist to decide a dispute between a landlord and tenant.

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. It is important that you check carefully to ensure that you have the right to make the application and that it is made in accordance with the requirements of the contract or lease.

RICS DRS reserves the right to copy the application and/or any accompanying documentation to the responding party and/or representatives. This is the basis upon which 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 the information provided is inaccurate or incomplete.

Your application is processed 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)

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

Address:

Town/city:

Postcode:

Brief description of the property (e.g. residential/commercial). Also include the permitted use and any other relevant information:

Information about the dispute

It is essential RICS receives sufficient information about the nature of the dispute to enable an appropriate Independent Expert to be identified and appointed. The Expert 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:

Agreement to refer

Generally your lease will provide for the RICS to nominate a third party to determine a service charge dispute. Unilateral applications can be made if an agreement is in place that provides for this. If no agreement is in place, a joint application should be made. RICS will appoint on request and will not become involved in a dispute as to whether the application is valid.

Please indicate if the application is a unilateral or joint appointment:

Unilateral Joint

Please indicate the document that gives authority for the RICS President/Chairman or duly appointed agent to make an appointment:

Contract Lease Joint agreement of the parties Other
(Please state)

Applicant details (referring party)

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.

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

Title: _____
Surname: _____
Forename(s): _____
Telephone (home): _____ Mobile: _____
Email: _____

Home address: _____

Postcode: _____ County: _____ Country: _____

Non applicant (responding party)

Title: _____
Surname: _____
Forename(s): _____
Telephone (home): _____ Mobile: _____
Email: _____

Home address: _____

Postcode: _____ County: _____ Country: _____

Applicant/referring party representative

Title: _____
First name: _____ Last name: _____
Designation: _____ RICS membership Number: (if applicable) _____
Firm name: _____
Address: _____

Town/city: _____ Post code: _____
Telephone: _____ Mobile: _____
Direct line: _____ Email: _____

Non-Applicant/responding party representative

Title: _____
First name: _____ Last name: _____
Designation: _____ RICS membership Number: (if applicable) _____
Firm name: _____
Address: _____

Town/city: _____ Post code: _____
Telephone: _____ Mobile: _____
Direct line: _____ Email: _____

Professional background of the dispute resolver

Are there any specific requirements detailed in the contract or agreed between the parties?
Yes No

(If there are no requirements please state none below)

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

Conflicts 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 representation the approver will reach his/her own decision as to who is appointed.

How to pay:

RICS charges an administration fee of **£425.00** inclusive of VAT to make an appointment. 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].

You can choose to pay by the following:

- Providing a cheque made payable to RICS. Please detail your name 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:

You must provide your name and post code. 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**

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 Name: _____ Date: _____

*Responding Name: _____ Date: _____

* 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.

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 or post to:
RICS Dispute Resolution Service, 55 Colmore Row, Birmingham B3 2AA
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 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 are notified.
- 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 DRS reserve the right to copy the application form and/or any accompanying documentation to the responding party and/or representatives. This is the basis upon which your application is accepted. RICS by law is not required to provide a copy of the application form and correspondence to the non-applicant party. As a matter of good practice RICS will provide this to the non-applicant party on request.
- As a matter of policy RICS may forward the information contained in an application form and supplementary documentation in the case details to the non-applicant party in dispute and/or their representative. Details of the case will also be sent to prospective third parties to help them decide whether they can or cannot take on the appointment.
- If the dispute is resolved before the President/Chairman makes an appointment, you must notify RICS DRS as soon as possible.
- If it is a unilateral appointment, RICS does not have the duty or power to interpret the document that gives the parties the right to apply for a dispute resolver to decide whether or not your application is valid.
- If it is a joint agreement between the parties, both parties [not their representatives] must sign the RICS application form to consent. If both parties do not sign RICS has no authority to appoint.
- 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].
- Your application will be processed on the basis 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 conflict of interest. Before an appointment is made RICS DRS will take into account a range of factors including representations made by both parties.