



Office of the NSW Small Business Commissioner – Dispute Resolution Unit

Review a Specialist Retail Valuer Determination

This Application should only be completed if you want a **review** of an original specialist retail valuer determination

Who are we?	For more information
<p>The Office of the NSW Small Business Commissioner (OSBC) provides information and advice to tenants, landlords, and others involved in a small business dispute.</p> <p>Under the Retail Leases Act 1994 (<i>the Act</i>) the OSBC can assist parties by appointing specialist retail valuers (SRVs).</p> <p>The OSBC does not provide legal advice.</p>	<p>Please contact us for more information.</p> <p>Tel 1300 795 534 Fax 1300 795 644 Email svr@smallbusiness.nsw.gov.au Web www.smallbusiness.nsw.gov.au</p> <p>If you need an interpreter, call 131 450 and ask the interpreter to contact us.</p>
Who can request a review?	What happens when I request a review?
<p>Under the Act a party can apply for the appointment of two SRVs to conduct a review of the original determination made by a SRV.</p> <p>The application for review must be made within 21 days from receiving the original determination.</p>	<p>The OSBC will select two SRVs to undertake a review of the original determination.</p> <p>Each party will be notified of the appointment.</p>

How much will the review cost?

The cost of the review is to be paid in equal shares.

If the review determination is the **same or within 10%** of the original determination then the party applying for the review is to pay the **total cost**.

You may expect the total cost of the review to be between **\$6,000** and **\$20,000**.

What will the SRVs do?

1. The parties provide the original determination and any information relating to the matters considered by the original SRV.

The joint decision of the SRVs is final and binding on the parties to the lease.

After the application has been lodged

2. The OSBC will notify the other party and send a copy of the application
3. The OSBC will select two SRVs to conduct the review
4. An invoice will be issued to the parties; each party is to pay 50% of the total cost.
5. The parties provide the original determination and any information relating to the matters considered by the original SRV.
6. The review determination is provided to parties.
7. If the review determination is the **same or within 10%** of the original valuation the applying party is to pay the total cost.

Details for party applying for review of SRV (your details)

Requesting Party

Name of company / person (as per lease or agreement)

Landlord (Lessor)

Include ABN / ACN if applicable

Tenant (Lessee)

Other (specify)

Do you have an agent?

Name of the agent representing the requesting party (company and person)

Yes

No

Do you have a solicitor?

Name of the solicitor representing the requesting party(firm and person)

Yes

No

Please provide full contact details

Who is the best person to contact to discuss this application?

Yourself Agent Solicitor Other (specify)

Name:

Postal address:

Telephone:

Fax:

Email:

We can provide an interpreter. If required which language:

Other Party's Details (the other person / company)

Other party

Name of company / person (as per lease or agreement)

Landlord (Lessor)

Include ABN / ACN if applicable

Tenant (Lessee)

Other (specify)

Does the other party have an agent?

Name of the agent representing the other party (company and person)

Yes

No

Does the other party have a solicitor?

Name of the solicitor representing the other party (firm and person)

Yes

No

Please provide full contact details for the other party

Who is the best person to contact to discuss this application on behalf of the other party?

Other party Agent Solicitor Other (specify)

Name:

Postal address:

Telephone:

Fax:

Email:

We can provide an interpreter. If required which language:

PLEASE COPY THIS PAGE AND USE AGAIN FOR MULTIPLE PARTIES

Details of the shop

Address of shop:

Permitted use:

When did the lease start:

Is there a Bond Bank guarantee other security

Bond number (if any):

Amount of bond (if any):

Current annual rent:

Shop size

(Please attach any plans)

What type of premises? Stand alone shop Ground floor strata retail
 Shopping Centre Other commercial space

Determination

Name of SRV who completed the original determination?

When did you receive the copy of the original determination?

*The application for review must be made within **21 days** after receiving the original determination*

Any other comments you regard as relevant:

Attachments

You should attach:

- A copy of the lease
- A copy of the original determination
- Any information relating to the matters considered by the original SRV.

Please mark each attachment with letters A, B, C, etc.

PLEASE DO NOT USE STAPLES

List the attachments below, or attach extra pages if necessary

Declaration

I hereby declare the following:

- The information provided in this application form is true and accurate so far as I am aware;
- I understand the requesting party is required to pay the full amount for the review if the current market rent is jointly determined to be the same or within 10% of the original determination;
- I am legally authorised to sign this application for and on behalf of the party requesting a review;
- I consent to my application and attached documents being provided to the other party and the SRVs under section 26(2) of the *Privacy and Personal Protection Act 1998* (NSW).

Signed

Print name

Position / Authority

Date

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Send to:

Office of the Small Business Commissioner

GPO Box 5477

SYDNEY NSW 2001

Email – srv@smallbusiness.nsw.gov.au

Privacy Statement

The personal information that is collected on this application form is protected by the *Privacy and Personal Information Protection Act 1998* (NSW). The information is collected and used for the purpose of contacting parties to organise the mediation, carrying out the mediation, and obtaining feedback on how effective the mediation was. The information is provided on a voluntary basis but is necessary in order to conduct the mediation.

Should you wish to have access to this application form or any of the personal information that we hold, please contact the Deputy Registrar on 1300 795 534. For further information on our privacy policy, please refer to the mediation agreement (available online at www.retail.nsw.gov.au) or contact us.