

Our ref: PC-SL/183/4402/05

Your ref:

**PLEASE QUOTE OUR REFERENCE ON ALL CORRESPONDENCE**

01 March 2005

**Private & Confidential**

Ms N Klosterkotter-Dit-Rawe  
Flat 3 Jefferson House  
11 Basil Street  
London  
SW3 1AX

Dear Ms Klosterkotter-Dit-Rawe

**Re: Your complaint against Miss Joan Hathaway BSc MRICS  
and Mr Barrie Martin FRICS**

Further to our telephone conversation of Friday 25 February, I can confirm that the RICS is still in the process of reviewing your complaint.

I think it would be helpful if I explained this office's powers to you. The RICS are able to investigate allegations of professional misconduct to determine whether there is evidence of a breach of the Institution's Rules of Conduct, which Chartered Surveyors are required to follow. In addition, whilst RICS can discipline chartered surveyors in respect of breaches of the Rules of Conduct, we have no power to assess or award any compensation and cannot compel a chartered surveyor to do so or indeed to refund any fees paid.

In referring to your complaint, at page 1 you place reliance on 7 points. I think it would be advantageous to make clear at this stage that points 3 through 7 are not within our remit to investigate. The RICS will not usurp the powers of justice and as such the appropriate forum for these would be through civil or criminal proceedings. As regards point 2 **the Service Charge Residential Management Code (RMC) is not mandatory, but should be used as a guide by Members who act as Managing Agents. Members who do depart from it however, should be able to justify their reasons for doing so.**

That said, we will be approaching the Members named in your complaint for their comments on **three specific matters and one general one.** When we have received their replies, we may need to consult with you for further information.

Which are???

Yours sincerely



Simon Love

**Conduct Manager (Complaints)**

Professional Regulation & Consumer Protection  
Royal Institution of Chartered Surveyors

T + 44 (0)20 7695 1672

F + 44 (0)20 7334 3746

slope@rics.org