

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

CASE REFERENCE NUMBER: NIVT 22/12

KEITH REYNOLDS – APPELLANT
AND
COMMISSIONER OF VALUATION FOR NI - RESPONDENT

Northern Ireland Valuation Tribunal
Date of hearing: 10 December 2012
Chair: Ms Sarah Ramsey
Members: Mr Tim Hopkins and Mr Robert McCann

DECISION AND REASONS

The Hearing

1. The Appellant, Mr Keith Reynolds, appeared at the Tribunal. The Respondent was represented by Ms Nicola Stewart.
2. The property the subject of the appeal is 16 Knockcastle Park, Belfast BT5 6NA (the subject property).
3. The Respondent assessed the capital value (CV) of the property as £250,000. 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 22.06.12;
 - Notice of appeal along with grounds of appeal;
 - Respondent's presentation of evidence;
 - Correspondence between the Tribunal and the parties.
 - Copy District Valuer's Certificate of valuation provided by Mr Reynolds at hearing.
5. The property had subsequently been sold by Mr Reynolds and the present owners had been notified of the hearing.
6. The Tribunal heard evidence and submissions from Mr Reynolds and from Ms Stewart.
7. The Tribunal reserved its decision. 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

8. The statutory provisions are set out in the 1977 Order, as amended by the Rates (Amendment) (Northern Ireland) Order 2006 (hereinafter the 2006 Order):
9. The relevant legislation for the purposes of this appeal is 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.

10. 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

11. The issue before the Tribunal in this appeal is whether the capital valuation is correct.

Capital Value

12. Ms Stewart submitted that the statutory assumptions mean that the property is assumed to be in an average state of internal repair and fit out. As the property had subsequently been sold she had been unable to carry out a full inspection on 19 June 2012, but had carried out a drive by inspection. She submitted that the capital

value for the subject property had been £250,000. She submitted that this reflected the tone of the list and the comparables in the area. She explained that on 1 April 2007 the capital value had been assessed as £225,000. On 21 August 2008 the addition of a single storey extension had increased the capital value to £250,000.

13. Mr Reynolds submitted that he had sold the property in May 2012 for £200,000 there should be consideration given to this factor in assessing capital value. Mr Reynolds did not provide any comparables to the Panel.
14. The Respondent's Presentation of Evidence describes the subject property as a privately built detached dwelling built in 1970, located in a residential area off the Knock road in East Belfast. It is of traditional design and construction with solid brick walls and a tiled roof. It has a Gross External Area (GEA) of 185m², a garage of 20m² and an outbuilding of 15m². It has mains water, electricity and sewage.
15. The Respondent put forward evidence of four comparable properties in the area, all of which are in the same street as the subject property. The properties at 10A and 10B Knockcastle Park, 28 Knockcastle Park and 30 Knockcastle Park are smaller properties ranging in size from 160m² to 171m² with larger garages of either 28 or 29m². These each have a capital valuation of £245,000.
16. The panel must apply the statutory presumptions set out in schedule 12 of the 1977 Order. These include the presumption set out at paragraph 12 of schedule 12 that the subject property is in an average state of internal repair and fit out having regard to the age and character of the property and its locality. The capital value of the subject property is therefore the amount it might reasonably have been expected to have realised if it had been sold on the open market by a willing seller on 1 January 2005 assuming it was in an average state of internal repair and fit out.
17. We have regard to the capital values in the valuation list for comparable properties as submitted by the Respondent. The panel was satisfied that, in accordance with schedule 12 paragraph 7 of the 1977 Order as set out above, the comparables submitted by the Respondent were appropriate being properties in the same area, state and circumstances as the subject property. We are satisfied that the capital value of the subject property is consistent with the properties put forward as comparables.

Decision

18. The Appellant has not discharged the burden upon him to show that the valuation 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 was satisfied that the valuation shown on the valuation list in relation to the subject property is correct.

19. 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: