

## Schedule of Disputes Experience of Kevin P Hayes, FRICS, FCI Arb as Arbitrator - 11 June 2010

| 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 damages.        | £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 and defects. | £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           |

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| 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 |

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| 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  |