

idealis *smart living*



IDEALIS ARBRITATION/ADVICE BOARD RULES

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Clause 1. Definitions

Idealis	:	the foundation under Dutch law "Stichting Idealis" of Wageningen, the Netherlands
Board	:	the Board of Idealis
Person Involved	:	a person working for Idealis or a person who acts in commission or on instruction of Idealis
SFO	:	the foundation under Dutch law "Stichting Flatoverleg", the occupants' organization of representatives of a number of Idealis Housing Complexes
Chairman	:	the chairman of the Arbitration/Advice Board
Tenant	:	a tenant of an immovable property of Idealis, including subtenants, former tenants and persons registered at Idealis as looking for housing

Clause 2. Objective

- 2.1 The objective of these Arbitration/Advice Board is to give tenants of housing units of Idealis the opportunity to lodge complaints at the Arbitration/Advice Board and to set procedural rules for that.
- 2.2 The Arbitration/Advice Board advises the Board of Idealis concerning the handling of complaints.

Clause 3. Right to lodge complaints

- 3.1 Each tenant of Idealis shall have the right to lodge complaints at the Arbitration/Advice Board concerning acts or omissions of Idealis.
- 3.2 An act or omission of a person involved shall be qualified as an act or omission of Idealis, in so far that act or omission can be imputed to Idealis.
- 3.3 No complaints can be lodged regarding the policies of Idealis.

Clause 4. Lodging a complaint

- 4.1 A complaint will have to be lodged at the Arbitration/Advice Board by sending it to the following address: Arbitration/Advice Board Idealis, Attn.: Secretariat, Postbus 18, 6700 AA Wageningen, the Netherlands.
- 4.2 Complaints have to be lodged in writing and have to be signed, and at least have to contain the following information:
 1. name and address of the person who lodges the complaint;
 2. date;
 3. description of the act or omission against which the complaint is directed, against which person the complaint is directed and the date of the act or omission.

Clause 5. Receipt of the complaint

- 5.1 The secretariat of the Arbitration/Advice Board shall confirm the receipt of the complaint in writing, while stating the date of receipt of the complaint and sending along a copy of these rules.

- 5.2 The secretariat shall forward the complaint to the chairman forthwith. The chairman shall assess whether the Arbitration/Advice Board should handle the complaint or not. If the requirements of clause 4 have not been met, the chairman shall give the tenant the opportunity to remedy the defects within two weeks.

Clause 6. No obligation to handle complaints

The Arbitration/Advice Board shall not be held to handle the complaint if the complaint regards any act or omission:

- a. regarding which the tenant has already lodged a complaint before, and which complaint was settled in accordance with these rules;
- b. that took place more than one year before the lodging of the complaint;
- c. if the relevant complaint is a complaint that could or should have been submitted for a judgment to a government body or a court;
- d. about which Idealis has not expressed an opinion in writing yet, unless Idealis has failed to do so within 4 weeks after a written request to do so of a Tenant.

Clause 7. Handling of complaints

- 7.1 If the Arbitration/Advice Board has decided to handle the complaint, the Arbitration/Advice Board shall invite the tenant and the person involved for a hearing. If the person involved is not an employee of Idealis, the person employed by Idealis who supervised the person involved at the time of the act or omission shall also be considered to be a person involved. The Arbitration/Advice Board may decide not to hear a person involved who is not employed by Idealis.
- 7.2 The Arbitration/Advice Board may decide not to hear the person who lodged the complaint and the person involved if the complaint is apparently unfounded, or if the person who lodged the complaint has declared that he does not want to make use of the right to be heard.
- 7.3 A report shall be drawn up of the hearing.

Clause 8. Advice

- 8.1 Within four weeks after the hearing, the Arbitration/Advice Board shall submit its reasoned advice to the Board in writing. The tenant shall be sent a copy of the advice.
- 8.2 The Board shall within 4 weeks after receipt of the advice notify the tenant and the Arbitration/Advice Board in writing and well-reasoned of whether it as a result of the handling of the complaint will take measures, and if so, which. If the decision of the Board is a motivated deviation from the advice of the Arbitration/Advice Board, the Supervisory Board of Idealis shall be sent a copy thereof also.

Clause 9. Assistance and representation

- 9.1 The tenant may have himself assisted or represented by a representative.
- 9.2 The Arbitration/Advice Board may require that a representative submit a written power of attorney or authorization.
- 9.3 The Arbitration/Advice Board may refuse assistance or representation by a person against whom serious objections exist.

Clause 10. Appointment and dismissal of Arbitration/Advice Board Members

- 10.1 The chairman of the Arbitration/Advice Board shall be an independent person who is nominated by Idealis and the SFO jointly. The Arbitration/Advice Board shall furthermore consist of one member on behalf of Idealis and one member on behalf of the SFO. The members of the Arbitration/Advice Board shall be appointed for two years.
- 10.2 A member of the Arbitration/Advice Board shall cease to be a member thereof:
- on and by expiry of the period for which the relevant member was appointed;
 - by written resignation by the relevant member;
 - by a resolution of the Board in which it is established that the relevant member has acted in conflict with the rules, or for any other reason is no longer able to perform his or her tasks as a member of the Arbitration/Advice Board;
 - if the member that was nominated by Idealis is no longer employed by Idealis;
 - if the member that was nominated by SFO no longer has a lease agreement with Idealis. As long as the SFO in that case does not nominate a new member, the chairman of the SFO shall be member of the Arbitration/Advice Board.
- 10.3 The Arbitration/Advice Board shall meet at least once per year.
- 10.4 The Arbitration/Advice Board shall once per year issue a report concerning its activities. That report shall be incorporated in the annual report of Idealis.
- 10.5 The external members of the Arbitration/Advice Board shall receive a fee that shall be determined by the Board.

Clause 11. Adoption of these rules

- 11.1 These rules have after advice of the Arbitration/Advice Board and after approval and agreement by the SFO been adopted by the Board on 5 July 2007, and have subsequently been approved by the Supervisory Board at its meeting of 12 September 2007.
- 11.2 With these rules, the earlier "Rules of the Disputes and Advice Committee" of 6 April 1994 expire.

Arbitration/Advice Board rules

Appendix 1 Fee for the external members of the Arbitration/Advice Board

In view of the nature and the scope of the tasks and activities, the Board of Idealis considers it reasonable to provide a fee to the external members of the Committee for their activities.

The fee shall be provided for each dispute that has been handled by the Committee and that has led to an advice to the Board. In addition the fee shall also be provided for the structural annual meeting between the Arbitration/Advice Board and the Board of Idealis.

The fee shall per case and per annual meeting amount to EUR 200 for the chairman and EUR 150 for the representative of the SFO.