

IN THE COURT OF APPEAL

MISCELLANEOUS APPEAL No. 1/74

B E F O R E : The Hon. Mr. Justice Graham-Perkins - Presiding
The Hon. Mr. Justice Hercules - J. A.
The Hon. Mr. Justice Robinson - J. A.

Granville Dixon - Re: No.7 Duquesnay Ave., Kingston 10.

Mr. Norman Wright for the Applicant

11th July, 1974

HERCULES, J.A.,

This is an appeal from an order of the Rent Assessment Board for the Corporate area determining the standard rent of premises at 7 Duquesnay Avenue, Kingston 10, at \$388.00 per month.

The Applicant gave evidence that he took possession of those premises on 1st April, 1973. The application before the Board was dated the 1st of June, 1973. The Board seems to have taken into account the evidence given by the Applicant that he paid \$44,500.00 for the premises, and the evidence of his valuator witness, Mr. Waters McCalla, was that the current value of the premises was \$66,534.00. The Board, however, arrived at a valuation of \$46,560.00. In other words, what the Board did was to reject the rather astronomical appreciation, i.e., \$22,000.00 in less than a year, in the value of the premises as given by the valuator Mr. Waters McCalla, while agreeing that there was some appreciation, and valued the premises at \$46,560, i.e. an appreciation of \$2,000.00 over and above the \$44,500.00 which the Applicant said he paid for the premises only a few months before.

In that setting, we can see absolutely nothing wrong in principle with the approach of the Board. They are entitled to refuse to accept the evidence of the valuator and to apply their own knowledge and experience, concluding that a fair and reasonable valuation of the premises would be \$46,560.00.

There is really no point of law or no question of mixed law and fact involved. It is purely a question of fact. This court is therefore not disposed to interfering with the assessment of the Board, since we do not consider that there is anything wrong in principle with their approach or anything wrong with their conclusion.

Accordingly, we dismiss this appeal.