

## RICS/PLA Boundary Disputes Mediation Service (BDMS)

### Request for appointment of a Mediator

#### General Information

The Boundary Disputes Mediation Service (BDMS) is designed by RICS and the Property Litigation Association, supported by the Civil Justice Council (CJC) to help neighbours to resolve disputes about boundary lines and related issues. It provides a quicker, cheaper and more informal approach than litigation, while helping neighbours to deal with issues that are at the heart of their dispute in a positive and proactive way.

#### Mediation

Mediation allows the parties to take ownership of dealing with their dispute and helps them to achieve an outcome that is satisfactory to all.

The Mediator appointed under the BDMS procedure will set out an agenda and timetable for the mediation, and facilitate structured negotiations between the parties, through joint and/or separate meetings.

This procedure helps the parties to define the issues clearly, understand each other's position and move closer to resolution. Where there are multiple issues at play, the Mediator will work with the parties to narrow the range of issues between them and help them find possible solutions that are acceptable to both sides.

#### Early engagement

- Mediation can be used to stop or help resolve deadlock and bring about swift conclusions.
- It can be used before litigation starts or during it. It normally takes approximately a day and can be arranged quickly.

#### Parties retain control

- Mediation ensures both parties are involved in resolving their dispute and that they ultimately decide outcomes.
- Parties can make informed decisions that stop disputes from escalating to court.

#### Flexibility

- Mediation timetables can be adapted to meet specific priorities of the parties.

#### Cheaper

- Parties know how much it will cost at the start of the process and the maximum they may pay.
- Cost of procedure is agreed at the beginning.
- The Mediator's fees are usually split between both parties.
- This is often significantly less than the cost of going to trial.

#### Agreed outcomes

- With the assistance of the mediator, the parties will hopefully agree a practicable solution that is acceptable to both sides as a workable way forward.

Please complete this application to help us identify a suitably qualified independent mediator.

### Your details

Name	
Address:	
Town/City	
Postcode:	
Email:	
Telephone	

### Information about the nature of the dispute:

It is essential that you provide enough information about the nature of the dispute to enable an appropriately qualified and experienced mediator to be appointed. Please provide details of the dispute, where it is located, the type of property or properties involved, the key issue(s) in dispute and any other details you consider relevant. Please note this may be shared with the other party and mediator involved in resolving this dispute.

How long has the dispute been going on?

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Have you previously tried to negotiate a settlement of this dispute?

Yes  No

If yes, please provide details below:

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**Is this a joint application? (I.e. both neighbours are applying)**

Yes       No

### Information about the parties and their representatives

If you are represented by a professional e.g. lawyer or surveyor, please also provide details of the representative(s) below. We will send correspondence to them. Normally our communications are sent by email, unless you specify otherwise. Therefore, it is important you provide email addresses.

#### Party A (Applicant)

<b>Name</b>	
<b>Address:</b>	
<b>Town/City</b>	
<b>Postcode:</b>	
<b>Email:</b>	
<b>Telephone</b>	

#### Part A representative (Applicant) (if applicable)

<b>Name</b>	
<b>Firm name:</b>	
<b>Address:</b>	
<b>Town/City</b>	
<b>Postcode:</b>	
<b>Email:</b>	
<b>Telephone</b>	

#### Party B

<b>Name</b>	
<b>Address:</b>	
<b>Town/City</b>	
<b>Postcode:</b>	
<b>Email:</b>	
<b>Telephone</b>	

**Party B representative (if applicable)**

<b>Name</b>	
<b>Firm name:</b>	
<b>Address:</b>	
<b>Town/City</b>	
<b>Postcode:</b>	
<b>Email:</b>	
<b>Telephone</b>	

**Professional background and qualifications of the Mediator**

Please indicate any specific skills and/or knowledge that you consider the Mediator is required to have. Also, please state whether you consider that the issues in dispute require your mediator to be a lawyer or a surveyor. If you have no particular preference, please also state this below:

Surveyor       Lawyer

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**Conflicts of interest**

We will take steps to appoint a mediator who is free from any conflict of interest. If, in your view, there are any persons who would have a personal or other interest in this matter, you should list them in the box below. Please also provide, brief but clear reasons for your views.

Name	Firm	Reason

### Application fee:

RICS charges an administration fee of **£240.00** inclusive of VAT to make a nomination. 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). Parties are encouraged to share the cost of the application.

You can choose to pay card payment. One of our advisors will contact you to arrange payment. 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:

In submitting this application form, it is assumed that you have read and understood the information contained in this form. Your application is accepted on this basis.

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Signed (Party A):

Date:

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Signed (Party B) (if applicable):

Date:

Please return the completed application form by email to:

RICS Dispute Resolution Services,

Email: [drs@rics.org](mailto:drs@rics.org) Tel: +44(0)207 334 3806

### Your privacy

Your application will be processed by the RICS Dispute Resolution Service. 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 mediator. On receipt of a request, we will select a suitability qualified professional who is free from conflicts of interest.
- It is important that you complete all sections of the application form; incomplete sections could result in the appointment being delayed.
- As a matter of policy RICS may forward the information contained in an application form and supplementary documentation, to all the parties in dispute and/or their representatives. Details of the dispute, as set out in the application will also be sent to prospective mediators to help them decide whether they are available and prepared to take on the appointment.
- If the dispute is resolved before the Mediator is appointed, you must notify RICS as soon as possible.
- RICS acts in an administrative capacity and will appoint a mediator in accordance with the information you provide in your application
- Your application will be processed on the basis that the appointment will be made on behalf of the President/Chairman of RICS by one of his/her duly appointed agents.
- RICS 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 Mediator has no conflicts of interest. Before an appointment is made RICS will consider a range of factors including representations made by both parties.
- RICS is required by law, when appointing a Mediator, to take reasonable steps to ensure that the appointed person is suitably qualified to mediate the type of dispute in question and is free from conflicts of interest. It is therefore important that you provide accurate information about the nature of the dispute, any specific skills and experience required and details of the parties.
- An observer may attend the meetings with the Mediation, unless one or both parties object.