



RICS Dispute Resolution Service (DRS)

Request for the appointment of a dispute resolver to assess the ground rent in England, Wales or Northern Ireland

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 this 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 [Northern Ireland]

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 dispute resolver. You must provide the full postal address including the post code [Even it is only the first half of the code]

Address: _____

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.

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 may 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: _____

Applicant/referring party representative

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

Non applicant [responding party] Tenant 1

Title:		
Surname:		
Forename[s]:		
Telephone [home:]	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:

Tenant 2

Title:		
Surname:		
Forename[s]:		
Telephone [home:]	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:

Tenant 3

Title:		
Surname:		
Forename[s]:		
Telephone [home:]	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:

Tenant 4

Title:		
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Surname:

Forename(s):

Telephone [home:] Mobile:

Email:

Home address:

Postcode: County: Country:

Tenant 5

Title:

Surname:

Forename(s):

Telephone [home:] Mobile:

Email:

Home address:

Postcode: County: Country:

Tenant 6

Title:

Surname:

Forename(s):

Telephone [home:] Mobile:

Email:

Home address:

Postcode: County: Country:

Tenant 7

Title:

Surname:

Forename(s):

Telephone [home:] Mobile:

Email:

Home address:

Postcode: County: Country:

Tenant 8

Title:

Surname:

Forename(s):

Telephone [home:] Mobile:

Email:

Home address:

Postcode:	County:	Country:
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Tenant 9

Title:		
Surname:		
Forename(s):		
Telephone [home:]	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:

Tenant 10

Title:		
Surname:		
Forename(s):		
Telephone [home:]	Mobile:	
Email:		
Home address:		
Postcode:	County:	Country:

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.

Non applicant responding party representative(s)

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

Conflicts of interest

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 parties involved including any companies or related entities that a prospective adjudicator 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 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. 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 his/her own decision as to who is appointed.

How to pay:

RICS has developed a structured fee in relation to ground rents depending on the number of units to be reviewed in the building.

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.

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:
- By 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 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:

Referring party Name: _____

Referring party signature: _____

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 or post to:
RICS Dispute Resolution Services, 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 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 he 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.