



AN COIMISIÚN UM ACHOMHAIRC CHÁNACH
TAX APPEALS COMMISSION

46TACD2026

Between

[REDACTED]

Appellant

and

The Revenue Commissioners

Respondent

Determination

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Introduction

1. This is an appeal to the Tax Appeals Commission (“the Commission”) brought by the Appellant under section 949I of the Taxes Consolidation Act 1997 (“the TCA 1997”), against a determination made by the Revenue Commissioners (“the Respondent”) under section 41B of the Finance (Local Property Tax) Act 2012 (“the LPT Act 2012”) that a property [REDACTED] (“the Property”) did not meet the conditions specified in section 10B of the LPT Act 2012 for an exemption from local property tax.
2. On 7 January 2026, the Commission notified the Appellant and the Respondent that the Commissioner intended to adjudicate on this appeal without a hearing and informed the parties that they could request a hearing within 21 days of that notification. On the same day, the Appellant requested that the appeal be adjudicated by way of a hearing. However, on 29 January 2026, the Appellant informed the Commission that she did not wish to proceed with a hearing and requested that the appeal be determined on the basis of the written documentation provided. Accordingly, the Commission acknowledged the Appellant’s correspondence and confirmed that the Commission would adjudicate on this matter without a hearing. The Respondent did not object or request a hearing of the appeal. In accordance with the above, this appeal is adjudicated without a hearing, under section 949U of the TCA 1997.

Background

3. Local Property Tax (“LPT”) is an annual tax which is charged on residential properties. Section 10B of the LPT Act 2012 provides an exemption from LPT for residential properties that are constructed, purchased or adapted because of their suitability, or to make them suitable, for occupation as a residence by certain severely incapacitated people.
4. The Respondent stated that in June 2025, the Appellant claimed an exemption from LPT for the Property, which related to [REDACTED]. The Respondent stated that on 27 June 2025, the Respondent advised the Appellant that an exemption could not be applied as her application did not satisfy the qualifying criteria, since the property was not purchased, acquired or constructed because of its suitability for occupation by an incapacitated individual, nor had it been adapted at a cost of more than 25% of the value of the property before adaptation to make it more suitable for such occupation.

5. On 14 August 2025, the Appellant submitted a Notice of Appeal to the Commission, with a supporting document. On 15 August 2025, the Commission requested a copy of the relevant assessment/decision letter.
6. On 31 October 2025, the Appellant provided a determination letter from the Respondent dated 16 October 2025 and issued under section 41B of the LPT Act 2012.
7. On 2 December 2025, the Appellant submitted a Statement of Case. On 31 December 2025, the Respondent submitted a Statement of Case.
8. On 6 February 2026, the Commission contacted the parties to note that the Appellant had referred to various documents, and to list the documents which had been provided by the parties to the Commission. The Commission invited the Appellant to submit any further documents in support of her appeal within seven days. The Commission notified the parties that if the Commission did not receive further documentation, the Commission would proceed to adjudicate on this matter on the basis of the documentation received. No further documents have been received by the Commission. The Commissioner has considered all of the documentation submitted by the parties in this appeal.

Legislation and Guidelines

9. The legislation relevant to this appeal is as follows:
10. Section 10B of the LPT Act 2012 provides:

“(1) A residential property shall not, for the purposes of section 16(1), be regarded as a relevant residential property where the property is occupied by an incapacitated individual as his or her sole or main residence and -

(a) either -

(i) the individual is a person -

(I) to whom paragraph (b) of section 189(1) of the Act of 1997 applies, or

(II) who is a beneficiary under a qualifying trust (within the meaning of section 189A(1) of the Act of 1997),

or

(ii) the individual is not a person referred to in clause (I) or (II) of subparagraph (i) and the Revenue Commissioners confirm, under

subsection (1A), that the residential property shall not, for the purposes of this Act, be regarded as a relevant residential property,

and

(b) the property is -

(i) acquired because of its suitability for occupation by such an incapacitated individual, or

(ii) adapted to render it more suitable for occupation by such an incapacitated individual and the cost of the adaptation, on completion of that adaptation, exceeds an amount that is equivalent to one-quarter of the chargeable value of that property before it was adapted.

(1A)

(a) Where subparagraph (ii) of subsection (1)(a) applies, a liable person in relation to a residential property may make an application in writing to the Revenue Commissioners for confirmation, in relation to the property that it shall not, for the purposes of this Act, be regarded as a relevant residential property.

(b) For the purpose of an application under paragraph (a), the Revenue Commissioners may specify the form of an application, and may require that the following information is provided to them:

(i) details of the residential property and the reason why it was acquired or adapted and considered to be suitable for occupation by the incapacitated individual;

(ii) a description of the adaptation referred to in subsection (1);

(iii) the cost of the adaptation;

(iv) the date of completion of the adaptation;

(v) the chargeable value attributable to the adaptation;

(vi) any other particulars the Revenue Commissioners may reasonably require for the purpose of considering the application.

(c) For the purpose of an application under paragraph (a), the Revenue Commissioners may also require that the following information is provided by the general practitioner of the incapacitated person:

(i) the nature and extent of the incapacity;

(ii) the extent to which the incapacity affects the person's mobility;

(iii) the reason the general practitioner considers the adaptation to have been necessary;

(iv) any other particulars the Revenue Commissioners may reasonably require for the purpose of considering the application.

(d) No confirmation shall be given by the Revenue Commissioners on an application under paragraph (a) unless they are satisfied that -

(i) the residential property was acquired because of its suitability for, or adapted to make it more suitable for, occupation by the incapacitated individual,

(ii) subparagraph (i) of subsection (1)(a) does not apply to him or her, and

(iii) where the property was adapted the cost of adaptation exceeds the cost referred to in subparagraph (ii) of subsection (1)(b).

(1B) For the purposes of subsection (1A), the Revenue Commissioners shall publish guidelines in relation to -

(a) the manner in which an application is to be made,

(b) the information or documentation required to be provided in relation to the property and the incapacitated individual in support of the application, and

(c) any other information that the Revenue Commissioners consider to be relevant for the purpose of considering an application.

(2) Subsection (1) shall cease to apply on the sale (within the meaning of section 125) of the property unless the incapacitated individual continues to occupy that property as his or her sole or main residence.

(3) In this section -

'incapacitated individual' has the meaning assigned to it by section 189A of the Act of 1997;

'general practitioner', in relation to an incapacitated individual, means the medical practitioner, for the time being registered in the register of medical

practitioners established under section 43 of the Medical Practitioners Act 2007, who provides a general practitioner medical service to the incapacitated individual.”

11. Section 16 of the LPT Act 2012 provides:

“(1) Subject to and in accordance with the provisions of this Act, commencing with the year 2013, there shall be charged, levied and paid a tax to be known, and which is referred to in this Act, as "local property tax" in respect of the chargeable value of a relevant residential property.

(2) Subject to subsection (4), the local property tax shall be payable by the person who is the liable person in relation to the relevant residential property.

(3) Where more than one person is a liable person in relation to a relevant residential property, those persons shall be jointly and severally liable for the local property tax payable in respect of the property.

(4) Notwithstanding subsection (2), local property tax may be paid by another person on behalf of a liable person.”

12. Section 41B of the LPT Act 2012 provides:

“(1) Where -

(a) in accordance with section 41A, a liable person specifies one or more of sections 4, 5, 7, 7A, 10A, 10B, 10C and 10D in a return, and

(b) the Revenue Commissioners make a determination that the relevant residential property concerned does not meet the conditions in the section or sections specified,

the Revenue Commissioners shall notify the liable person in writing of their determination.

(2) A liable person who is aggrieved by a determination referred to in subsection (1) may appeal the determination to the Appeal Commissioners, in accordance with section 949I of the Act of 1997, within the period of 30 days after the date of the notification issued under subsection (1).”

Submissions

Appellant

13. In her Notice of Appeal, the Appellant submitted:

[REDACTED]

Additional letters from medical specialists and local government TDs who strongly support this application are currently being prepared and will be submitted, along with further documentation, once the next stage of works commences in the coming weeks.

Delaying the approval of this exemption will cause considerable financial strain at a time when significant costs are being incurred for these essential adaptations. An early and favourable decision would greatly assist in ensuring these works can proceed without additional hardship.

This evidence clearly demonstrates that my home meets the statutory criteria for exemption, as it is occupied by persons who are permanently and totally incapacitated and has been specially adapted for their disability. I respectfully request that my application be re-examined in light of the attached report and supporting documents.”

14. In her Statement of Case, the Appellant submitted:

[REDACTED]

[REDACTED]

The appellant relies on Section 10, Finance (Local Property Tax) Act 2012, which provides an exemption for a residential property: “occupied as a sole or main residence by a person who is permanently incapacitated, and where the property has been constructed or adapted for the purpose of rendering it more suitable for the accommodation of that person.”

Key points relevant to this appeal: The law does not limit eligibility to physical disabilities or wheelchair users. Intellectual, developmental and behavioural impairments are included once permanent and substantially limiting. Revenue guidance confirms that the exemption applies to severe intellectual or mental impairments where daily living and independence are significantly affected.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. The Appellant submitted a supporting letter from a senior occupational therapist and a senior social worker [REDACTED], which stated (among other things):

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respondent

16. In its Statement of Case, the Respondent submitted (among other things):

[REDACTED]

[REDACTED]

[REDACTED]

On 27 June 2025 Revenue responded to the Appellant, advising that an exemption from the charge to LPT is available where residential properties are constructed, purchased or adapted because of their suitability, or are made suitable, for occupation as their main residence by certain severely incapacitated individuals. Additionally, the Appellant was advised that based on the correspondence received an exemption cannot be applied as her application does not satisfy the qualifying criteria in that the

property was not purchased, acquired or constructed because of its suitability for occupation by an incapacitated individual, or has not been adapted at a cost of more than 25% of the value of the property before adaptation, to make it more suitable for such occupation.

[REDACTED]

On 16 October 2025 Revenue provided the Appellant with a formal notification that Revenue has determined in accordance with Section 41B(1) of the Finance (Local Property Tax) Act 2012 (as amended), that [the Property] does not meet the conditions to deem it eligible for an exemption under Section 10B of the Act for the years 2013 to 2025 inclusive.

[REDACTED]

[...]

Notwithstanding documentation of the Appellant's intention to carry out adaptation work to the property, with reference to Section 10B(1)(b)(ii), the property has not been adapted at a cost of more than 25% of the value of the property.

[...]

The Appellant has advised of the intention to carry out adaptation work on the property. Should the cost of this adaptation work exceed 25% of the value of the property, the Appellant can re-apply for an exemption from the charge to LPT for the years post this adaptation work."

Material Facts

17. Having read the documentation submitted, the Commissioner makes the following material findings of fact:
- 17.1. The Appellant owns the Property and is liable to pay LPT in respect of the Property.
 - 17.2. In June 2025, the Appellant claimed an exemption from LPT for the Property.
 - 17.3. On 16 October 2025, the Respondent determined that the Property was not exempt from LPT.
 - 17.4. The Appellant presented no evidence that the Property was acquired because of its suitability for occupation by an incapacitated individual.
 - 17.5. The Appellant presented no evidence of adaptations to the Property.
 - 17.6. The Appellant presented no evidence of the cost of a completed adaptation to the Property as compared to the chargeable value of the Property before it was adapted.
 - 17.7. The Appellant did not demonstrate that the Property is adapted to make it more suitable for occupation by an incapacitated individual and that the cost of the adaptation to the Property exceeds 25% of the chargeable value of the Property before it was adapted.

Analysis

Burden

18. This appeal relates to the Respondent's determination that the Property did not meet conditions specified in section 10B of the 2012 Act. In an appeal before the Commission, the burden of proof rests on the Appellant, who must prove on the balance of probabilities that an assessment to tax is incorrect. In the High Court case of *Menolly Homes Ltd v Appeal Commissioners and another* [2010] IEHC 49, Charleton J stated at paragraph 22 that:

"The burden of proof in this appeal process is, as in all taxation appeals, on the taxpayer. This is not a plenary civil hearing. It is an enquiry by the Appeal Commissioners as to whether the taxpayer has shown that the relevant tax is not payable".

19. The Court of Appeal confirmed this position in *JSS & Ors v A Tax Appeal Commissioner* [2025] IECA 96, in which McDonald J stated at paragraph 34 that:

“the taxpayer bears the burden of demonstrating that a tax assessment is wrong.”

Statutory Interpretation

20. However, it is also necessary to observe that in *Hanrahan v The Revenue Commissioners* [2024] IECA 113, the Court of Appeal clarified the approach to the burden of proof where an appeal relates to the interpretation of law only. The court stated (among other things) that:

“Where the onus of proof lies can be highly relevant in those cases in which evidential matters are at stake...

In the present case however, the issue is not one of ascertaining the facts; the facts themselves are as found in the case stated. The issue here is one of law;...Ultimately when an Appeal Commissioner is asked to apply the law to the agreed facts, the Appeal Commissioner’s correct application of the law requires an objective assessment of what the law is and cannot be swayed by a consideration of who bears the burden. If the interpretation of the law is at issue, the Appeal Commissioner must apply any judicial precedent interpreting that provision and in the absence of precedent, apply the appropriate canons of construction, when seeking to achieve the correct interpretation”.

21. This appeal involves consideration of the applicability of section 10B of the LPT Act 2012 to the facts of the Appellant’s case. The Commissioner therefore considers it appropriate to set out well-settled principles of statutory interpretation.
22. The Commissioner adopts the summary of the relevant principles to be applied to statutory interpretation, as helpfully set out by McDonald J in *Perrigo Pharma International Designated Activity Company v McNamara, the Revenue Commissioners, the Minister for Finance, Ireland and the Attorney General* [2020] IEHC 552 at paragraph 74:

*“The principles to be applied in interpreting any statutory provision are well settled. They were described in some detail by McKechnie J. in the Supreme Court in *Dunnes Stores v. The Revenue Commissioners* [2019] IESC 50 at paras. 63 to 72 and were reaffirmed recently in *Bookfinders Ltd v. The Revenue Commissioner* [2020] IESC 60. Based on the judgment of McKechnie J., the relevant principles can be summarised as follows:*

(a) If the words of the statutory provision are plain and their meaning is self-evident, then, save for compelling reasons to be found within the Act as a whole, the ordinary, basic and natural meaning of the words should prevail;

(b) Nonetheless, even with this approach, the meaning of the words used in the statutory provision must be seen in context. McKechnie J. (at para. 63) said that: "... context is critical: both immediate and proximate, certainly within the Act as a whole, but in some circumstances perhaps even further than that";

(c) Where the meaning is not clear but is imprecise or ambiguous, further rules of construction come into play. In such circumstances, a purposive interpretation is permissible;

(d) Whatever approach is taken, each word or phrase used in the statute should be given a meaning as it is presumed that the Oireachtas did not intend to use surplusage or to use words or phrases without meaning.

(e) In the case of taxation statutes, if there is ambiguity in a statutory provision, the word should be construed strictly so as to prevent a fresh imposition of liability from being created unfairly by the use of oblique or slack language;

(f) Nonetheless, even in the case of a taxation statute, if a literal interpretation of the provision would lead to an absurdity (in the sense of failing to reflect what otherwise is the true intention of the legislature apparent from the Act as a whole) then a literal interpretation will be rejected.

(g) Although the issue did not arise in Dunnes Stores v. The Revenue Commissioners, there is one further principle which must be borne in mind in the context of taxation statute. That relates to provisions which provide for relief or exemption from taxation. This was addressed by the Supreme Court in Revenue Commissioners v. Doorley [1933] I.R. 750 where Kennedy C.J. said at p. 766:

"Now the exemption from tax, with which we are immediately concerned, is governed by the same considerations. If it is clear that a tax is imposed by the Act under consideration, then exemption from that tax must be given expressly and in clear and unambiguous terms, within the letter of the statute as interpreted with the assistance of the ordinary canons for the interpretation of statutes. This arises from the nature of the subject-matter under consideration and is complementary to what I have already said in its regard. The Court is not, by greater indulgence in delimiting the area of exemptions, to enlarge their operation beyond what the statute, clearly and without doubt and in express

terms, except for some good reason, from the burden of a tax thereby imposed generally on that description of subject-matter. As the imposition of, so the exemption from, the tax must be brought within the letter of the taxing Act as interpreted by the established canons of construction so far as possible”.

Section 10B Finance (Local Property Tax) Act 2012

23. Section 16 of the LPT Act 2012 provides for a charge to LPT in respect of a residential property, which is payable by the person who is the liable person in relation to the residential property. In this appeal, it was uncontested that the Appellant owns the Property and is liable to pay LPT in respect of the Property, which the Commissioner has found to be material facts.
24. Section 10B of the LPT Act 2012 provides that a residential property qualifies for an exemption from LPT where it satisfies certain conditions, as set out in section 10B. One of the conditions which must be satisfied is provided for in section 10B(1)(b).
25. Section 10B(1)(b) of the LPT Act 2012 provides that the property must be “(i) *acquired because of its suitability for occupation by such an incapacitated individual, or (ii) adapted to render it more suitable for occupation by such an incapacitated individual and the cost of the adaptation, on completion of that adaptation, exceeds an amount that is equivalent to one-quarter of the chargeable value of that property before it was adapted.*”
26. The Commissioner is satisfied by the use of the word “or” that section 10B(1)(b) is disjunctive and contains two alternative conditions, in sections 10B(1)(b)(i) and (ii).
27. Section 10B(1)(b)(i) requires the property to have been acquired because of its suitability for an incapacitated individual. In this appeal, the Appellant did not contend that the Property was acquired because of its suitability for occupation by an incapacitated individual and more fundamentally, no supporting evidence was presented to the Commissioner to indicate that this was the case. The Commissioner has found this to be a material finding of fact. It follows that the Appellant’s claim is not shown to satisfy the condition provided for by section 10B(1)(b)(i) of the LPT Act 2012.
28. Turning then to section 10B(1)(b)(ii), this provision contains two requirements. The Commissioner is satisfied by the use of the word “and” within this provision that those requirements are cumulative. Therefore, both requirements must be met for the overall requirement of section 10B(1)(b)(ii) to be satisfied. As a result, the property must be adapted and the cost of the adaptation must exceed 25% of the chargeable value of the property before that adaptation.

29. In this appeal, the Appellant contended that she “*will be carrying out substantial disability related adaptation works in the coming months*” [REDACTED]
[REDACTED]
[REDACTED]. In support of her submission, the Appellant pointed to a letter from a senior occupational therapist and a senior social worker [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
30. However, the wording of section 10B(1)(b)(ii) of the LPT Act 2012 indicates to the Commissioner that the cost of the adaptation to the property which is to be compared with the chargeable value of the property before the adaptation was undertaken is the cost “*on completion of that adaptation*”.
31. In considering the ordinary and natural meaning of the word “*completion*”, the Commissioner has consulted the Oxford English Dictionary (“OED”), which defines the word “*completion*” as “*the action of completing or making complete; the condition of being completed or perfected.*” The Commissioner is mindful of the principles summarised by the High Court in *Perrigo*, as referenced above. Having considered section 10B of the LPT Act 2012, the Commissioner does not find any compelling reason to depart from the ordinary meaning, when seen in context, of the words “*on completion of the adaptation*”. The Commissioner does not consider that the meaning of those words, when seen in context, is imprecise or ambiguous.
32. Accordingly, the Commissioner finds that it is the cost of the adaptation of the property when completed or perfected, which must be compared with the chargeable value of the property before that adaptation. This comparison establishes whether the cost of the adaptation to the property exceeds 25% of the chargeable value of the property before the adaptation.
33. Yet in this appeal, the Appellant presented no evidence of adaptations to the Property, or of the cost of a completed adaptation to the Property as compared to the chargeable value of the Property before it was adapted. The Commissioner has found these to be material facts.
34. Consequently, the Appellant has not demonstrated that the Property is adapted to make it more suitable for occupation by an incapacitated individual and that the cost of the adaptation to the Property exceeds 25% of the chargeable value of the Property before it was adapted. The Commissioner has found this to be a material fact. It follows that the

Appellant's claim is not shown to satisfy the condition provided for by section 10B(1)(b)(ii) of the LPT Act 2012.

35. Given this finding, it is not necessary for the Commissioner to consider whether the remaining criteria in section 10B are met, as the criteria are cumulative and must all be met for the Appellant's claim to succeed. [REDACTED]
36. As a result, the Commissioner finds that the Appellant's claim for an exemption from LPT did not satisfy the criteria in section 10B of the LPT Act 2012.
37. For completeness, the Commissioner notes the Appellant's submission that "*delaying the approval of this exemption will cause considerable financial strain at a time when significant costs are being incurred for these essential adaptations. An early and favourable decision would greatly assist in ensuring these works can proceed without additional hardship*". The Commissioner has sympathy with the Appellant's position. However, the legislation confers no discretion on the Commissioner to authorise an exemption from LPT in cases of hardship. The Commissioner has no statutory power to disapply the provisions of section 10B of the LPT Act 2012. Moreover, the Commissioner is cognisant of the principles enunciated in *Perrigo*, which caution against enlarging the operation of a tax exemption beyond the clear and express terms of the statute.
38. The Commissioner appreciates that this decision will be disappointing for the Appellant and acknowledges the particular circumstances which the Appellant outlined on appeal. The Appellant was entitled to check whether the Respondent's determination was correct, and was prudent to do so. However, the Commissioner must make a determination in accordance with the legislation.
39. Finally, and as the Respondent observed in its Statement of Case, it would be open to the Appellant to make a future claim in respect of the Property, if the adaptation to the Property satisfied the legislative criteria set out in the LPT Act 2012.

Determination

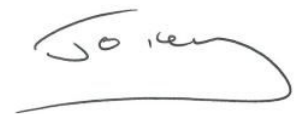
40. For the reasons set out above, the Commissioner determines that the Appellant has not succeeded in showing that the Respondent was incorrect to determine that the Property did not meet the conditions in section 10B of the 2012 Act.
41. This Appeal is determined in accordance with Part 40A of the TCA 1997 and in particular section 949AL and section 949U thereof. This determination contains full findings of fact and reasons for the determination, as required under section 949AJ(6) of the TCA 1997.

Notification

42. This determination complies with the notification requirements set out in section 949AJ of the TCA 1997, in particular section 949AJ(5) and section 949AJ(6) of the TCA 1997. For the avoidance of doubt, the parties are hereby notified of the determination under section 949AJ of the TCA 1997 and in particular the matters as required in section 949AJ(6) of the TCA 1997. This notification under section 949AJ of the TCA 1997 is being sent via digital email communication **only** (unless the Appellant opted for postal communication and communicated that option to the Commission). The parties will not receive any other notification of this determination by any other methods of communication.

Appeal

43. Any party dissatisfied with the determination has a right of appeal on a point or points of law only within 42 days after the date of the notification of this determination in accordance with the provisions set out in section 949AP of the TCA 1997. The Commission has no discretion to accept any request to appeal the determination outside the statutory time limit.



Jo Kenny
Appeal Commissioner
5 March 2026