

TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

Appellant: Rohit Kotecha

Appeal property: 113, High Street, Rhy; LL18 1TR

Appeal number: 683033405108/285NV17/13

Date of Appeal: N/A

The Matter Appealed against: 2017 Rating List Appeal

Date of Hearing: 13 February 2020

Appearances: Mrs T S Davies for the respondent Valuation Officer (VO)

Date of Decision: 12 March 2020

Decision of Tribunal: Dismissed as Invalid

Members of the Tribunal: Mr D Subacchi, Mr J Roberts & Ms S Wheldon

Tribunal Clerk: Mr Ll ap Glyn

Reasons for decision

1. The appeal came before the Tribunal as a result of a proposal to alter an entry in the 2017 Rating List. The VO received the proposal on the 9 April 2019.
2. Upon its receipt the VO accepted that the proposal was validly made. However, since it was not well-founded the matter was remitted to the Tribunal.
3. At the hearing the VO contended that despite accepting that the proposal had been validly made it was, in her opinion, invalidly made and asked the Tribunal to dismiss the appeal.
4. In evidence Mrs Davies explained that the appellant had completed a proposal form which sought a reduction to £15,000 with effect from 29/09/2018 based on the fact that:

“circumstances affecting the rateable value changed on 29/09/18.”

Further, in the reasons, the appellant had provided the following information:

“There are lot of retail properties vacant in the area. Rental is very difficult and rents have come down.”

5. The Valuation Officer explained that it was her view that the appeal was not valid as the circumstances that the appellant referred to in his proposal was the fact that the appeal property had become vacant. She did not believe that this was a valid reason for making a proposal.
6. She explained that she had recently served a Valuation Officer's Notice to reduce the RV from the current £24,000 to £21,250. She clarified that the appellant would be entitled to make an appeal against this notice if he so wished.

Decision of the Tribunal

7. Having considered all the comments and evidence that was placed before it, the Tribunal decided to dismiss the appeal as invalid.
8. In arriving at its decision, the Tribunal had sight of the regulatory criteria for making a proposal in the Non-Domestic (Alteration of Lists and Appeals) Regulations 2005/SI758.
9. Whilst the Tribunal was sympathetic to the appellant's position, it was only bound to determine whether the Valuation Office was correct to hold that the proposal was invalidly made.
10. The Tribunal have no discretion in such matters, and consequently, it dismissed the appeal.

Decision: Appeal Dismissed as Invalid

Certified a true copy on 12 March 2020