

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: 50/13

MICHAEL TROUGHTON AND RANDA TROUGHTON – 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

DECISION ON REVIEW

The unanimous decision of the tribunal is that there are no proper grounds made out by the appellant to enable the tribunal to review the decision of the tribunal issued on 4 March 2015 and thus the tribunal’s decision is affirmed and the appellant’s application for review is dismissed.

REASONS

Introduction

1. This is an application for review of a decision of this tribunal (‘the decision’) in respect of a reference under Article 54 of the Rates (Northern Ireland) Order 1977 as amended (‘the 1977 Order’). The decision was issued to the parties by the Secretary of the Northern Ireland Valuation Tribunal (‘the tribunal’) on 4 March 2015.
2. The appellant, by letter (‘the review letter’) dated 17 March 2015, requested that the tribunal review its decision.
3. The appellant by letter of 24 April 2015 requested an oral hearing of the review application and this was arranged and the matter proceeded on 29 May 2015.

The appellant Mr Troughton attended and represented himself. There was no representation by the respondent.

The law

4. The Valuation Tribunal Rules (NI) 2007 ('the Rules'), as amended provide at rule 21 as follows in respect of the review of any decision of the tribunal:

“21.-(1) If, on the application of a party or its own initiative, the Valuation Tribunal is satisfied that-

(a) its decision was wrong because of an error on the part of the Valuation Tribunal or its staff; or

(b) a party, who was entitled to be heard at a hearing but failed to be present or represented, had good reason for failing to be present or represented; or

(c) new evidence, to which the decision relates, has become available since the conclusion of the proceedings and its existence could not reasonably have been known or foreseen before then; or

(d) the interests of justice require

the Valuation Tribunal may review the relevant decision.”

The hearing and the arguments

5. At the outset of the hearing the tribunal explained the nature of a review of a decision of the tribunal and that initially the appellant would have to establish proper grounds upon which the tribunal might proceed to review the decision. If such grounds were established the matter could proceed to review. However if such grounds were not established the review could not proceed. The tribunal clarified with the appellant which of the statutory grounds were being relied on. It was confirmed that the ground upon which the appellant relied was that the tribunal's decision was wrong because of an error on the part of the tribunal.

The appellant's submissions

6. The appellant helpfully provided a timeline of the events which, insofar as relevant, led to the application for the review:

End of 2010 – extension to the subject property was built.

- 17.12.2013 – the respondent measured the property at 169.7m² and assessed capital value as £155,000.
- 16.01.2014 – the respondent revisited the property and measured it as 177m².
- 10.02.2014 – valuation certificate issued by the respondent confirming valuation incorrect. Survey measurements corrected and valuation increased accordingly. Capital value assessed as £170,000.

7. The appellant confirmed that just before the tribunal hearing of this matter there had been a joint measurement between the appellant and the respondent and it had been confirmed to the tribunal that the gross external area of the subject property was agreed as 169.7m².
8. The appellant submitted that when it was realised that there had been a mistake in the area of the property that the capital valuation should have changed. He considered this to be a fundamental principle and as this had not been changed this affected the credibility of other issues in the case. The appellant considered that the first valuation (£155,000) was in fact high.

The tribunal's determination of the issues.

9. The tribunal accepts that there has been a history of valuation in respect of this property. The tribunal accepts that the initial valuation of £155,000 by the respondent was admitted by it to be incorrect. This was clarified in the valuation certificate issued on 10.02.2014 wherein it states that the capital value of the property was £170,000. However by the time this matter proceeded to the tribunal on 16 January 2015 the respondent submitted that the correct valuation of the property was £170,000 on the basis of a gross external area (agreed by the appellant and respondent) as 169.66m². At the hearing the appellant submitted that the valuation of the property on the basis of the agreed GEA should be £145,000. The tribunal hearing therefore proceeded on this basis and heard full submissions from both the appellant and the respondent in relation to what the appropriate capital valuation of the property should be in the light of the

agreed GEA of 169.66m². In the event the tribunal found that the appellant had not placed before the tribunal sufficient evidence to displace the statutory presumption as to correctness of capital value.

10. Therefore in relation to the application for a review of the decision of the tribunal, the tribunal's unanimous determination is that nothing presented by the appellant affords any basis for the decision to be reviewed. This was confirmed to the appellant at the hearing of the matter on 29 May 2015 and it was indicated that written reasons for this decision would be provided.

11. Accordingly it is confirmed that the tribunal's decision is affirmed as promulgated and the appellant's application for a review is dismissed by the tribunal, without further order.

Mr Charles O'Neill
Northern Ireland Valuation Tribunal

Date decision recorded in register and issued to the parties: 23rd June 2015