



Mediation Case Study

David Block and George Simeon

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General Instructions

This is a dispute about renovation of an old cottage in Mayfield estate. About two years ago, Mr Simeon instructed Mr Block (who runs a building company, David Block & Sons) to carry out building work to his cottage at Mayfield estate. David Block produced estimates. The estimates were based on work to be carried out in terms of drawings produced by Mr Simeon's architect.

The parties have fallen out. Mr Block is now suing Mr Simeon in the local Sheriff Court for £65,000, plus interest since the action was raised about a year ago. He is claiming for the unpaid part of the building contract price, together with certain additional works carried out. Mr Simeon is defending the action on the basis that a considerable amount of the work was not completed by Mr Block, other work was defectively carried out and that there was delay beyond the period of six months which he alleges was implied as the duration of the contract. He claims that the work fell progressively behind and that, six months after the building programme began, a considerable amount of work still remained uncompleted. Mr Simeon is counter claiming for damage to his property and personal belongings, together with other costs incurred by him. The original contract price was £75,000.

Mr Simeon has paid Mr Block £27,800 so far but has stated that he is unwilling to pay more given the substantial number of defects, the uncompleted work and the damage caused, together with the delay in completion of the work. Mr Simeon and his wife have still not been able to return to the house which is their main home.

Mr Block claims that he is entitled to payment of the agreed sum. He carried out the work in terms of the contract. Delay was caused by Mr Simeon continually interrupting the builders and insisting that work be re-done or suspended while Mr Simeon himself carried out certain other work. Mr Block has tried to complete the work but Mr Simeon did not allow his sub-contractors back on site. Mr Block claims that Mr Simeon frustrated the contract by preventing sub-contractors from continuing to work.

The case was due to go to a legal debate in the Sheriff Court last week. However, this was discharged in light of the pending mediation. Both solicitors have an understanding of mediation and have expressed the view that they are keen to try to resolve the dispute by consensual means. If the case was to go to proof, it might take several days to hear all the evidence.

Mr Simeon's solicitor has produced a schedule which sets out his client's claims regarding works not completed, work unsatisfactorily carried out and damage to Mr Simeon's property and belongings. This is with your papers. VAT is not in issue for the purposes of this exercise.

Claim by George Simeon

Acting as Clerk of Works		£5,000
Damage to Property		
Broken windows replaced	150	
Damaged soil pipes est	500	
Damaged garden plants	300	
Garden wall damaged by digger	400	
Fractured waste pipe	1,000	
New Septic Tank	2,700	
Total		£5,050