

COBURNS PARTY WALL

Party Wall and Neighbourly Matters

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www.coburnspartywall.co.uk

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GUIDANCE NOTE

DISPUTE RESOLUTION PROTOCOL - AGREED SURVEYOR

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From time to time a dispute may arise between the parties. Either party may call upon the agreed surveyor to settle such a dispute by way of a further award.

Below we outline the process we ask the parties to follow when referring a matter to the surveyor:

Has a dispute arisen?

Before referring a matter to the surveyor a reasonable attempt should have been made to resolve the dispute with the other party. We would usually expect that an adjoining owner has already put their claim for loss or damage to the building owner prior to a referral.

Where a party has made insufficient efforts to mitigate costs by approaching the other party prior to referring a matter to the surveyor, this can be taken into account when considering the costs of the award.

A referral to the surveyor should be considered a 'last resort'.

Where there is a difference of opinion in relation to compensation, only the disputed amount need be referred to the surveyor. Not the whole sum.

Care should be taken to ensure matters outside the remit of the surveyor are not referred to him. Such a referral is likely to incur costs for the referring party.

Submissions

The party making the referral shall provide their submission in writing including sufficient detail of the matter/s in dispute to allow the surveyor to come to an informed conclusion.

If they are hoping to make a compensation claim it would help to have 3 detailed quotes.

Where either party makes an insufficient effort to mitigate costs by providing a suitably detailed submission, this can be taken into consideration when considering the costs of the award.

Once the initial submission is received, I will ask the other party to provide me with their response within 14 days beginning on the day of my request.

Procedure

Upon receipt of the submissions and before making a determination, I will decide on the procedure, and may require any or all of the following:

1. Clarification or further information from either party.
2. A site visit.
3. Independent expert advice.

Conduct and Communication

I must act in a manner that is not only impartial but is seen to be impartial. I will not engage in unilateral discussions with one party without involving or advising the other unless one party is clearly refusing to participate in the process.

Any approach made to me before a written submission is received may be recorded. Any discussion will be limited to reiterating the process and this protocol. I will not offer an opinion before making the award.

Costs in making the award

The costs in making the award (including my fees as well as those of any necessary consultants) will be awarded to be paid by whichever party or parties, I may determine.

On some occasions, I may determine that the costs of the award are to be apportioned between the parties.

Contents of the award

The award will identify the issues referred to the surveyor.

However, he will only make a determination on those issues where he has jurisdiction under the Act to do so.

The reasoning behind his decisions will usually (but not always) be given in the award.