

# NORTHERN IRELAND VALUATION TRIBUNAL

Case Reference NIVT 41/18

**BETWEEN:**

**MONIKA MILCZAREK - Appellant**

**and**

**THE COMMISSIONER OF VALUATIONS FOR NORTHERN IRELAND - Respondent**

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**Chairman: Mr Keith Gibson B.L.**

**Members: Mr Chris Kenton FRCS and Ms Noreen Wright**

## **Review Hearing**

1. On the 17<sup>th</sup> September 2020, the Tribunal issued a decision in respect of the Appellant's appeal against the assessment of the capital value of her property following a hearing solely on the papers. The Tribunal convened to consider the decision on the 26<sup>th</sup> August 2020 and issued it on the 17<sup>th</sup> September 2020.
2. Thereafter and on the 1<sup>st</sup> October 2020, the Appellant applied for a review of the decision. The jurisdiction of the Tribunal to consider a review is provided under Rule 21 of the Valuation & Tribunal Rules (Northern Ireland) 2007.
3. Rule 21 provides;  

Review  
21. —(1) If, on the application of a party or on 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 a 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) otherwise the interests of justice require,

the Valuation Tribunal may review the relevant decision.
4. The power or ability to request a review is different from the appeal to the Lands Tribunal, pursuant to Article 54(a) of the Rates (NI) Order 1977 (as amended). Of the four grounds (a) to (d) referred to in Rule 21, the ground contained in paragraph (b) was acknowledged to be irrelevant.
5. At this point it is worth indicating that the review procedure is not intended to supplant the appeal procedure to the Lands Tribunal and the review is not intended to be a second bite at the cherry, for an Appellant who feels she has not submitted her best case to the Tribunal to have another go.
6. The basis of the Appellant's request for a review as contained in her correspondence was to refer to the Nationwide House Price Index which, according to the Appellant, demonstrated that the property was worth £22,000 in

2005. The nature of this evidence was the same as the evidence which the Appellant had adduced before the Tribunal at the appeal hearing and the Tribunal refers back to its recital of the grounds of Appellant's appeal in its decision at paragraph 9 (c).

7. Providing a graph from the Nationwide House Price Index does not constitute evidence for the purposes of the Tribunal. The Tribunal looks for comparables and a graph provides little or no assistance.

### **Conclusion**

8. Having reviewed its previous decision, the materials supplied by the Appellant in her appeal and having considered the correspondence of the 1<sup>st</sup> October 2020, the Appellant has not made out any grounds justifying relief pursuant to Rule 21 and this Tribunal's original decision remains unaffected.

**Signed: Mr Keith Gibson - Chairman**

**Northern Ireland Valuation Tribunal**

**Date decision recorded in register and issued to parties: 10 March 2021**