

## Schedule of Disputes Experience of Kevin P Hayes, FRICS, FCI Arb as Party Adviser or Representative - 11 June 2010

Year	Reference	Parties	Form of Contract	Nature of dispute	Amount in Dispute	Involvement	Forum
1985	2/DSA	Building contractor and housing association.	JCT63	Extensions of time, direct loss and expense	£70,000	Party adviser	NP
1985	3/DSA	Building contractor and office owners.	JCT63	Value of variations, extensions of time, direct loss and expense.	£90,000	Party adviser	NP
1986	4/DSA	Building contractor and local authority.	JCT76 Prime Cost. Fixed Fee	Opening-up of final account by auditor	£7,000	Party representative	NP
1986	5/JRK	Insulation sub-sub-contractor and mechanical services sub-contractor.	Bespoke	Measurement and valuation of work carried out, counterclaim for delay and damages.	£60,000	Party representative	Arb.
1986	6/JRK	Mechanical services sub-contractor and building contractor.	Blue Form (NFBTE/FASS/CASEC)	Payment of variations, extensions of time, direct loss and expense.	£400,000	Party representative	Lit.
1987	7/JRK	Mechanical services sub-contractor and developer.	Bespoke trade works contract.	Variations, extensions of time, direct loss and expense	£430,000	Party adviser	NP
1987	8/JRK	Building contractor and local authority.	JCT63	Variations, extensions of time, direct loss and expense.	£80,000	Party representative	NP
1987	9/JRK	Cladding sub-contractor, building contractor and local authority.	Ad hoc	Failure to make payment, retention of title.	£180,000	Party representative	NP
1987	11/JRK	Glazing sub-contractor and building contractor.	DOM/1	Extensions of time	£110,000	Party representative	NP
1987	12/JRK	Glazing sub-contractor and building contractor.	NSC/4	Extensions of time	£40,000	Party representative	NP
1987	13/JRK	Specialist surfacing sub-contractor and building contractor; materials suppliers and specialist surfacing sub-contractors.	NSC/4	Extensions of time, defective materials.	£600,000	Party adviser	Lit.
1987	14/JRK	Suspended ceiling sub- contractor and building contractor.	Green form of nominated sub-contract	Extensions of time, non completion, direct loss and expense.	£60,000	Party representative	NP
1987	16/JRK	Tile roofing sub-contractor and building contractor.	Bespoke	Value of variations, extensions of time, direct loss and expense, counterclaim for delay.	£85,000	Party representative	NP
1988	17/JRK	Civil engineering contractor and local authority.	ICE 5th	Extensions of time, delay costs, clause 12 claim	£200,000	Party representative	NP
1988	18/JRK	Building contractor and local authority.	JCT63	Extensions of time, direct loss and expense.	£75,000	Party representative	Arb.
1988	19/8510	Building contractor and housing association.	JCT63	Extensions of time, direct loss and expense.	£400,000	Party representative	NP
1989	22/8903	Home owners and builders.	Bespoke	Defective work	£15,000	Party representative	Arb.
1989	24/1003	Building contractor and local authority.	JCT80	Extensions of time and direct loss and expense.	£130,000	Party adviser	NP
1990	25/1004	Building contractor and house owners.	JCT Minor Works	Value of variations, counterclaim for defective work.	£40,000	Party representative	Arb.
1990	26/1006	Mechanical services sub-contractor and building contractor.	NAM/SC	Failures to make payment, suspensions of work.	£120,000	Party adviser	NP

1990	27/1007	Mechanical services sub-contractor and building contractor.	Bespoke	Direct loss and expense	£50,000	Party representative	NP
1990	28/1008	Civil engineering contractor and local authority.	IFC84	Value of variations, extensions of time, direct loss and expense.	£100,000	Party representative	NP
1990	30/1012	Cladding sub-contractor and building contractor.	Bespoke	Value of variations, counterclaim for delay and defective works.	£80,000	Party representative	Arb.
1990	31/1015	Woodwork sub-contractor and management contractor and developer.	Bespoke	Extensions of time, direct loss and expense, determination of employment.	£400,000	Party representative	Arb.
1991	33/1018	Building contractor and factory owner.	JCT80	Defective work	£80,000	Party adviser	NP
1991	34/1019	Mechanical services sub-contractor and building contractor.	DOM/1	Value of variations, extensions of time, direct loss and expense.	£1,200,000	Party adviser	NP
1991	35/1022	Mechanical services sub-contractor and building contractor.	NSC/4	Extensions of time, direct loss and expense.	£80,000	Party adviser	NP
1991	36/1023	Mechanical services sub-contractor and building contractor.	NSC/4	Scope of work included in sub-contract sum.	£400,000	Party adviser	NP
1991	38/1028	Structural steelwork sub-contractor and builder-developer.	Exchange of letters	Delay; defective work	£40,000	Party adviser	NP
1991	39/1030	Mechanical services sub-contractor and building contractor.	JCT81	Extensions of time, direct loss and expense.	£80,000	Party adviser	NP
1991	40/1031	Building contractor and local authority.	IFC84	Failure to give possession	£260,000	Party adviser	NP
1991	41/1036	Building contractor and local authority.	JCT80	Extensions of time	£200,000	Party adviser	NP
1991	42/1050	Formwork sub-contractor and building contractor.	DOM/1	Extensions of time, direct loss and expense.	£140,000	Party adviser	NP
1991	43/1051	Home owners and builder-developer.	Bespoke	Defective work	£10,000	Party representative	Arb.
1991	45/1061	Mechanical services sub-contractor and building contractor.	NSC/4	Direct loss and expense.	£110,000	Party representative	NP
1991	46/1065	Building contractor and local authority.	IFC84	Value of variations, extensions of time, direct loss and expense.	£550,000	Party adviser	NP
1991	47/1067	Building contractor and benevolent fund of institution.	JCT80	Extensions of time, direct loss and expense.	£80,000	Party representative	NP
1991	49/1069	Mechanical services works contractor and management contractor.	WC/2	Failure to pay, suspension of work.	£420,000	Party adviser	Lit.
1991	50/1071	Mechanical services sub-contractor and petroleum company.	Model Form 'A'	Defective design.	£160,000	Party adviser	NP
1991	51/1083	Building contractor and housing association.	JCT80	Extension of time.	£60,000	Party adviser	NP
1991	52/1086	Building contractor and shop owner.	JCT Minor Works	Value of variations, counterclaim for delay.	£15,000	Party adviser	NP
1992	54/1093	Window replacement contractor and local authority.	NSC/4	Set-off, damages for delay.	£12,000	Party adviser	Lit.
1992	55/1096	Mechanical services sub-contractor and building contractor.	DOM/2	Defective design.	£900,000	Party adviser	NP

1992	56/1103	Mechanical services trade contractor and developer.	Amended JCT81	Existence of contract, value of variations, extensions of time, direct loss and expense, counterclaim for delay.	£630,000	Party adviser	Lit.
1992	57/1104	Building contractor and home owner.	Bespoke	Value of work carried out, defective work	£40,000	Party representative	NP
1992	58/1105	Metalwork works contractor and management contractor.	WC/2	Direct loss and expense	£95,000	Party representative	NP
1992	59/1110	Mechanical services sub-contractor and building contractor and developer.	Bespoke	Value of variations, extensions of time, direct loss and expense.	£450,000	Party representative	Arb.
1992	60/1111	Building contractor and developer.	JCT80	Value of variations, extensions of time, direct loss and expense.	£80,000	Party representative	NP
1992	61/1112	Building contractor and developer.	IFC84	Value of variations, extensions of time, direct loss and expense.	£40,000	Party representative	NP
1992	62/1115	Building contractor and local authority.	JCT80	Extensions of time, direct loss and expense.	£55,000	Party adviser	NP
1992	64/1124	Glazing sub-contractor and building contractor.	NSC/4	Extensions of time, set-off for delay.	£15,000	Party adviser	NP
1992	65/1125	Builder and home owner.	Exchange of letters	Value of work carried out, counter claim for defective work.	£25,000	Party adviser	Lit.
1992	66/1126	Mechanical services sub-contractor and building contractor and developer.	DOM/1	Value of variations, extensions of time, direct loss and expense.	£50,000	Party representative	NP
1992	67/1128	Mechanical services sub-contractor and building contractor.	DOM/1	Extensions of time, direct loss and expense, set-off for delay.	£70,000	Party representative	Arb.
1992	68/1130	Structural steelwork contractor and building contractor.	DOM/1	Value of variations, extensions of time, direct loss and expense.	£280,000	Party representative	NP
1992	69/1137	Building contractor and office owners.	JCT Minor Works	Value of variations	£15,000	Party representative	Arb.
1992	70/1143	Civil engineering contractor and water company.	ICE 5th	Value of work carried out, delays	£700,000	Party representative	Arb.
1992	71/1144	Civil engineering contractor and local authority.	ICE 5th	Value of work carried out, delays.	£180,000	Party adviser	Arb.
1992	72/1145	Building contractor and local authority.	JCT80	Extensions of time, direct loss and expense.	£390,000	Party representative	NP
1992	73/1151	Builder and home owner.	Exchange of letters	Value of works carried out, terms of contract.	£10,000	Party representative	NP
1992	74/1153	Mechanical services works contractor, management contractor and developer.	WC/2	Value of variations, extensions of time, direct loss and expense.	£80,000	Party representative	Arb.
1992	75/1157	Window installation sub-contractor and building contractor.	DOM/1	Value of work carried out, extensions of time direct loss and expense.	£70,000	Party representative	Arb.
1992	76/1163	Building contractor and university.	JCT80	Validity of certificates for payment, value of variations.	£30,000	Party representative	Arb.
1992	77/1168	Window installation sub-contractor and building contractor.	DOM/1	Defective work.	£30,000	Party adviser	NP
1992	78/1170	Replacement window sub-contractor and main contractor.	Bespoke	Delays and damages.	£25,000	Party adviser	NP
1992	80/1172A	Works contractor and management contractor.	WC/2	Value of variations, extensions of time, direct loss and expense, damages resulting from determination.	£75,000	Party adviser	NP

## Party Adviser or Representative

1992	81/1172B	Nominated sub-contractor and building contractor.	NSC/4	Interpretation of supplemental agreement and effect on quantum.	£900,000	Party adviser	NP
1992	82/1175	Cladding sub-contractor and building contractor	GWS	Extensions of time, expense resulting from delays.	£150,000	Party adviser	Arb.
1993	83/1178	Building contractor and office developer.	JCT80	Defective work, retention.	£50,000	Party adviser	NP
1993	84/1180	Electrical services trade contractor and developer.	JCT80 (amended)	Extensions of time, direct loss and expense.	£200,000	Party adviser	NP
1993	85/1181	Plant hire company and window replacement sub-contractor.	CPA Model Conditions	Charges for plant hire, liability for delays.	£35,000	Party representative	Arb.
1993	87/1189	Electrical services sub-contractor and building contractor.	DOM/1	Responsibility for defective work or design.	£7,000	Party representative	NP
1993	88/1191	Electrical services sub-contractor and building contractor.	DOM/1	Value of variations, extensions of time, date of practical completion, direct loss and expense.	£400,000	Party representative	Arb.
1993	89/1192	Curtain walling sub-contractor and building contractor.	NSC/4	Liability for delays.	£25,000	Party representative	NP
1993	90/1193	Joinery specialist and management contractor.	Bespoke works contract	Extensions of time, direct loss and expense.	£200,000	Party adviser	NP
1993	91/1194	Landscaping sub-contractor and main contractor.	GWS Sub-contract	Liability for delays, determination of employment under sub-contract.	£10,000	Party representative	NP
1993	92/1198	Groundwork sub-contractor and building contractor.	DOM/1	Value of variations, set-off for delay.	£50,000	Party representative	Arb.
1993	93/1201	Building contractor and local authority.	IFC 84	Value of variations, extensions of time, direct loss and expense, special damages.	£200,000	Party representative	Arb.
1993	94/1204	Formwork sub-contractor and civil engineering contractor.	Bespoke	Determination of sub-contract.	£250,000	Party representative	NP
1993	96/1213	Builder and home owner.	Exchange of letters.	Value of work carried out, defective work.	£15,000	Party adviser	NP
1993	97/1217	Building contractor and local authority.	IFC 84	Valuation of substructures, extensions of time, date of practical completion, direct loss and expense.	£100,000	Party representative	Arb.
1994	98/1223	Building contractor and church school.	IFC 84	Valuation of variations, extensions of time, date of practical completion, direct loss and expense.	£380,000	Party representative	Arb.
1994	99/1229	Plumbing and electrical contractor and local authority.	JCT Minor Works	Interpretation of specification.	£17,000	Party representative	Arb.
1994	100/1231	Joinery specialist and employer.	Bespoke trade works contract.	Extensions of time, sectional completion, direct loss and expense.	£185,000	Party adviser	NP
1994	101/1238	Mechanical and electrical services sub-contractor and building contractor.	Bespoke sub-contract with design	Extent of design responsibility.	£550,000	Party adviser	NP
1994	102/1245	Cladding sub-contractor and building contractor.	DOM/2	Applicable terms of sub-contract.	£50,000	Party adviser	NP
1994	103/1248	Builder and home owner.	Exchange of letters	Value of work carried.	£10,000	Party representative	NP
1994	104/1249	Builder and home owner.	JCT Minor Works	Interpretation of specification.	£30,000	Party adviser	NP
1995	105/1251	Anchor walling specialist and building contractor.	DOM/2	Determination of employment under sub-contract.	£60,000	Party representative	Arb.

1995	107/1254	Electrical services sub-contractor and building contractor.	DOM/1	Liability for delays.	£8,000	Party representative	NP
1995	108/1255	Glazing specialist and home owner.	JCT Minor Works	Value of variations, extensions of time, determination of employment, defective works.	£40,000	Party representative	NP
1995	109/1256	Building contractor and local authority.	JCT 80	Existence of contract.	£300,000	Party adviser	NP
1995	110/1257	Building contractor and church school.	IFC 84	Value of variations, defects.	£80,000	Party adviser	NP
1995	111/1259	Building contractor and government ministry.	JCT 80	Value of variations, extensions of time, direct loss and expense.	£550,000	Party representative	Arb.
1995	112/1260	Building contractor and government ministry.	GC/Works/1. Ed.3 (Develop and Construct)	Admissibility of works as variations, extensions of time, lost right to liquidated damages, special damages.	£60,000	Party representative	Arb.
1995	113/1261	Flooring sub-contractor and building contractor.	DOM/1	Value of variations, liability for delays.	£30,000	Party representative	Arb.
1995	114/1262	Building contractor and government agency.	JCT 80	Value of variations, extensions of time, direct loss and expense.	£580,000	Party adviser	NP
1995	115/1264	Building contractor and private school.	IFC 84	Extension of time, direct loss and expense.	£30,000	Party representative	Arb.
1995	119/1273	Glazing contractor and building society.	JCT 80	Extensions of time, direct loss and expense.	£130,000	Party adviser	NP
1996	120/1281	Building contractor and manufacturer.	IFC 84	Valuation of work as variation or insurance claim.	£70,000	Party adviser	NP
1996	121/1282	Cladding sub-contractor and building contractor.	Amended DOM/1	Value of variations, responsibility for delays.	£120,000	Party representative	Adj.
1996	122/1283	Building contractor and private school.	IFC 84	Reasonableness of remedial works, liquidated damages.	£60,000	Party representative	NP
1996	123/1286	Mechanical and electrical services sub-contractor and building contractor.	DOM/1	Determination consequent upon administrative receivership of sub-contractor.	£200,000	Party adviser	NP
1996	124/1289	Building contractor and home owner.	JCT Minor Works	Value of variations, extensions of time defects.	£72,000	Party adviser	NP
1996	126/1293	Civil engineering contractor and water company.	ICE 5th	Clause 12 claim - unexpected ground conditions.		Party representative	NP
1996	127/1295	Building contractor and parish council.	IFC 84	Value of variations, extensions of time, direct loss and expense.	£55,000	Party representative	Arb.
1996	128/1296	Building contractor and glazing curtain walling sub-contractor.	IN/SC	Set-off for delay, defective works.	£100,000	Party adviser	Adj.
1996	130/1301	Design and build contractor and electronic communications company.	JCT 81	Admissibility of works as changes, valuation, extensions of time, direct loss and expense.	£300,000	Party adviser	NP
1997	131/1302	Building contractor and developer.	Amended JCT 80	Responsibility for cost of additional works and related delays	£420,000	Party adviser	NP
1997	132/1308	Architect and registered charity.	Exchange of letters	Existence of contract, repudiation, loss of profit	£19,000	Party representative	NP
1997	134/1318	Curtain walling sub-contractor and building contractor.	DOM/1	Value of variations, extensions of time, loss and expense.	£180,000	Party representative	Arb.
1997	135/1319	Mechanical services sub-contractor and building contractor.	IN/SC	Prolongation and disruption direct loss and expense.	£230,000	Party representative	Arb.

1998	136/1329	Joinery sub-contractor and building contractor.	Bespoke	Release of second moiety retention.	£6,000	Party adviser	Lit.
1998	137/1333	Building contractor and NHS Trust.	JCT80	Right to withhold payment in respect of latent defects.	£70,000	Party representative	Arb.
1998	139/1346	Building contractor and university.	JCT 80	Extensions to time and liquidated and ascertained damages.	£300,000	Party adviser	NP
1998	140/1347	Building contractor and university.	JCT 80	Variations extensions of time, direct loss and expense.	£180,000	Party adviser	NP
1998	141/1347	Mechanical services sub-contractor and building contractor.	JN / SC	Determination of employment, completion costs.	£15,000	Party adviser	NP
1998	142/1350	Building contractor and central government agency.	GC/Works/1/Ed. 3	Interpretation of specification	£60,000	Party adviser	NP
1998	143/1026 (pcg)	Pump manufacturer and power plant contractor.	Bespoke	Liquidated damages	£530,000	Party adviser	NP
1998	145/1041	Civil engineering contractor and water utility company.	ICE/ 6th	Valuation of variations	£180,000	Party adviser	NP
1998	146/1064	Building contractor and local authority.	JCT 80	Valuation of variations, direct loss and expense.	£80,000	Party adviser	NP
1998	147/1074	Mechanical services contractor and housing association.	Bespoke	Interpretation of contract provisions.	£12,000	Party adviser	NP
1999	151/1092	Piling sub-contractor and building contractor.	Bespoke	Payment for work carried out	£21,000	Party representative	Adj.
1999	152/1095	Building contractor and piling sub-contractor.	Bespoke	Claim arising from defective work	£68,000	Party representative	Adj.
1999	158/1109	Building contractor and leisure company.	JCT 80	Valuation of work including variations, extensions of time, direct loss and expense.	£700,000	Party adviser	NP
1999	159/1110	Cladding sub-contractor and building contractor.	DOM/1	Whether or not certain works carried out were variations.	£130,000	Party adviser	NP
1999	160/1119	Building contractor and home owners.	IFC 84	Defective structural steelwork, value of variations, extensions of time, direct loss and expense.	£400,000	Party representative	Adj.
1999	162/1123	Building contractor and holiday village proprietor.	ASI Small Works	Payment for works carried out; repudiation of contract.	£15,000	Party representative	Adj.
1999	167/1136	Contractor and holiday village proprietor.	Bespoke	Payment for works carried out; repudiation of contract.	£12,000	Party representative	Adj.
1999	172/1142	Underpinning contractor and home owners.	ICE Minor Works	Repudiation and payment for work carried out.	£20,000	Party representative	Arb.
1999	173/1143	Envelope nominated sub-contractor and main contractor.	NSC/C	Whether or not certain work carried out was a variation, extension of time, direct loss and expense.	£90,000	Party representative	Adj.
1999	174/1148	Building contractor and holiday village proprietor.	ASI Small Works	Enforcement of Adjudicator's Decision, jurisdictional challenge.		Party adviser	Lit.
1999	175/1149	Building contractor and home owners.	IFC 84	Valuation of joinery variations.	£90,000	Party representative	Adj.
2000	182/1161	Civil engineering contractor and house developer.	ICE 6th (amended)	Whether certain drainage work was recoverable as an extra.	£100,000	Adviser to contractor	NP
2000	186/1166	Civil engineering contractor and hospital authority.	ICE 6th	Increased costs resulting from delay.	£210,000	Party adviser	NP

2000	191/1180	Building contractor and home owner.	AS1 Small Works	Amount of final account, payment, defective work.	£20,000	Party adviser	NP
2000	193/1185	Building contractor and property developer.	JCT 98	Valuation of work, extensions of time, direct loss and expense.	£200,000	Party adviser	Adj.
2000	204/53447	Architect and leisure club owners.	Bespoke	Payment of fees, interpretation of contract terms.	£40,000	Party adviser	NP
2001	207/53474	Cladding sub-contractor and building contractor.	NSC/C	Non-payment of certified sums.	£40,000	Party representative	Arb.
2001	210/53497	Local authority and professional consultants.	RIBA and ACE Terms of Engagement	Negligent contract administration.	£500,000	Party adviser	NP
2001	211/53521	Staircase manufacturer and steelwork contractor.	Bespoke	Variations, delays, damages, defective work	£450,000	Party representative	Adj.
2001	217/53578	Building contractor and home owner.	ICE Minor Works (2nd Edition)	Failure to make payment.	£20,000	Party adviser	Lit.
2002	220/600	Building contractor and sports club.	JCT Minor Works	Validity of payment certificate.	£17,000	Party adviser	Adj.
2002	223/622	Building contractor and NHS Trust.	JCT 98	Liability for defective soil stabilisation work, plus valuation of associated variations, delay and disruption.	£450,000	Party adviser	Adj.
2002	224/630	Joinery works contractor and management contractor.	Bespoke	Valuation of variation.	£200,000	Party adviser	NP
2002	228/650	Building contractor and property developer.	JCT 98	Interpretation of contract conditions.	£60,000	Party adviser	Adj.
2002	230/675	Building contractor and property developer.	JCT 98	Extension of time, LAD.	£250,000	Party adviser	NP
2003	240/793	Building contractor and central government agency.	GC/Works/1 Ed. 3	Entitlement to liquidated damages.	£180,000	Party adviser	NP
2004	248/901	Demolition and earthworks sub-contractor and design and build contractor.	DOM/1	Final account including valuation of work claimed as Changes, extensions of time and direct loss and expense.	£1,300,000	Party representative	Adj.
2004	251/931	Flooring sub-contractor and design and build contractor.	JCT Sub-Contract	Liability for defective work, plus valuation of associated variations, delay and disruption.	£30,000	Party representative	Adj.
2004	252/937	Civil engineering contractor and specialist mechanical engineering sub-contractor.	Bespoke	Liability for delay, interpretation of contract terms.	£220,000	Party representative	Adj.
2004	254/983	Civil engineering contractor and specialist mechanical engineering sub-contractor.	Bespoke	Liability for defects and delay, extensions of time, interpretation of contract terms.	£2,250,000	Adviser to sub-contractor	NP
2005	264/3036	Electrical contractor and M & E contractor.	Bespoke	Disputed final account and claim for loss and/or expense.	£848,000	Party representative	Adj.
2007	275/07013	Cladding trade contractor and property developer.	Bespoke	Final account, delays to completion, interpretation of contract.	£2,200,000	Party adviser	NP
2008	290/08029	RC sub-contractor and building contractor.	Bespoke	Value of work done.	£400,000	Party representative	NP
2008	295/08036	Civil engineering contractor and local authority.	JCT IFC 98	Value of work done; defective fencing.	£400,000	Party adviser	NP
2008	297/08038	RC sub-contractor and building contractor.	Bespoke	Liability for delays.	£450,000	Party adviser	NP
2008	298/08039	M&E sub-contractor and building contractor.	Bespoke	Value of work done; damages for delays and disruption.	£600,000	Party adviser	NP

## KPH Schedule of Disputes Experience

## Party Adviser or Representative

2008	299/08040	Building contractor and NHS Trust.	JCT 98 WCD	Liability for delays to completion.	£850,000	Party adviser	NP
2008	301/08042	Landscaping sub-contractor and main contractor.	Bespoke	Determination of sub-contract; defective work; value of work done.	£170,000	Party representative	Adj.
2008	305/08046	Cladding works contractor and management contractor	Bespoke	Value of suspension of works	£600,000	Party adviser	Adj.
2008	312/08053	Cladding sub-contractor and building contractor	Bespoke	Amount of final account	£30,000	Party adviser	Adj.
2009	318/09059	Cladding sub-contractor and building contractor	Bespoke	Delays to completion of sub-contract works including EOT, variations, loss and expense and alleged defects..	£360,000	Party adviser	NP
2010	336/10078	Cladding sub-sub-contractor and cladding sub-contractor	Bespoke	Applicable contract terms	£80,000	Party adviser	NP