

## James McAllister LL.M BSc(Hons) DipArb FRICS FCIArb FFPWS

Chartered Building Surveyor • Certified Commercial Mediator • Arbitrator

### Commercial Experience

- Preparation and negotiation of over 1,500 commercial dilapidations claims
- Claim values: £6,000 - £6,500,000
- Large portfolio surveys throughout UK, Ireland & Channel Islands
- Listed building restoration
- CPR Part 35 compliant Expert Witness reports
- Single Joint Expert

### Professional Qualifications & Memberships

- Fellow of the Royal Institution of Chartered Surveyors (FRICS)
- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Fellow of the Faculty of Party Wall Surveyors (FFPWS)
- Individual member of the Civil Mediation Council (CMC)
- Certified Commercial Mediator

### Academic Qualifications

- BSc(Hons) Building Surveying [2:1] (University of West England, Bristol)
- LL.M Advanced Commercial Property Law [Distinction] (Northumbria University)
- Diploma in Arbitration (RICS)

### Areas of Expertise

- Dilapidations
- Party Walls
- Neighbourly disputes

### Lecture Subject Areas

- Dilapidations
- Party Walls

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**James McAllister** is a Chartered Building Surveyor, Certified Commercial Mediator and Arbitrator specialising in commercial dilapidations claims.

Having obtained a BSc(Hons) degree in Building Surveying in 1994, James went on to qualify as a Chartered Surveyor in 1996 and began specialising in dilapidations in 1997. This has remained James' core discipline since. James qualified as a Commercial Mediator in 2011 and became an individual member of the Civil Mediation Council (CMC) also in 2011. In 2013 James attained a distinction in his LL.M Master of Laws degree in Advanced Commercial Property Law at Northumbria University coming top of the course. In 2016 James qualified as an Arbitrator.

James holds professional memberships with RICS, the Chartered Institute of Arbitrators, the Civil Mediation Council and the Faculty of Party Wall Surveyors. He is also a member of the Pyramus & Thisbe Club.

James has a wealth of experience in the preparation and negotiation of commercial dilapidations claims throughout the UK, Ireland and the Channel Islands. This has included successfully settling over 1,500 claims ranging in value from £6,000 to £6.5m in all sectors. To date, none of the dilapidations claims James has acted in have resulted in litigation, which is widely regarded as a testament to James' ability to conduct proceedings in a professionally responsible manner avoiding his clients being subjected to the stress and cost of litigation, a skill which later prompted him to qualify as a Mediator. This has also allowed James to enjoy a loyal client base from blue-chip corporations, charities, local authorities and SMEs through to private individuals, family trusts and estates.

Although James has resolved such a vast body of complex and varied claims without recourse to litigation, he has also acted independently as Expert Witness on landlord and tenant disrepair disputes in accordance with Part 35 of the Civil Procedure Rules (CPR Part 35) for claims being litigated by others. He has also appeared as an Expert Witness before the Leasehold Valuations Tribunal (LVT). More recently, James has been appointed by corporate clients to undertake an independent forensic analysis on the performance of other dilapidations consultants previously appointed by the client where the claim has resulted in court action. This is a service James offers in addition to Early Neutral Evaluation (ENE), which is an independent review and report on the validity of a claim and the likely outcome. This service is growing in popularity as a means of enabling landlord and tenant appointed surveyors to find an alternative means of narrowing the dispute before turning to ADR or litigation.

As an expert practitioner in the specialist fields of dilapidations, and also party walls, James is a Director of both **The Dilapidations Consultancy** and its sister company, **The Party Wall Consultancy**. He regularly writes articles on both subjects for a variety of online publications, professional bodies and peer-reviewed journals. In 2009 he appeared on BBC Radio 4 to discuss Party Wall matters and neighbourly disputes from a practitioner's viewpoint.

James regularly lectures on dilapidations for Universities, Government Agencies and professional training providers enabling a detailed, yet accessible overview of the law behind the subject matter with the benefit of a practitioner's perspective. James is frequently appointed by other Chartered Surveyors, Solicitors and Chartered Accountants to provide technical and strategic advice on complex dilapidations claims. In 2016 James was appointed by one of the UK's leading Universities in real estate to write the syllabus content for dilapidations and party walls.

For his law degree, James' research thesis was entitled: **'In need of repair?: A critical review of the law concerning the interpretation of repairing obligations in business tenancies'** which drew on the interpretive anomalies James has witnessed first hand throughout his career, supported with up to date case law. The findings from this research have enabled James to advise his clients accordingly.

James is popular with clients in all sectors for his ability to provide both practical and competent advice, which he then successfully applies to resolving dilapidations claims efficiently and effectively.

