

Northern Ireland Valuation Tribunal

Case Ref: 75/12

Gerard Heaney - Appellant

Commissioner of Valuation for Northern Ireland – Respondent

Chairman – Mr Michael Flanigan

Members – David McKinney & Noreen Wright

Address: 2 Thornlea Drive, Coleraine

Hearing: 16th June 2014

Decision:-

The unanimous decision of the tribunal is that the appellant's appeal is granted and the capital value is amended to £95,000.

The appellant and respondent were content for the appeal to be disposed of by written representations only and accordingly there were no appearances at the hearing of the matter.

The subject property ("the property") is situated at 2 Thornlea Drive Coleraine. The property is a semidetached two storey house in a development of similar houses in Coleraine.

The tribunal had before it the following documents

- Commissioner's Decision on Appeal dated 22 October 2012
- Appellant's Notice of Appeal (Form 3).
- Land & Property Services presentation of evidence including schedule of comparable valuations

The Law:-

The statutory provisions are to be found in the Rates (NI) Order 1977 ("the 1977 Order") as amended by the Rates (Amendment) (NI) Order 2006 ("the 2006 Order"). It is not proposed to set out the legislative provisions here in full and all relevant

statutory provisions and principles were fully considered by the tribunal in arriving at its decision in this case.

Submissions & Evidence:-

The submission from the appellant can be summarised as follows, that the current market value of the property was between £65,000 and £70,000 and that it was simply unfair to value the property at 2005 prices.

The respondent, having revisited the valuation of properties in Thornlea Drive, Coleraine and other developments in the area, considered that the capital valuation of £125,000 did not accurately reflect the tone of the list and accordingly the Presentation of Evidence from Land & Property Services was that the capital value be revised to £95,000 which it considered a fair and reasonable assessment.

Decision

In 2006 the 1977 Order was substantially amended to allow for the valuation of dwelling houses and certain other hereditaments on the basis of their capital value. Article 7 (4) of the 2006 Order states that the relevant capital valuation date "is 1st January 2005 or such date as the Department may substitute by order made".

By reason of this legislation both the Land & Property Services and the Northern Ireland Valuation Tribunal are required by law to assess the valuation of properties as on the 1st January 2005 and upon no other date. The tribunal is well aware that the housing market has changed substantially since the start of 2005, from its peak in the middle of 2007 to its subsequent collapse and the current position where some areas are now recording a modest recovery in house prices. The exercise of calculating the capital valuation of a property on a given such as the 1st January 2005 may appear to be an artificial one however that is the task which the tribunal is required to do by operation of the law. In this case the respondent was itself recommending a reduction in the capital valuation to £95,000.

The tribunal feels obliged to note that it is not a matter for the respondent to decide whether an appeal is successful or not. The respondent had submitted evidence of comparable valuations supporting the reduction in the valuation of the property to £95,000. The tribunal was prepared to accept the reduction in capital value recommended by the respondent and accordingly the appeal was granted and the capital valuation is reduced to £95,000.

Signed: Michael Flanigan

Legal Chairperson

Northern Ireland Valuation Tribunal

16-06-14