

Isle of Man Rent and Rating Appeal Commissioners

Homepage

Welcome to the website for the Isle of Man Rent and Rating Appeal Commissioners.

This Website is provided by the General Registry to give general guidance only in relation to the Isle of Man Rent and Rating Appeal Commissioners and should not be treated as a complete and authoritative statement of the law. Advice from legal or other appropriate sources should be sought as necessary.

General

- 1 [What do the Isle of Man Rent and Rating Appeal Commissioners \("the Tribunal"\) do?](#)
- 2 [Who are the current persons appointed to the Tribunal?](#)
- 3 [Are there Rules governing the procedure of the Tribunal?](#)
- 4 [How do I make an application to the Tribunal?](#)
- 5 [When can I make an application?](#)
- 6 [How do I contact the Clerk to the Tribunal?](#)
- 7 [Is there a charge to make an application?](#)
- 8 [What happens next?](#)
- 9 [What is the purpose of the hearing?](#)
- 10 [Do all parties have to attend the hearing?](#)
- 11 [Can I be represented in proceedings before the Tribunal?](#)
- 12 [Is Legal Aid available for proceedings before the Tribunal?](#)
- 13 [If an application is made to the Tribunal can it be withdrawn?](#)
- 14 [Can a party be liable for costs in proceedings before the Tribunal?](#)
- 15 [Can the public attend a hearing?](#)
- 16 [When are hearings held?](#)

Preparation for the hearing

- 17 [What the parties should do](#)
- 18 [What about papers for the hearing?](#)
- 19 [How should an applicant present their papers?](#)
- 20 [What about the evidence to be given by witnesses?](#)
- 21 [What if a party needs to apply for a postponement?](#)

The day of the hearing

- 22 [Practicalities](#)
- 23 [How long will the hearing take?](#)
- 24 [Will each party have their own separate waiting area?](#)
- 25 [Where do witnesses wait?](#)
- 26 [What happens before the hearing starts?](#)

During the hearing

- 27 [Who will be present in the Hearing Room?](#)
- 28 [How do parties address the Chairperson and Members of the Tribunal?](#)
- 29 [Is the hearing recorded?](#)
- 30 [How does the hearing proceed?](#)
- 31 [Which party goes first?](#)
- 32 [What happens when the first party has completed giving evidence?](#)
- 33 [After all the evidence has been heard, what happens next?](#)
- 34 [How does the hearing conclude?](#)

The Decision

- 35 [Does the decision have to be unanimous?](#)
- 36 [When will the decision be issued?](#)
- 37 [What if I disagree with the decision of the Tribunal?](#)

Useful Links

General

1 What do the Isle of Man Rent and Rating Appeal Commissioners ("the Tribunal") do?

The Isle of Man Rent and Rating Appeal Commissioners ("the Tribunal") is an independent judicial body established in law to hear and determine objections against a rate, or a level of rent, levied. The Tribunal also consider and determine disputes in relation to property service charges.

[Back to Index](#)

2 Who are the current persons appointed to the Tribunal?

The Tribunal, constituted under Section 1 of the Rent and Rating Appeals Act 1986, consists of a Chairman and two other members and is appointed by the Appointments Commission in accordance with the Tribunals Act 2006. The Chairman must be a barrister, advocate or solicitor, in each case of at least 7 years standing. Whilst the two other members require no formal qualifications, the Appointments Commission looks to appoint persons who have a knowledge and understanding of rating and lease matters.

The current appointments are:

- Mr M C Emery (Chairperson)
- Ms D Reeve
- Mrs F Robinson

[Back to Index](#)

3 Are there Rules governing the procedure of the Tribunal?

Yes, although the procedure may differ slightly depending on what the appeal relates to.

The procedure in relation to appeals concerning rating matters is governed by the Rating Appeals Rules 2000, a copy of which can be accessed [here](#).

If the appeal refers to a property service charge, the procedure is governed by the Property Service Charges (Applications) Rules 2003 which can be accessed [here](#).

There are no rules governing the procedure in relation to appeals concerning a rent dispute, therefore the Tribunal is free to determine its own procedure depending on the nature of the appeal.

[Back to Index](#)

4 How do I make an application to the Tribunal?

An application to the Tribunal (except Rate objections – see below) must be made in writing and should be lodged at the Public Counter at the Isle of Man Courts of Justice or posted to the Clerk to the Tribunal.

For ease of reference, we have referred to each matter individually below:

RATES – referred to as an objection

If you wish to object to what you consider to be an unfair or incorrect rate you should in the first instance lodge your objection, in writing, with the Government Valuations Office (see contact details below) which has the power to re-assess the rate, however, the rate may be raised as well as lowered. Guidance on objecting to a rate will normally accompany a rate demand issued by the Treasury.

The Government Valuations Office will try and settle the objection, failing which it will be sent to the Clerk to the Tribunal to be heard at the next sitting of the Tribunal.

Contact details for the Valuation Office for rating objections are as follows:

The Treasury
Valuation Office,
1st Floor, Government Office,
Bucks Road, Douglas,
Isle of Man, IM1 3PX

Telephone +44(0)1624 685661
Email: rates.treasury@gov.im

RENT – referred to as a reference:

If you wish to object to what you deem to be an unfair rent, you can do so by referring your contract to the Tribunal under Section 2 of [The Housing \(Rent Control\) Act 1948](#). An application form may be downloaded or obtained from the Clerk to the Tribunal (see section 6 below). Please note that joint owners or tenants may make one application between them. Referrals of Rental contracts in relation to a house can be made by either the lessor (person granting a lease), the lessee (person taking on the lease) or the Department of Social Care.

If you choose not to use an application form, your application must be in writing and should clearly set out:

- your name and address; and
- the names and addresses of the other parties; and
- the reasons why the application is being made.

Unfair rent cases are more complex than those of unfair rates as many more matters have to be considered by the tenant before deciding to object; such as the effect your objection will have on your relationship with your landlord and indeed other similar practical matters not directly involved with the level of rent. The Office of Fair Trading leaflet entitled [Tenancy Protection – Know your Rights!](#) will help you to understand your legal position when considering these things. You are **strongly advised** to contact a Consumer Adviser at the [Office of Fair Trading](#) for advice if you are unsure of **any** aspect of your situation.

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PROPERTY SERVICE CHARGES – referred to as an application:

These can be quite complex applications where the tribunal may be asked, either by a tenant or a landlord, to consider matters relating to the reasonableness of expenses incurred for services, repairs, maintenance or insurance or the landlord's expenses of management and/or whether the services or works provided or to be provided are of a reasonable standard.

An application form may be downloaded or obtained from the Clerk to the Tribunal (see section 6 below for contact details).

If you do not wish to use the application form, you can make an application in writing providing that it contains all of the information required – see Rule 2 of [The Property Service Charges \(Applications\) Rules 2003](#) for further information.

[Back to Index](#)

5 When can I make an application?

You can make an application at any time. Once your application has been received by the Tribunals' Office (please note that objections in relation to Rating matters must be sent to the Government Valuations Office in the first instance), certain time limits will apply but you will be notified, in correspondence from the Clerk to the Tribunal, of any time limits that you must comply with.

[Back to Index](#)

6 How do I contact the Clerk to the Tribunal?

Contact details for the Clerk to the Tribunal are as follows:

The Tribunals Office
Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Telephone: +44 (0) 01624 685023

Fax: +44 (0) 01624 685573

Email: tribunals@gov.im

[Back to Index](#)

7 Is there a charge to make an application?

No, there is no charge made to make an application.

[Back to Index](#)

8 What happens next?

Having made an application to the Tribunal, your case will be given a unique case number by the Clerk to the Tribunal. The Clerk will request written submissions, in relation to the application, from all other interested parties and in doing so will notify the parties of the date by which submissions must be made. Written submissions may include maps, plans and/or photographs or indeed any other documents the party making the submission wishes to include as being relevant to the application.

Once the period in which to forward a written submission has expired, in the case of a Rate objection the Chairman determines whether a public hearing will be needed to hear the matter or whether the Tribunal will be able to consider and determine the matter on written representations alone, providing that is all parties agree to such course of action. If all parties agree, the Tribunal may consider the application on the sole basis of the written exchanges of information. However, the preferred option of the Tribunal is to have a public hearing with all parties in attendance.

Where the Chairman considers the matter should be determined at a public hearing, which applies in the majority of cases, the Chairman will set a date for the hearing. The Clerk subsequently notifies all interested parties of the date, as well as the venue and the approximate time that their application will be considered and at the same time circulate copies of any written submissions made to other interested parties.

The Tribunal may also visit the site that is the subject of the appeal prior to the hearing, providing the site can be seen properly from the road or public viewpoint, although when doing so will not meet with any of the parties, or indeed discuss the application with any of the parties, as this could be prejudicial to the application being heard. However, if the Tribunal feel it is necessary, a site visit may also be made during the hearing but if this is the case all interested parties present at the hearing would accompany the Tribunal to the site.

[Back to Index](#)

9 What is the purpose of the hearing?

In general, the purpose of a hearing is to give all parties a fair chance to state their case and provide evidence in support thereof. However, depending on the nature of the application, the Tribunal will have different powers and these are summarised in more detail below.

RATING MATTERS: The purpose of the hearing is for the Tribunal to approve or reduce the Rate to a figure it considers fair and reasonable for the property in question. The decision is made after considering evidence from all parties.

RENT MATTERS: The purpose of the hearing is for the Tribunal to approve or reduce the rent to a figure it considers fair and reasonable for the property in question. The level of rent as approved or reduced may be fixed for a period of time, not exceeding 12 months, and will be entered into a register maintained by the Department of Social Care. The rent can be referred back to the Tribunal upon a change of circumstances i.e. repairs/improvements completed etc. when the Tribunal will have the power to increase it. In attempting to determine a fair rent and the period it is to be fixed for, the Tribunal will call on evidence from both sides of the dispute and from independent evidence and their own knowledge as they see fit. Whether at the hearing or in making written representations, the applicant should point out anything that he considers would have a bearing on the rent that can be determined by the Tribunal. Evidence can be produced relating to improvements and repairs. It is helpful if evidence can be produced relating to recent tenancies of similar properties in the area such as the rent payable and the condition and type of the property.

PROPERTY SERVICE CHARGES: The purpose of the hearing is for the Tribunal to decide:

- (a) upon an application by a tenant by whom, or a landlord to whom, a service charge is alleged to be payable-
 - (i) whether expenses incurred for services, repairs, maintenance, insurance or management were reasonably incurred,
 - (ii) whether services or works for which expenses were incurred are of a reasonable standard, or
 - (iii) whether an amount payable before expenses are incurred is reasonable
- (b) An application may also be made to the Tribunal by a tenant by whom, or a landlord to whom, a service charge may be payable for a determination;
 - (i) whether if expenses were incurred for services, repairs, maintenance, insurance or management of any specified description they would be reasonable,
 - (ii) whether services provided, or works carried out, to a particular specification would be of a reasonable standard, or
 - (iii) what amount payable, before expenses are incurred, would be reasonable.

[Back to Index](#)

10 Do all parties have to attend the hearing?

No, it is up to each party whether or not they wish to attend the hearing. When all parties are in agreement for the matter to be determined by way of paper submissions alone, the Tribunal may consider the matter and make a decision based purely on the written submissions. However, in practice the Tribunal prefers to offer parties the opportunity to appear at a hearing and encourages all parties to attend so that they can put their side of the story forward.

[Back to Index](#)

11 Can I be represented in proceedings before the Tribunal?

Yes, although it is not essential as the hearings are kept as informal as possible. Parties can state their own case if they wish or they may choose to have someone speak for them, for example a friend, relative or a professional expert. The Tribunal seek to ensure that both sides have a fair

chance to state their case, especially when one party is professionally represented but the other party presents their case in person.

[Back to Index](#)

12 Is Legal Aid available for proceedings before the Tribunal?

No – Legal Aid is not available for proceedings before the Tribunal, although very limited assistance may be available (should your means be such as to comply with the rules) under what is termed the Green Form Scheme. This enables persons to obtain legal advice from an advocate, but this does not include representation at a Tribunal hearing.

Advice on the Green Form Scheme should be sought from an advocate, a list of which is available at the Isle of Man Law Society, 27 Hope Street, Douglas. Their website is www.iomlawsociety.co.im

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[Back to Index](#)

13 If an application is made to the Tribunal can it be withdrawn?

Yes, notice to withdraw an application can be given at any time. However, where the application concerns property service charges, the notice of withdrawal should be copied to the other party to see if they are agreeable to the dismissal of the proceedings – very rarely this may give rise to an application for costs.

[Back to Index](#)

14 Can a party be liable for costs in proceedings before the Tribunal?

There is limited provision for the Tribunal to consider the cost of proceedings in relation to applications concerning Property Service Charges, however there is no provision for the Tribunal to award costs in either Rate or Rent proceedings.

[Back to Index](#)

15 Can the public attend a hearing?

Yes – all hearings are open to members of the public to attend if they wish. Legislation requires hearings in respect of rating matters to be published. Hearings organised to consider Property Service Charges or Rent matters are not advertised.

[Back to Index](#)

16 When are hearings held?

There are three hearings held every year for Rating objections. These are usually held in April, August and December. Hearings for objections to Rents and Property Service Charges are held as and when required.

[Back to Index](#)

Preparation for the hearing

17 What the parties should do

As soon as the date for the hearing has been notified it is important that each party attends to matters such as arrangements for attendance at the hearing by themselves and, if applicable, any representative and/or witnesses they wish to call.

[Back to Index](#)

18 What about papers for the hearing?

If possible, any submissions to the Tribunal should be provided to the Clerk at the earliest opportunity and certainly within the time period indicated by the Clerk in correspondence to parties. This avoids the need for the Tribunal to consider adjourning a hearing as a result of a late submission being made and the Tribunal and/or other parties not having had sufficient time to consider the 'new' information prior to the start of the hearing, especially where submissions are provided at the very last minute.

If you decide to provide further submissions after the date in which the Clerk has indicated the submissions should be received by, **you are requested to provide 5 copies** of the same directly to the Clerk for distribution prior to the hearing or, if provided at the very last minute, at the start of the actual hearing. However, for the reason stated above, please remember that all parties are encouraged to forward any submissions which they wish to rely upon at the hearing to the Clerk at the earliest possible opportunity.

As mentioned earlier, it is for you to determine what you include as part of your submission - you may wish to include photographs, plans and/or maps in support of your application.

[Back to Index](#)

19 How should an applicant present their papers?

Whilst it is not a requirement, the Tribunal encourages all parties to present papers as part of a hearing bundle (for example numbered documents in a file which includes an index of the papers), especially where there is a large amount of documentation. Such a clear and accurate approach helps both the Tribunal and the parties to quickly refer to particular documents during the hearing. It is crucial that bundles are supplied in good time for the hearing to prevent unnecessary postponements or adjournments.

[Back to Index](#)

20 What about the evidence to be given by witnesses?

This section mainly applies to matters concerning Rent and Property Service Charges. Although witnesses can give their main evidence (known as "evidence in chief") at the hearing in answer to questions by the party calling that witness, the Tribunal does welcome the use of written witness statements, which the witness reads out at the hearing to place their "evidence in chief" on record. Witness statements would normally be submitted as part of the hearing bundle.

[Back to Index](#)

21 What if a party needs to apply for a postponement?

An application for a postponement of the hearing should be submitted in writing, as soon as possible, to the Clerk to the Tribunal setting out the full reasons for the application. It is likely that the views of the other party will be sought before a decision is made by the Tribunal.

[Back to Index](#)

The day of the hearing

22 Practicalities

Each party will have been notified of the date, time and place of the hearing. It is important that consideration is given to travel arrangements and parking so as to ensure that a party arrives on time

– if you are not sure as to the arrangements or the location of the venue please contact the Clerk to the Tribunal.

[Back to Index](#)

23 How long will the hearing take?

This question is often asked but is extremely difficult to answer in advance with any accuracy as the length of the hearing will, in the main, be driven by how each party wishes to present its case and in more substantive hearings, the evidence that each party's witnesses may give as well as the questioning of those witnesses.

Arrangements for car parking should be made for sufficient time to avoid penalties being incurred whilst the hearing proceeds. Please note that all persons attending a hearing are responsible for paying their own parking fees and penalties if applicable.

RATES HEARINGS: A list of cases to be considered at each hearing is posted in the waiting area for public information.

RENT AND PROPERTY SERVICE CHARGES: It is normal practice for the Tribunal to set aside half a day or even a whole day for a case to be heard to ensure that matters can be concluded. If more than one day is known to be required then the parties will have been notified of this in advance.

"Comfort breaks" are likely mid-morning and mid-afternoon, and a lunch break is normally taken at around 1pm, although the precise timing of any break will likely reflect convenient points reached in the hearing of the matters. Should a party need a comfort break it is appropriate to ask for such.

Please also note any person attending a hearing, in whatever role (applicant, witness, etc), will be responsible for obtaining their own lunch if required – food is not available, either to purchase or free of charge, at the venues used for hearings.

[Back to Index](#)

24 Will each party have their own separate waiting area?

The majority of hearings are currently held in the Ground Floor Meeting Room, Murray House, Mount Havelock, Douglas. At this venue the parties have their own waiting rooms.

[Back to Index](#)

25 Where do witnesses wait?

Witnesses normally wait with the party that has called them to give evidence. In the substantive hearings for Rent and Property Service Charges matters they usually remain out of the hearing room until called to give their evidence so as to avoid their evidence being tainted (and therefore potentially being given less weight by the Tribunal) by what they may have heard if they were present in the hearing room prior to giving their evidence.

[Back to Index](#)

26 What happens before the hearing starts?

Normally the Clerk will speak with each party before the hearing gets underway to check who is present and to address any questions or issues a party may have.

[Back to Index](#)

During the hearing

27 Who will be present in the Hearing Room?

All parties will be shown into the room and to their respective seats by the Clerk at the same time.

It is normal that the Tribunal and any members of the public will already be seated in the room when the parties enter, unless, in the very limited circumstances permitted, the Tribunal has ordered that the matter be heard in private.

Where the matter involves a rating objection, a representative from the Treasury Valuations Office will attend the hearing and, occasionally, a representative from the relevant Local Authority may also be present.

[Back to Index](#)

28 How do Parties address the Chairperson and Members of the Tribunal?

It is customary to address the Tribunal via the Chairperson who should be called either 'Sir' or 'Madam' as applicable. If it is necessary to address either of the lay members directly they again may be referred to as 'Sir' or 'Madam' as applicable or alternatively by name.

Tribunal hearings are conducted in a relaxed and informal manner; they are not as formal as a High Court hearing.

[Back to Index](#)

29 Is the hearing recorded?

Yes - the Clerk will ensure that the hearing is recorded and parties will see microphones for this purpose located on each of the tables.

Although copies may be purchased, on payment of a prescribed fee, following the hearing (it usually takes a few days for the copies to be made available) it is the responsibility of parties to take their own notes for their use during the proceedings.

Apart from the Clerk, it is **not permitted** to use any form of recording equipment throughout the hearing.

[Back to Index](#)

30 How does the hearing proceed?

Once the parties have arranged their papers and taken their seats, and any members of the public are seated, the Chairperson will normally open the hearing by welcoming the parties, introducing the Tribunal members and noting who is in attendance for each side.

The Chairperson will then outline the procedure to be followed during the hearing and address any preliminary questions that either party, or indeed the Tribunal, may have.

[Back to Index](#)

31 Which party goes first?

This is likely to be one of the matters addressed by the Chairperson in considering the procedure to be followed. In most cases the person/s who brought the appeal would be expected to be heard first and they will have the opportunity to make an opening address to the Tribunal setting out/explaining their case. It is not compulsory for a party to make an opening address, and indeed in many cases

where a party is unrepresented they often choose not to do so.

It is then normal for a party to move on to the presentation of evidence. Witnesses, if any, will be called to give their evidence, following which the parties will be given the opportunity to ask the witnesses any questions they have. The Tribunal may also pose questions to the witnesses.

It is not normal practice for sworn evidence to be taken in the Tribunal, however in certain circumstances sworn evidence may be required.

[Back to Index](#)

32 What happens when the first party has completed giving evidence?

The same procedure that applied to the party going first will now apply to the other party, who again will have an opportunity to make an opening address to the Tribunal should they wish, or to move on to calling their witnesses who will follow exactly the same procedure as for witnesses outlined above.

[Back to Index](#)

33 After all the evidence has been heard, what happens next?

If they wish to do so, parties can address the Tribunal by making a closing statement. The Tribunal will indicate the order in which closing statements are to be given, although generally the party that went first at the start of the hearing will be the last to give its closing statement.

Closing statements provide an opportunity for each party to 'sum-up' their case and to relate the evidence to the applicable law with a view to persuading the Tribunal to find in their favour and not to find in favour of the other side.

[Back to Index](#)

34 How does the hearing conclude?

After closing statements the Tribunal is likely to inform parties how long they may be need to reach a decision; they may be able to give their decision almost immediately after the end of the hearing.

This hearing of the matter is now closed and the parties, and any members of the public who have attended, will depart.

[Back to Index](#)

The decision

35 Does the decision have to be unanimous?

No, a decision will be according to the opinion of the majority of the members of the Tribunal.

[Back to Index](#)

36 When will the decision be issued?

Although it is possible in Rate objections and relatively simple Rent or Property Service Charges applications for the Tribunal to give their decision almost immediately, some cases will require more lengthy consideration and the parties will be advised that the Tribunal will reserve their decision. A written decision will be issued to the parties as soon as possible thereafter, usually some 2-3 weeks later.

[Back to Index](#)

37 What if I disagree with the decision of the Tribunal?

Once the Tribunal has issued its decision, it will not reconsider the matter further. If you feel aggrieved by the decision of the Tribunal, you should seek legal advice as to whether or not you have the right to appeal to the High Court and, if so, the time limits that may be applicable for lodging such an appeal.

[Back to Index](#)

Useful Links

Attorney General's Chambers for legislation: www.legislation.gov.im/cms

Office of Fair Trading website: www.gov.im/oft

Isle of Man Law Society website: www.iomlawsociety.co.im

[Rent and Rating Appeals Act 1986](#)

[The Rating Appeals Rules 2000](#)

[Rating and Valuation Act 1953](#)

[The Housing \(Rent Control\) Act 1948 and 1981](#)

[Landlord and Tenant Act 1954](#)

[Property Service Charges Act 1989](#)

[Property Service Charges \(Applications\) Rules 2003](#)

[Tenancies \(Implied Terms\) Act 1954](#)

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