

NORTHERN IRELAND VALUATION TRIBUNAL

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

CASE REFERENCE NUMBER: NIVT 60/14

KELLY GRANT – APPELLANT

AND

COMMISSIONER OF VALUATION FOR NI - RESPONDENT

Northern Ireland Valuation Tribunal

Chair: Ms Sarah Ramsey

Members: Mr Philip Murphy (Valuer) and Ms Noreen Wright (Lay)

Belfast 6 July 2015

DECISION AND REASONS

The Hearing

1. The appellant, Ms Kelly Grant, chose not appear at the Tribunal having indicated she was content for the appeal to be disposed of by way of written representations. The respondent presented their evidence in the Presentation of evidence dated 9 May 2015.
2. The property the subject of the appeal is Flat 1 30 Great Georges Street Warrenpoint BT34 3HS (“the subject property”). The respondent’s Presentation of Evidence describes the subject property as a ground floor self-contained converted apartment located in Warrenpoint town centre. It has a Net Internal area of 79m².
3. The Land and Property Services (LPS) initially assessed the capital value (CV) of the property as £120 000. An application to reduce this was made on 24 September 2013 to the District Valuer. No change was made following this review. This decision was appealed on 6 September 2014, and no change was made to the capital value. On 17 March 2015 the valuation was appealed to the Northern Ireland Valuation Tribunal. The Appellant appeals against that decision under Article 54 of the Rates (Northern Ireland) Order 1977, as amended (hereinafter the 1977 Order).
4. The following documents were before the Tribunal;
 - Commissioner’s decision on appeal dated 7 October 2015;
 - Notice of appeal along with grounds of appeal dated 17 March 2015;
 - Respondent’s presentation of evidence dated 9 May 2015;

5. This notice communicates the Tribunal's decision and contains the reasons for the decision in accordance with Rule 19 of the Valuation Tribunal (NI) Rules 2007.

The Law

6. The statutory provisions are set out in the 1977 Order, as amended by the Rates (Amendment) (Northern Ireland) Order 2006 (hereinafter the 2006 Order).
7. For the purposes of this appeal the relevant provisions of Schedule 12 of the 1977 Order are as follows;

7. — (1) Subject to the provisions of this Schedule, for the purposes 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.

(2) 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.

(3) The assumptions mentioned in paragraphs 9 to 15 shall apply for the purposes of determining whether one hereditament is a comparable hereditament in the same state and circumstances as another with the omission of sub-paragraphs (2) and (3) of paragraph 12.

(4) In sub-paragraph (1) "relevant capital valuation date" means 1st January 2005 or such date as the Department may substitute by order made subject to negative resolution for the purposes of a new capital value list.

Capital value – the assumptions

12. — (1) The hereditament is in an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality.

(2) The hereditament is otherwise in the state and circumstances in which it might reasonably be expected to be on the relevant date.

9. Article 54(3) of the 1977 Order provides that, on appeal, any valuation shown in a valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown.

The Tribunal's Findings

10. The presumption in Article 54(3) of the 1977 Order that any valuation shown in a valuation list shall be deemed to be correct until the contrary is shown

means that the burden is upon the Appellant to show that the capital valuation is not correct.

11. The LPS presentation of evidence sets out details of three comparable properties. The comparable properties are in immediate area and the relevant details are as follows;
 - Flat 2 30 Great Georges Street. This property is in the same building as the subject property and directly above it. It has three bedrooms and a NIA of 89m² with a capital value of £130 000.
 - Flat 6A Great Georges Street. This property is on the same street as the subject property. It has two bedrooms with a NIA of 62.9m² with a capital value of £95000
 - Flat 8-1 Great Georges Street. This property is on the same street as the subject property. It has two bedrooms, a NIA of 62m² and a capital value of £95 000

12. The appellant in her notice of Appeal submitted that the valuation was too high as it was in excess of similar properties on the same street. She contends that the ground floor flat is smaller than the first floor flat in the same building and four flats in the area were recently purchased for £70 000. The appellant requested the Tribunal consider the rateable value of Flats situate in particular at 1 Great George Street, 3 Great George Street, 8 Great George Street, 24 Great George Street, 26 Great George Street. The Appellant set out that the rateable value was in excess of the actual value of property in the area.

13. Paragraph 7 (4) of Schedule 12 of the 1977 Order provides that the relevant capital valuation date for the purposes is 1 January 2005. This means that the capital value for a property is the amount it would reasonably have been expected to realise if a willing seller had sold it on the open market on 1 January 2005.

14. As the subject property, like many other properties on the Valuation list, was not sold on the open market on 1 January 2005 we must estimate the capital value of the subject property by having regard to the capital values in the valuation list of comparable properties in the same state and circumstances as the subject property. We must assume that the subject property is in an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality (schedule 12 paragraph 12 of the 1977 Order). That means we cannot take account of any internal disrepair in comparing the properties.

15. Having considered all of the comparables the panel was satisfied that, in accordance with schedule 12 paragraph 7 set out above, the comparable properties put forward by the respondent in the Presentation of Evidence are appropriate as they are similar in age and in the in the same state and circumstances as the subject property. The panel is satisfied that the capital value of the subject property is consistent with these properties.

Decision

16. The appellant has not discharged the burden upon her to show that the capital value assessed for the subject property is not correct in accordance with paragraph 7 of Schedule 12 of the 1977 Order. In all of the circumstances and in light of the findings above the Tribunal is satisfied that the valuation shown on the valuation list in relation to the subject property is correct.

17. The unanimous decision of the Tribunal is that the appeal is dismissed.



**Ms Sarah Ramsey, Chair
Northern Ireland Valuation Tribunal**

Date decision recorded in register and issued to parties:

20th August 2015