

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

Mr W HOEY– APPELLANT 17/13

AND

Land and Property Services - RESPONDENT

Northern Ireland Valuation Tribunal

Date of hearing: 21 March 2014

Chair: Sarah Ramsey

Members: David McKinney and Garry McKenna

DECISION AND REASONS

The parties made oral submissions.

The appellant suffers from Parkinson's disease and lower back pain. The Appellant informed the Tribunal he suffered from Spondulosis and had issues with his speech. resides at 49 Kilwarlin Road, Corcreeny Hillsborough.

The appellant applied for special rates relief for persons with a disability under the Rates (Northern Ireland) Order 1977 ("the Order"). The legislation which was amended by Art 17 of the Rates (Amendment) (Northern Ireland) Order 2006, states as follows:-

31a –

(1) Subject to paragraph 5, 7 and 8, the Department shall in accordance with the provisions of this article grant to the person mentioned in paragraph 4 a rebate from the rates charged for in respect of a hereditament to which this article applies.

(2) This article applies to a hereditament in which there is a facility which is required for meeting the needs of a person who resides in the hereditament and who has a disability including a facility of either of the following descriptions.

- (i) A room other than a kitchen, bathroom or lavatory which is wholly or mainly used (whether for providing therapy or for other purposes (by such a person) or
- (ii) An additional kitchen or bathroom or lavatory and the hereditament in which there is sufficient floor space to permit the use of a wheelchair used by and

required for the needs of the person who resides in the hereditament and has a disability.

The Appellant's Case

By his written application of 29th January 2013, the appellant sought relief on the basis that a bedroom room in his home was wholly or mainly used for therapy or other purposes, although the appellant did not, on his application for set out what the nature of the therapy or other purpose was.

On his application form the appellant explained that he did not use a wheelchair. By letter of 30 August 2012 the Appellant's General Practitioner described the Appellant's disease as progressive and disabling, that he is frequently confined to the house and has daily mobility problems.

The Appellant wrote to the Respondent late March 2013 requesting the Respondent's reconsidered their decisions. He pointed out that as his property was a listed building he was unable to modify it.

The Appellant appealed the decision to the Valuation Tribunal received 3 July 2013.

Further written evidence had been submitted to the Tribunal in the form of a letter from the Appellant's treating Consultant Physician Dr Gawley of 14 March 2013. This confirmed the appellant's diagnosis of Parkinson's disease. Dr Gawley confirmed the Appellant was still able to walk independently.

The Appellant attended the hearing with a crutch to assist his walking. He informed the Tribunal he had two sticks and usually kept them in the living room. He said that he had seen an occupational therapist in his home on fewer than five occasions. The Occupational therapist did not bring any equipment with her and on each occasion assessed the appellant in the living room. The Appellant continued to attend the Rehabilitation clinic at the Lagan Valley Hospital.

The Appellant informed the Tribunal that the bedroom referred to in his application form was used as a bedroom and had no aids stored in it.

The Appellant stated that as his house was a listed building he was limited in any modifications he could make to it. No modifications had been made. If he were allowed to make modifications he said he would install a stair lift as there was no downstairs toilet in the property.

The Appellant was unable to describe any form of therapy he received in the property.

The Respondent's case

The Respondent provided a written report of a visit to the Appellant's house on 4 April 2013. The report concluded the property did not have any additional qualifying facilities under the terms of Art 31 A of the 1977 Order as amended. At hearing the Respondent reiterated this position.

Following the inspection the rating officer refused the application for disability relief by letter of 4th March 2013 and in that letter repeated that the application was being refused on the grounds that the property did not have any of the qualifying facilities required for meeting the needs of the person with a disability. Whilst the rating officer accepted that the Appellant was permanently disabled, the letter explained that the allowance would only be granted where additional facilities have been provided in the property and no further evidence had been provided by the Appellant.

Decision

In order to obtain special rates relief the disabled person must satisfy the test set out in the Order.

The Tribunal unanimously agreed that the Appellant had not demonstrated the property had been modified in any way, or that any rooms in his property were used for anything other than their ordinary use.

The appeal for disabled rates relief was consequently refused.

Sarah Ramsey
Chair
4 April 2014