

Commercial Rent (Coronavirus) Act 2022 - Reference to Arbitration Form

SECTION A

Reference to Arbitration

Either the landlord or the tenant can refer the matter to arbitration. This reference to arbitration is made by the:

Landlord Tenant

In the matter of a dispute between:

Landlord

Name/Company Name

Address

Postcode

Telephone

Email Address

Represented by

Name/Company Name

Address

Postcode

Telephone

Email Address

Tenant

Name/Company Name

Address

Postcode

Telephone

Email Address

Represented by

Name/Company Name

Address

Postcode

Telephone

Email Address

SECTION B

Notice and time limits

The Respondent must have been notified of the intent to make a reference to arbitration at least 14 days prior to the referral to arbitration. Please attach a copy of the notification.

Please note the date that the Respondent was first notified:

Please note the method of notification (e.g. email, post, etc.):

(If applicable) Please note the date that Respondent submitted a response:

Please note the date that this referral was submitted:

SECTION C

Eligibility

The following criteria must be met, as set out under Part 1 of the Commercial Rent (Coronavirus) Act 2022 ("the Act"):

(a) *The business tenancy to which this dispute relates must be a business to which Part 2 of the Landlord and Tenant Act 1954 applies:*

(b) *The business or premises in question was subject to a closure requirement between 21 March 2020 and 18 July 2021 (for English business tenancies) or 7 August 2021 (for Welsh business tenancies).*

(c) *The dispute must relate to protected rent debt.*

1. *Rent is defined as an amount payable to the landlord for possession and use of the premises comprised in the tenancy, an amount payable under the tenancy as a service charge, and any interest on either of those amounts. Further details are in Section 2, Part 1 of the Act.*

2. *For rent debt to be protected, two criteria must be met:*

i. The tenancy was subject to a closure requirement; and

ii. The rent is attributable to a period of time between 21 March 2020 and 18 July 2021 (for English business tenancies) or 7 August 2021 (for Welsh business tenancies).

(d) *The debtor must not be under a company voluntary arrangement, individual voluntary arrangement, or other compromise or arrangement that relates to the protected rent debt. Further details are in Section 10, Part 1 of the Act.*

(e) *A formal proposal for resolving the matter of relief must be included in this arbitration referral form.*

(f) *The dispute must not have been resolved by other means prior to this referral...*

Please confirm that the above criteria have been met:

Yes No

SECTION D

Fees, claim value and service framework

Please provide the amount of commercial rent arrears in dispute:

Subject to the claim value, the following fees apply:

- | | |
|---|---|
| <p><input type="checkbox"/> For claim values up to and including £100,000
Application Fee: £250
Arbitration Fee: £3,000
Hearing Fee: £100 per hour or part of any hour</p> | <p><input type="checkbox"/> For claim values up to and including £250,000
Application Fee: £250
Arbitration Fee: £5,000
Hearing Fee: £200 per hour or part of any hour</p> |
| <p><input type="checkbox"/> For claim values up to and including £1million
Application Fee: £250
Arbitration Fee: £10,000
Hearing Fee: £300 per hour or part of any hour</p> | <p><input type="checkbox"/> For claim values over £1million
Application Fee: £250
Arbitration Fee: £15,000
Hearing Fee: £400 per hour or part of any hour</p> |

VAT is payable at the applicable rate

Payment terms and conditions

- (1) The application fee is non-refundable in any circumstances.
- (2) The arbitration fee is non-refundable in any circumstances.
- (3) The fees are per arbitrator. For example, if a three-person tribunal is appointed, the arbitration fee and hearing fee stated above for the relevant claim value will each be multiplied by three.
- (4) The hearing fee will be charged in advance and a minimum 7-hour day will apply.
- (5) The fees do not include venue costs for hearings.
- (6) The arrangement for hearings shall be made by the parties.
- (7) Expert fees are charged separately.
- (8) LCAM reserves the right to charge the parties additional fees for work undertaken by LCAM in administering the arbitration after the appointment of the tribunal in relation to work over and above routine administration. This will be charged at a fixed hourly rate of £200 per hour or part of any hour.

SECTION E

Consolidation and concurrency

A party can make one reference to arbitration covering the protected rent debt for all a Tenant's tenancies with the same Landlord subject to the payment of the Application Fee in respect of each tenancy and one Arbitration Fee. The tribunal has the power to order that separate proceedings contained within one reference shall be consolidated or heard concurrently, or to order that the proceedings will continue separately. If the proceedings continue separately the tribunal may order that the Arbitration Fee be paid in respect of the separate proceedings. This application relates to:

- Single tenancy
- Multiple tenancies

Please attach a separate document which lists out each premises, address and unpaid debt amount, together with copies of all the relevant tenancies.

SECTION F**Tribunal**

LCAM shall appoint one or more arbitrators from the LCAM list maintained for the purposes of this scheme. Arbitrators appearing on the list have appropriate qualifications and experience. The parties are free to agree the number of arbitrators to form the tribunal and whether there is to be a chair. If the parties agree on an even number of arbitrators, an additional arbitrator shall be appointed as chair of the tribunal, unless otherwise agreed between the parties. If there is no agreement between the parties on the number of arbitrators, the tribunal will consist of a sole arbitrator. The parties have:

- Agreed to have a sole arbitrator
- Agreed to have three arbitrators
- Not agreed the number of arbitrators

SECTION G**Supporting documents**

The reference must be accompanied by a formal proposal for resolving the matter of relief from payment accompanied by supporting evidence. The application includes:

- Formal proposal for resolving the dispute. The proposal covers the outcome you are seeking, including what proportion of the rent debt you propose be repaid, and a repayment schedule, if required.
- Supporting evidence (including the tenancy).

SECTION H**Submitting your reference to arbitration**

Submit your completed reference to arbitration and the requested information to LCAM:

By email: arbitration@lcam.org.uk

You must also arrange for payment of the Application Fee and Arbitration Fee at the time of the application quoting the applicant's name as reference. Please make payment by bank transfer to LCAM's account as follows:

Account Name: London Chamber of Commerce and Industry (LCCI)

Account Number: 23109517

Sort Code: 16 00 15

IBAN: GB92 RBOS16001523109517

Bank: Royal Bank of Scotland plc GB 243 4543 74