

## Schedule of Disputes Experience of Kevin P Hayes, FRICS, FCI Arb as Arbitrator - 3 April 2023

Year	Reference	Parties	Form of Contract	Nature of dispute	Amount in Dispute
1996	129/1298	Timber - frame sub-contractor and building contractor.	DOM/1	Set-off delay and disruption.	£26,000
1999	154/1099	Building contractor and housing association.	JCT 81	Value of work claimed as changes to ER, extensions of time, direct loss and expense.	£50,000
1999	157/1107	Building contractor and petrol service station owner.	IFC 84	Valuation of work including variations, extensions of time, direct loss and expense £70,000 Counterclaim for defective work and	£70,000
1999	161/1122	Asphalt contractor and building contractor.	DOM/1	Valuation of and payment for surfacing works.	£40,000
1999	163/1125	Engineering sub-contractor and building contractor.	DOM/1	Valuation of and payment for variations, extensions of time. Counterclaim for delay.	£25,000
1999	166/1132	Building contractor and car dealer.	JCT 80	Valuation of and payment for works carried out.	£11,000
1999	168/1137	Building contractor and local authority.	JCT 80	Valuation of variations, extensions of time, direct loss and expense £380,000. Counterclaim for liquidated and ascertained damages	£90,000
2000	180/1159	Design and build contractor and concrete floor specialist.	DOM/2	Defective work.	£160,000
2000	184/1163	Warehouse owner and design and build contractor.	JCT 81	Defective floor slab.	£160,000
2000	188/1169	Building contractor and structural floor designer.	None (Tort)	Defective floor slab.	£160,000
2000	189/1170	Electrical sub-contractor and building contractor.	Ad hoc	Payment for work carried out, extension of time, direct loss and expense.	£40,000
2000	205/53453	Building contractor and college.	JCT 81	Valuation of variations, direct loss and expense.	£267,000
2001	214/53533	Building contractor and housing association.	JCT 80	Extensions of time, LAD, damages.	£75,000
2001	215/53548	Groundwork sub-contractor and building contractor.	Ad hoc	Amount of final account, payment.	£50,000
2001	219/596	Electrical sub-contractor and mechanical sub-sub-contractor.	DOM/2	Amount of final account.	£90,000
2002	225/640	Structural steelwork sub-contractor and building contractor.	Ad hoc	Valuation of work and contra-charges.	£17,000
2002	227/644	Landlord and tenants.	Ad hoc	Extent and value of alleged dilapidations.	£110,000
2002	229/660	Building contractor and property developer.	JCT Minor Works	Valuation of work.	£30,000
2003	233/695	Equipment specialist and building contractor.	Ad hoc	Counterclaim for delay.	£35,000
2003	236/763	Groundwork sub-contractor and building contractor.	FCEC Blue Form of Sub-Contract	Valuation of work including variations, delay and disruption.	£422,000
2003	237/763	Building contractor and groundwork sub-contractor.	FCEC Blue Form of Sub-Contract	Valuation of work including variations, delay and disruption.	£49,000
2003	238/763	Building contractor and groundwork sub-contractor.	FCEC Blue Form of Sub-Contract	Valuation of work including variations, delay and disruption.	£70,000
2003	243/809	Building contractor and home owner.	IFC 84	Valuation of work.	£70,000
2004	246/846	Housing trust and tenant.	Ad hoc	Liability for and valuation of repairs.	£2,000
2005	256/3008	Property developer and building contractor.	JCT 80	Existence of arbitration agreement; applicable contract terms; amount of final account.	£100,000
2005	257/3011	Building contractor and property developer.	JCT 98	Direct loss and expense.	£250,000
2005	258/3016	Building contractor and factory owner.	JCT 80	Extensions of time, LAD, alleged defect.	£475,000
2005	261/3024	Building contractor and registered charity.	IFC 98	Final account dispute.	£200,000
2005	266/3042	Building contractor and home owners.	JCT MW 80	Notification of final account, statement of completion and payment.	£230,000
2007	276/07014	Property developer and building contractor.	JCT 98 WCD	Existence and construction of supplemental agreements.	£450,000
2007	280/07018	Building contractor and property developer.	JCT 98 WCD	Liquidated damages for late completion, value of work done.	£150,000
2007	284/07022	Home owner and glazing company.	Ad hoc	Repudiation, damages, defective work.	£100,000
2007	285/07023	Quantity surveying firm and PI insurer and re-insurer.	Ad hoc	Right to settle claim without insured's consent, application of doctrine of res judicata.	£350,000
2008	296/08037	Property owner and tenant.	Bespoke	Dilapidations claim.	£100,000
2008	300/08041	Developer and housing association.	Bespoke	Completion costs; interpretation of contract terms.	£100,000
2008	308/08049	Building contractor and groundwork sub-contractor.	Bespoke	Delay in moving overhead cables.	£170,000
2008	309/08050	Church and building contractor	JCT 98	Defective roofing work	£210,000
2009	323/09064	Building contractor and home owners.	Bespoke	Payment for work carried out, alleged defects.	£16,000
2009	324/09065	Catering company (tenant) and landlord.	Bespoke	Damages for failures to repair and maintain property.	£100,000
2009	326/09067	Architect and home owner	Bespoke	Payment of fees, alleged negligence.	£6,000

2009	327/09068	Building contractor and stately home owners	IFC 84	Direct loss and expense, whether claim time barred, challenge to jurisdiction.	£33,000
2010	335/10077	Hotel owner and insurer	Insurer's standard policy	Amount of claim for fire damage	£50,000
2010	337/10079	Building contractor and property developer.	JCT Minor Works 1998	Valuation of variations, extensions of time, date of practical completion, liquidated and ascertained damages.	£20,000
2012	357/12100	Groundwork sub-contractor and building contractor.	DOM/1	Amount of final account (incl plmry issues arising from defence)	£400,000
2013	376/13119	M&E sub-contractor and building contractor.	Bespoke	Value of work done; defective work.	£120,00
2013	377/13120	Property owner and local authority	Bespoke	Value of work done; defective work.	£650,000
2014	390/14134	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£300
2014	391/14135	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£500
2014	392/14136	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£650
2014	393/14137	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£480
2014	394/14138	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£1,230
2014	395/14139	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£870
2014	396/14140	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£690
2014	397/14141	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£490
2014	398/14142	Asphalt roofing sub-contractor and building contractor	Bespoke based on JCT 2005 Domestic Sub-Contract	Payment of balance of final account, release of retention, interest	£750
2015	416/15161	Bathroom specialist and mechanical engineering contractor	Bespoke	Payment of notified sum	£59,000
2015	417/15162	Bathroom specialist and mechanical engineering contractor	Bespoke	Payment of notified sum	£50,000
2016	429/16174	Football Club and Stadium Owner	Bespoke	Indexation of Licence Fee; review of service charges	£1,000,000 - £2,000,000
2016	433/16178	Charitable trust and building contractor	JCT IFC 2005	Defective work	£310,000
2023	463/22211	Cinema operator tenant and landlord	Bespoke	Commercial Debt (Coronavirus) Act 2022 dispute	£593,000