

Statement of Reasons

Relative to an Appeal

By

Mr Adrian Russo

In respect of

Shop, 22 Main Street, Uddingston.

Shop, 34 Main Street, Uddingston.

Shop, 36 Main Street, Uddingston.

These appeals proceeded on the basis of alleged material change in circumstances; namely, pigeon and vermin fouling of number 22 Main street leading to significant deterioration in the state of repair of these subjects ultimately requiring them to be stripped back to the brickwork and solum. Water penetration to numbers 34 and 36 Main Street due to holes in the roof caused by vandals breaking in to adjoining subjects. The continued water penetration caused the floors to rot ultimately requiring them to be stripped back to the brickwork and solum and the vandals caused considerable damage to the interior of the subjects by damaging or removing fixtures such as electricity metres. There was also deterioration in the general state of repair of the subjects due to a general lack of maintenance over a sustained period of time.

The parties disputed whether these circumstances amounted to a material change in circumstances affecting the value of the appeal subjects.

The Committee were of the view that the Assessor at the year 2005 revaluation had valued the subjects on the basis of their physical state as at 1st January, 2005. No appeal had been lodged against the revaluation. The Committee were of the view that the appeal subjects were in a poor state of repair as at 1st January, 2005. Whilst the fire within adjoining subjects at number 20 Main Street and the break in which affected 34 and 36 Main Street had occurred after 1st January, 2005, the Committee was not persuaded by the evidence presented to it that the condition of the appeal subjects had deteriorated materially in the period from 1st January, 2005 to 31st March, 2009.

In these circumstances, it was not necessary for the Committee to consider whether there had been any affect on the value of the Appeal Subjects.

Accordingly, whilst the Committee sympathised with the Appellant, there was no legal basis upon which the values of the appeal subjects could be altered and the Committee required to dismiss the Appeals.