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Last week to submit property tax forms

With a few days to go before deadline, property tax form submissions are still at a trickle and a few people in some locations have even asked to get back information they’ve already submitted. This was confirmed by senior Valuation Division (Ministry of Finance) officials yesterday as the last week for submission of forms by residential owners, gets underway. Deadline is Friday July 14.

Initial deadline was May 22. Due to a “rush” by the public to submit forms, this was extended to June 5. Legal action to block the exercise was mounted by the Opposition which lost the bid. The court ruled forms could be submitted voluntarily, but were not mandatory and the ministry should advertise information on the issue. Deadline was then extended from June to July 14.

Yesterday, valuation supervisors confirmed since announcement of the last extension, and the court’s ruling, submissions were only a trickle and this hadn’t increased up to last week.

“It’s very, very slow at various offices, just trickling. In most places numbers every day are under 100 people. Outlying offices, south, central seem to have a much slower flow also.”

“A few people in some areas even asked back for their forms and information they submitted. That happened in Port-of-Spain and a couple other areas,” they added.

They said the lighter numbers could also be due to the fact the division has obtained more staff and there’s no crowds accumulating waiting to be attended to. But supervisors also believed the slower flow was due to further impending legal action by the Opposition, legally challenging the property tax since September.

Finance Minister Colm Imbert, said in May 150,000 forms were received in the first few weeks of the exercise. Government is targeting 400,000 residential owners.

UNC’s attempt to challenge property tax in Privy Council fails

The United National Congress (UNC) has been denied permission to appeal to the Privy Council over the dismissal of an injunction against the collection of valuation return forms required for calculation of property tax.

Delivering an oral ruling on the application at the Hall of Justice in Port-of-Spain yesterday morning, the three Appellate Judges, who dismissed the UNC’s injunction last month, ruled that a further appeal was unnecessary as it would be merely academic.

Head of the panel, Justice of Appeal Peter Jamadar explained that while the party’s injunction was challenging the alleged mandatory nature of the process adopted by the State, the Commissioner of Valuations had already stated that it was discretionary and would attract no penalties for non-compliance.

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Jamadar noted that he and the panel considered the procedure used for obtaining the injunction and did not deal with the issues over the collection drive, which are to be addressed in the substantive lawsuit before Justice Frank Seepersad in September.

“The neutral language was used to avoid what we have now,” Jamadar said. Appellate Judges Gregory Smith and Charmaine Pemberton also sat on the panel.

While the court dismissed the application, it advised the Opposition party that it still may apply to the United Kingdom-based court for special leave to appeal its decision on the injunction.

Former government minister Devant Maharaj filed the lawsuit after the Ministry of Finance in successive press releases said that property owners were required to submit their forms by May 22.

Even as Finance Minister Colm Imbert extended the deadline to June 5, Maharaj obtained an injunction stopping the collection drive on May 19. Two weeks later the injunction was removed.

In addition to the State’s claim over the voluntary nature of the process, the court had also ruled that the injunction was improperly granted as there was no urgent need to stop the process due to the extension of time and because the UNC sought the injunction hours before the State was required to respond to its threat to apply for it.

Presenting submissions in support of the application yesterday, Senior Counsel Anand Ramlogan said that his party did not agree with the court’s reasons for the removal of the injunction especially the State’s “flip-flop” position over the collection.

“The fact is people were lining up in the hot sun because of the misapprehension that this was required in law. It was not a voluntary exercise,” Ramlogan said as he defended Maharaj’s decision to seek the injunction.

In opposing the application, Deborah Peake, SC, said that the court’s decision was clear.

“If there was residual doubt, this would have been eradicated or obliterated by the court’s analysis,” Peake said.

She also pointed to a affidavit from Ramoutar filed last week in which he is seeking to have the substantive case before Seepersad dismissed.

In the statement, Ramoutar repeatedly claimed that the process was voluntary but admitted that members of his staff had incorrectly informed members of the public that they would face fines for failing to submit their forms and corresponding documents by the deadlines.

The substantive case comes up for hearing before Seepersad on September 21.

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