

NORTHERN IRELAND VALUATION TRIBUNAL
THE RATES (NORTHERN IRELAND) ORDER 1977 (AS AMENDED) AND THE
VALUATION TRIBUNAL RULES (NORTHERN IRELAND) 2007 (AS AMENDED)

CASE REFERENCE NUMBER: 13/14

DR CHERYL JONES – APPELLANT

AND

COMMISSIONER OF VALUATION FOR NORTHERN IRELAND – RESPONDENT

Northern Ireland Valuation Tribunal

Chairman: Mr Charles O’Neill

Members: Mr David McKinney FRICS and Dr Peter Wardlow

Date of hearing: 16 January 2015, Belfast

DECISION

The unanimous decision of the tribunal is that the Decision on Appeal of the Commissioner of Valuation for Northern Ireland is upheld and the appellant’s appeal is dismissed.

REASONS

Introduction

1. This is a reference under Article 54 of the Rates (Northern Ireland) Order 1977 as amended (“the 1977 Order”). There was no appearance before the tribunal by or on behalf of the appellant and the respondent, both parties being content to rely on written representations.
2. The appellant by Notice of Appeal appealed against the decision of the Commissioner (on appeal) dated 24 June 2014.
3. This appeal is in respect of the valuation of a hereditament situated at 107 Jordanstown Road, Newtownabbey, County Antrim, BT37 ONT (‘the subject property’).

The law

4. The statutory provisions are to be found in the 1977 Order as amended by the Rates (Amendment) (Northern Ireland) Order 2006 (“the 2006 Order”). The tribunal does not intend in this decision to set out the statutory provisions of article 8 of the 2006 Order, which amended article 39 of the 1977 Order as regards the basis of valuation, as these provisions have been fully set out in earlier decisions of this tribunal. All relevant statutory provisions were fully considered by the tribunal in arriving at its decision in this matter.

The evidence

5. The tribunal heard no oral evidence. The tribunal had before it the following documents:
 - (a) The Commissioners Decision (on appeal) dated 24 June 2014;
 - (b) The appellant’s undated Notice of Appeal;
 - (c) A document entitled ‘Presentation of Evidence’ dated 28 August 2014, prepared on behalf of the respondent Commissioner by Mr Andrew Magill and submitted to the tribunal for the purposes of the hearing;

The facts

- (1) The property is a modern detached house of brick construction. The respondent indicates that the property was first entered into the capital valuation list as having a gross external area (GEA) of 145m² and a garage of 37m². The capital value at that stage was assessed at £200,000.
- (2) The valuation was reassessed as alterations to the property had been carried out. The GEA of the dwelling had increased to 216.20m² with the garage as before. The capital value was reassessed at £260,000.
- (3) An appeal to the Commissioner of Valuation was made on 13 September 2013. The capital value was amended to £235,000 on the basis of a survey error in that the GEA was incorrect and was amended to 176.86m² and the garage unaltered at 37m².

- (4) A further application to challenge the capital value was made on 14 April 2014. No change was made to the capital value. Thereafter an appeal was made to this tribunal.
- (5) The respondent confirms that the property was inspected and the survey was correct. Therefore the tribunal accepts that the GEA of the property is 176.86m² and the garage is 37m² (notwithstanding that the GEA of the garage appears erroneously to be referred to in the table attached to the Presentation of Evidence as 40m²).

The respondent's submissions

6. The Commissioner's Presentation of Evidence to the tribunal is that in deciding the capital value of the property regard was had to capital values in the valuation list of comparable hereditaments in the same state and circumstances. Details of these comparable properties were set out in a schedule to the Presentation of Evidence dated 28 August 2014, with further particulars of same, including photographs of the comparable properties. Three comparables were referred to in total. These were capital value assessments, the details of which are as follows:
- (a) The first comparable referred to was 105 Jordanstown Road, Newtownabbey. It has a detached house and garage. It has a gross external area of 157m² and a garage of 35m². The assessed Capital Value is £210,000. There is no sales evidence for this property.
 - (b) The second comparable referred to was 103 Jordanstown Road, Newtownabbey. It has a detached house and garage. It has a gross external area of 175m² and a garage of 16.5m². The assessed Capital Value is £230,000. There is no sales evidence for this property.
 - (c) The third comparable referred to was 131 Jordanstown Road, Newtownabbey. It has a detached house and garage. It has a gross

external area of 174m² and a garage of 11m². The assessed Capital Value is £230,000. There is no sales evidence for this property.

7. The respondent contended that a rating assessment is a statutory valuation and has to be carried out in line with the legislation. One of the most important points is that the valuation must be carried out as if the house had been sold at the antecedent valuation date which at present is 1 January 2005. It was further contended that current or recent market sales are no longer considered relevant as they are now too far removed from the antecedent valuation date. The respondent considered that based on comparable properties referred to in the Presentation of Evidence the existing capital valuation of £235,000 was fair.

The appellant's submissions

8. The appellant submits that the capital valuation of the property is incorrect. She states that properties opposite and adjacent to her property have similar building footprints and have sold in the last year for values below £200,000. She feels that the previous valuation of £200,000 is still current.

The Tribunal's Decision

9. Article 54 of the 1977 Order enables a person who is dissatisfied with the Commissioner's valuation as to capital value to appeal to this tribunal. In this case the capital value has been assessed at a figure of £235,000. On behalf of the Commissioner it has been contended that this figure is fair and reasonable in comparison to other properties. The appellant's contentions are as stated above and the appellant contends that the proper valuation should be £200,000.
10. It is appropriate to remember that there is a statutory presumption in Article 54(3) of the 1977 Order in terms that "On an appeal under this Article, any valuation shown in the valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown." It is therefore up to the appellant in any case to challenge and to displace that presumption, or perhaps for the Commissioner's decision to be self-evidently so manifestly incorrect that the tribunal must amend the valuation.

11. The general rule as to the basis of the value to be taken into account is contained in article 7(1) of the 1977 Order (as amended) in that:

“(a) Subject to the provisions of this Order the capital value of a hereditament shall be the amount which, on the assumptions mentioned in paragraphs 9 to 15, the hereditament might reasonably have been expected to realise if it had been sold on the open market by a willing seller on the relevant capital valuation date.
(b) In estimating the capital value of a hereditament for the purposes of any revision of a valuation list, regard shall be had to the capital values in that valuation list of comparable hereditaments in the same state and circumstances as the hereditament whose capital value is being revised.”

12. The relevant capital valuation date is 1 January 2005.

13. Thus the basis of valuation for these purposes is that referred to above. The appellant refers to unnamed properties opposite to and adjacent to the property which have sold for prices below £200,000 in the past year. However this is not the correct basis of capital valuation as per the legislation cited above.

14. In relation to the comparables forwarded by the respondent the tribunal finds that the most appropriate comparisons are No 103 Jordanstown Road and No 131 Jordanstown Road. These properties are almost the same size as the subject property (although have smaller garages) and their capital values are £230,000. The capital value of the subject property is also supported by No 105 Jordanstown Road which has a smaller GEA and a more similar sized garage and has a capital value of £210,000.

15. The tribunal carefully considered all the evidence placed before it. Taking all matters into account the conclusion of this tribunal is that the appellant has not placed before the tribunal sufficient evidence to displace the statutory presumption as to correctness of the capital value and therefore the appeal is dismissed.

Mr Charles O’Neill
Northern Ireland Valuation Tribunal

Date decision recorded in register and issued to the parties: 25th February 2015