

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: 35/14

BETWEEN:

PETER McVEIGH

Appellant:

-and-

THE COMMISSIONER OF VALUATION

Respondent:

NORTHERN IRELAND VALUATION TRIBUNAL
CHAIRMAN: MR KEITH GIBSON B.L.
MEMBERS: MR BRIAN SPARKES FRICS; MR ALAN MARTIN

THE SUBJECT PROPERTY

1. The subject property of this appeal is 29 Church Street, Poyntzpass, BT35 6SW, a mid-terrace property constructed prior to 1919 with a GEA of 216.5m², a store of 20m² and outbuildings of 146m². The capital value was assessed at £135,000, however, on the 17th September 2013 the Appellant made an application to the District Valuer to have the property removed from the valuation list as he believed it uninhabitable. The District Valuer found that the store outbuildings were uninhabitable and those portions of the property were removed from the District Valuer's assessment. The District Valuer further found that the property was in a poor external repair and the GEA was also changed to 212.53m². As a result of same amendments, the capital value was amended downwards to £90,000. A further appeal was made to the Commissioner of Valuation repeating the reasons previously set out. Following the appeal, the valuation remained unchanged and on the 6th November 2014 the Appellant appealed this decision to the Northern Ireland Valuation Tribunal. The Certificate of Valuation was issued on the 8th September 2014; however, the appeal was only received by the Tribunal on the 6th November 2014.
2. The period afforded for an appeal is 28 days pursuant to the relevant provisions of the Rates (Appeals) Regulations 2007. The appeal is therefore out of time. The reason for the appeal not being filed within the 28 day period provided by Statute is as set out at paragraph 10 of the Appellant's Appeal Notice. The reasons may be replicated verbatim as follows:

“This has been an oversight on my behalf that I must apologise for. I have been seeking legal advice and this has delayed my response.

There is also a surveyor’s report pending.”

3. Despite the submission that there is a surveyor’s report pending, no surveyor’s report was served at any stage subsequently. The Tribunal is left therefore with a number of reasons for seeking an extension of time, which do not sit easily. On the one hand it is claimed by the Appellant that there was an oversight on his behalf, but on the other hand the reason for the delay is that he was seeking legal advice and / or a surveyor’s report. The time limit for lodging the appeal expired on or about the 6th October 2014. The Tribunal has a discretion pursuant to Article 9(7) of the 2007 Rules but that discretion cannot be exercised in a vacuum. Mere oversight is not a good excuse and the Appellant’s difficult position is compounded by the fact that one of the purported reasons for the delay, in or about the procuring of a surveyor’s report, ultimately did not bear fruit.
4. The unanimous decision is that the Tribunal does not see fit to exercise its discretion in respect of an extension of time and the Appeal is dismissed.

Keith Gibson Chair
Northern Ireland Valuation Tribunal
Date 13th May 2015