

# Commercial Rent (Coronavirus) Bill

This note is based upon the following documents:

- Draft Bill printed 10 February 2022
- Code of Practice published 9 November 2022
- Working Draft – Statutory Guide for Arbitrators published 23 February 2022

All are still subject to further amendment before the bill is passed, which is due between 16 & 25 March 2022.

Day	Stage	Code of Practice “Appendix C” process
<b>Day 1</b>	<b>Letter of notification</b>	The landlord/tenant sends a letter to the other party notifying them of their intention to apply for arbitration. Attached to this is expected to be a proposal (in line with the principles), with supporting information, to settle the unpaid protected rent debt.
<b>Day 14</b>	<b>Pre-action negotiation I</b>	The respondent has 14 days to respond to the letter from the other party. This response can include a counter offer and any supporting evidence on affordability of the counteroffer that they want to include.
<b>Day 28</b>	<b>Pre-action negotiation II</b>	The initiator has 14 days to consider any response and reply to it. After expiry of those 14 days, or 28 days if no response is received, either party can proceed to apply for arbitration.
<b>Day 29</b>	<b>Request for arbitration</b>	Either Party can apply for arbitration. The application must show that the pre-application notification requirements have been met (an application will not be accepted without this). An application must include a formal proposal, with supporting evidence, for resolving the unpaid protected rent debt.

<b>Day 30</b>	<b>Acceptance of application</b>	Arbitrator will check that the case is eligible (i.e. for business within scope, debts within the ringfence) and will accept if they have the capacity to conduct the process within the times specified, otherwise waitlisted or can seek another arbitrator.
<b>Days 43 - 71</b>	<b>Final offers</b>	The other party has 14 days from receipt of the applicant's proposal to submit their own proposal. After that, each party has a final opportunity to submit best/final proposals after seeing initial proposals. The arbitrator will have the power to request further information from either party.
	<b>Method of resolution</b>	At this stage L&T to agree to either a public hearing (or private if chosen) or for the arbitrator to reach their decision based on the information provided (i.e. on the papers).
	<b>Hearing</b>	A hearing is to be held no later than 14 days after a request for a hearing is made. There is expected to be no more than one session lasting no longer than six hours (excluding breaks), during which the parties can state their case. This should be inquisitorial not adversarial.
	<b>Decision</b>	The arbitrator has up to 14 days from a hearing, or as soon as reasonably practicable if no hearing, to consider the evidence and come to a statutory and legally binding decision. The arbitrator's award must be published (with any confidential information taken out).