AN COIMISIÚN UM ACHOMHAIRC CHÁNACH

TAX APPEALS COMMISSION

57TACD2026

Between

[redacted]

Appellant

and

The Revenue Commissioners

Respondent

Determination

Contents

Introduction

1. This is a consolidated appeal to the Tax Appeals Commission ("the Commission") brought by [redacted] ("the Appellant") and [redacted], the Appellant's spouse, under sections 477C(21) and 949I of the Taxes Consolidation Act 1997 ("the TCA 1997") in relation to a decision made by the Revenue Commissioners ("the Respondent") on 26 September 2025 to refuse a claim for a payment under the Help to Buy Scheme ("the HTB") by the Appellant and her spouse, under section 477C of the TCA 1997 ("the Claim").

2. On 9 January 2026, the Commission notified the parties 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. Neither of the parties objected or requested a hearing of the appeal. Accordingly, this appeal is adjudicated without a hearing, under section 949U of the TCA 1997.

3. As outlined below, this determination is being issued in respect of two appeals: [redacted].

Background

4. The HTB is designed to help first-time buyers purchase or self-build a property to live in as their home. It does this by providing refunds of income tax and deposit interest retention tax to claimants.

5. The Appellant and her spouse applied for a mortgage from [redacted] ("the Bank") to finance the self-build of a property [redacted] ("the Property"). On [redacted], the Bank issued the Appellant and her spouse with a letter of approval for a mortgage in the amount of [redacted]. Under "Letter of Approval – Particulars of Mortgage Loan", the "Purchase Price/Estimated Value" of the Property was stated to be €510,000. The letter of approval from the Bank dated [redacted] stated that it revoked any previous letter of approval, and the Commission was provided with an earlier letter of approval dated [redacted] in which the "Purchase Price/Estimated Value" of the Property was also stated to be €510,000.

6. The Appellant and her spouse drew down the first payment of the mortgage in December 2024. On 16 December 2024, the Appellant claimed a payment under the HTB in respect of the Property.

7. On 26 September 2025, the Respondent refused the Claim, on the ground that section 477C(1) of the TCA 1997 requires that for a property to be eligible, the purchase value of

the property cannot exceed €500,000, and the letter of offer confirmed that the total valuation was €510,000.

8. On 20 October 2025, the Appellant submitted a Notice of Appeal to the Commission and enclosed supporting documentation. On the same date, the Commission received a Notice of Appeal from the Appellant's spouse.

9. On 8 December 2025, the Commission informed the Appellant and her spouse, as well as the Respondent, that the Commission was considering whether to consolidate each appeal under section 949E of the TCA 1997 with another appeal which raised a common or related issue. The Commission invited the parties' comments.

10. On 9 December 2025, the Appellant and her spouse confirmed to the Commission that they were making a joint appeal in respect of the Property and wished for their appeals to be considered together. On 12 December 2025, the Respondent confirmed that it had no objection to the consolidation of the appeals brought by the Appellant and her spouse.

11. Accordingly, on 17 December 2025, the Commission notified the Appellant and her spouse that their appeals were being consolidated and that one determination would issue in respect of both appeals.

12. On 18 December 2025, the Respondent submitted a consolidated Statement of Case. On 30 December 2025, the Appellant submitted a consolidated Statement of Case. On 7 January 2026, both the Appellant and the Respondent submitted additional documentation. The Commissioner has considered all the documentation submitted by the parties in this appeal.

Legislation

13. The legislation relevant to this appeal is as follows:

14. Section 477C of the TCA 1997 provides (among other things) that:

> *"(1) 'approved valuation', in relation to a self-build qualifying residence, means the valuation of the residence that, at the time the qualifying loan is entered into, is approved by the qualifying lender as being the valuation of the residence;*
>
> *'purchase value' means -*
>
> > *(a) in the case of a qualifying residence, the price paid for the qualifying residence, being a price that is not less than its market value, or*
> >
> > *(b) in the case of a self-build qualifying residence, the approved valuation;*

'qualifying loan', means a loan, which -

(a) is used by the first-time purchaser wholly and exclusively for the purpose of defraying money employed in -

(i) the purchase of a qualifying residence, or

(ii) the provision of a self-build qualifying residence (including, in a case where such acquisition is required for its construction, the acquisition of land on which the residence is constructed),

(b) is entered into solely between a first-time purchaser and a qualifying lender (but this does not exclude a loan to which a guarantor is a party), and

(c) is secured by the mortgage of a freehold or leasehold estate or interest in, or a charge on, a qualifying residence or a self-build qualifying residence;

'qualifying residence' means -

(a) a new building which was not, at any time, used, or suitable for use, as a dwelling,

(b) a building which was not, at any time, in whole or in part, used, or suitable for use, as a dwelling and which has been converted for use as a dwelling, or

(c) a building which was not at any time used as a dwelling and was purchased by a first-time purchaser in accordance with an affordable dwelling purchase arrangement (within the meaning of section 12 the Act of 2021),

and -

(i) which is occupied as the sole or main residence of a first-time purchaser,

(ii) in respect of which the construction work is subject to the rate of tax specified in section 46(1)(c) of the Value-Added Tax Consolidation Act 2010, and

(iii) where the purchase value is not greater than -

(I) where in the period commencing on 19 July 2016 and ending on 31 December 2016, a contract referred to in subsection (3)(a) is entered into between a claimant and a qualifying contractor or the first tranche of a qualifying

loan referred to in subsection (3)(b) is drawn down by a claimant, €600,000, or

(II) in all other cases, €500,000;

'self-build qualifying residence' means a qualifying residence which is built, directly or indirectly, by a first-time purchaser on his or her own behalf;

[…]

(3) Where an individual has, in the qualifying period, either -

[…]

(b) drawn down the first tranche of a qualifying loan in respect of that individual's self-build qualifying residence,

that individual may make a claim for an appropriate payment.

(4) On the making of a claim by an individual referred to in subsection (3), a payment (in this section referred to as an 'appropriate payment') shall, subject to the provisions of this section, be made in accordance with subsection (16).

[…]

(21) An individual aggrieved by a decision by the Revenue Commissioners to refuse a claim under this section may appeal the decision to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days of the notice of that decision."

Submissions

Appellant's Submissions

15. In the Notice of Appeal, the Appellant submitted (among other things):

"I understand that the application is deemed ineligible due to an overestimation of the property's purchase price by €10,000. I would like to clarify that this was an unintentional typographical error by our Valuer. The actual agreed purchase price of the property is €500,000, as stated in the official letter from the Valuer. We are fully committed to complying with the Help to Buy scheme requirements, and we meet all eligibility criteria when the correct purchase price is considered.

Our mortgage letter of approval valued our purchase price of the house on completion as €510,000. At the time of approval, we were unaware of the significance of this *valuation as this was our first time building/purchasing a property. We understand there is an onus on us to check over all the documents provided to us by [redacted] and our site valuer. However, to reiterate, as this is our first time building/purchasing a house, we placed our trust in and were following guidance from our mortgage advisor and solicitor and believed everything was correct when drawing down our first stage payment in December 2024.*

We always intended to avail of the 'Help to buy' scheme as it is essential in building our first family home, especially with the rate of inflation in recent times. This was discussed with the parties above prior to our first mortgage draw down. Throughout our mortgage application the only valuations and estimates that were significant to us were the build costs [redacted] and loan amount [redacted]; both of which are well below the maximum €500,000 threshold for the 'Help to Buy' scheme. The importance of the purchase valuation only came to light once we began the process of the 'Help to Buy' scheme by which stage we had already drawn down the first stage of our mortgage. We then realised that the 'Help to Buy' scheme used the purchased valuation which was incorrect and was a typographical error. We have a letter from the Auctioneer/Valuer, [redacted] stating this error. The letter of offer from [redacted] comparables has properties ranging from €400,000 - €500,000, which are all within the threshold for the 'Help to Buy' scheme. In support of this appeal, we have enclosed the following documents:

- *Copy of the signed letter from Valuer showing the correct purchase price*
- *Comparables on letter of approval from [redacted].*

We kindly request that you reconsider our application based on the accurate information now provided. We greatly appreciate your understanding and the opportunity to rectify this honest mistake."

16. In the consolidated Statement of Case, the Appellant submitted:

"The Help to Buy Scheme is available where the value of the property required is worth '€500,000 or less.' Our property comprises a site purchased for [redacted], and a mortgage loan of [redacted] from [redacted], giving a combined total cost of [redacted].

The valuer who provided the final valuation of our mortgage erroneously recorded the final value of our property at €510,000. He has confirmed that this was a typographical error and should have referred to a final value of €500,000.

Furthermore, the [redacted] loan offer letter references comparable property values within the same area ranging between €400,000 and €500,000. The offer letter also refers to an estimated value rather than a confirmed or final market value.

Based on the total construction and purchase costs, the comparable property values in the area, and the corrected valuation confirmation, we believe that the final value of the property upon completion will not exceed €500,000 and therefore meets the eligibility criteria of the Help to Buy Scheme.

Section 447C (1) of TCA 1997 refers to the purchase value as being 'the approved valuation'. But the loan offer from [redacted] refers to the 'estimated valuation'. Given the fact that the property will not be fully complete for a number of months, the correct valuation cannot be attributed at this time.

Case 232TAC2025 is similar, however,

(1) Their property value exceeded the €500,000 threshold by a large sum.

(2) They alleged that the valuer had not inspected the property while we have written confirmation from our valuer that he made a typographical error.

(3) Section 447C (1) of the TCA 1997 refers to the 'approved valuation' whereas the loan offer from [redacted] refers to the 'estimated valuation'

The reliance on an estimated valuation for a property that is under construction is inherently unfair and operates to the detriment of applicants who are constructing a home, as opposed to those purchasing a completed property where the value is clearly established from the outset. In the case of a self-build, any valuation prior to completion is necessarily provisional and based on assumptions rather than an actual market value.

In our circumstances, a possible or perceived value has been applied in a manner that disadvantages us, despite the fact that the total site and construction costs, comparable properties in the area, and the corrected valuation all indicate that the final value will not exceed €500,000."

Respondent's Submissions

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

"Outline of Relevant Facts

The Help to Buy (HTB) relief process consists of three stages: Application Stage, Claim Stage, and Verification Stage.

On 17 July 2024, the Appellant applied for the HTB scheme. On 16 December 2024, the Appellant proceeded to Claim Stage. As part of their claim submission the Appellant uploaded a valuation report and a copy of their loan offer.

On 1 July 2025, the Appellant contacted the Respondent and stated "Due to an error between the valuer and [redacted], the final cost of the house was erroneously recorded on our loan offer at €510,000.00. We did not notice this error in our loan offer when it was issued. We have now drawn down our first stage payment and [redacted] state that they cannot amend their valuation. Our solicitor cannot confirm the amended valuation as they are bound by the valuation on the loan offer".

On 3 July 2025, the Respondent replied to the Appellant and stated "Unfortunately, as per legislation we must go with the valuation on the letter of offer. The valuation report is only there to support how the lender arrived at the figure. According to your letter of offer the approved valuation is €510,000. As you have already drawn down your mortgage the €510,000 approved valuation is what we must to use. As this is over the €500,000 ceiling for Help to Buy you are not eligible for the scheme. As per legislation S477C "approved valuation", in relation to a self-build qualifying residence, means the valuation of the residence that, at the time the qualifying loan is entered into, is approved by the qualifying lender as being the valuation of the residence".

On 26 September 2025, the Respondent reaffirmed its position in this matter and noted it had no discretion in the application of the requisite legislation. […]

Summary

The Appellant made a claim for HTB in respect of a self-build qualifying residence. The Appellant's lender confirmed that the approved valuation of the property at the time the loan was entered into was €510,000. The Appellant has an approved mortgage of [redacted] with their lender [redacted].

Section 477C (1) TCA 1997 requires that the purchase value of the qualifying residence not exceed €500,000. In the case of a self-build residence, the purchase value is defined as the approved valuation, being: "the valuation of the residence that, at the time the qualifying loan is entered into, is approved by the qualifying lender as being the valuation of the residence". Section 477C (1) TCA 1997 further provides that *any subsequent valuation which was not approved by the lender at the time the mortgage was entered into, does not qualify for the HTB scheme.*

In this case, it is clear from the official documentation provided from the mortgage lender, that at the time the mortgage was entered into in 2024, the property was valued in excess of €500,000, thus rendering it ineligible for the HTB Scheme.

A recent determination from the Tax Appeals Commission 232TACD 2025, affirms this position by noting "it is the valuation at the time the loan agreement is entered into, and not any later (or earlier) valuation that is relevant for the purposes of HTB".

The Respondent sympathises with the Appellant in this matter but has no discretion with how the legislation is applied. The Respondent respectfully submits that this appeal must fail as the Appellant has not demonstrated how the Respondent has misapplied the relevant legislation in respect of their eligibility to the HTB scheme."

Material Facts

18. Having read the documentation submitted, the Commissioner has made the following material findings of fact:

    18.1. The Appellant and her spouse applied for a mortgage from the Bank to finance the self-building of the Property.

    18.2. On [redacted], the Bank issued the Appellant and her spouse with a letter of approval for a mortgage in the amount of [redacted]. Under "Letter of Approval – Particulars of Mortgage Loan", the "Purchase Price/Estimated Value" of the Property was stated to be €510,000.

    18.3. In December 2024, the Appellant and her spouse drew down the first payment of the mortgage loan in respect of the Property.

    18.4. On 16 December 2024, the Appellant and her spouse claimed a payment under the HTB in respect of the Property.

    18.5. On 26 September 2025, the Respondent refused the Claim on the ground that the Property was ineligible as section 477C(1) of the TCA 1997 provides that the purchase value of a property cannot exceed €500,000, and the letter of offer confirmed that the total valuation was €510,000.

    18.6. On 20 October 2025, the Appellant and her spouse submitted Notices of Appeal to the Commission.

Analysis

Burden of Proof

19. This appeal relates to a decision made by the Respondent on 26 September 2025 to refuse the Claim. In an appeal before the Commission, the burden of proof rests on the Appellant. 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".*

20. 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

21. 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, stating:

> *"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".*

22. This appeal involves consideration of the application of section 477C of the TCA 1997 to the facts of the Appellant's case. The Commissioner therefore considers it appropriate to set out well-settled principles of statutory interpretation.

23. The Commissioner adopts the summary of the relevant principles to be applied in statutory interpretation, as 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"."*

Qualifying Residence

24. To be eligible for the HTB, a person must purchase, or self-build, a "*qualifying residence*". Section 477C(3) of the TCA 1997 provides that a person may claim a payment under the HTB if, in the case of a self-build, the person has drawn down the first tranche of a "*qualifying loan*" for the "*self-build qualifying residence*".

25. Section 477C(1) of the TCA 1997 defines a "*qualifying loan*" as a loan which is used by the first-time purchaser wholly and exclusively, in the case of a self-build, for the provision of a self-build qualifying residence (including, in a case where such acquisition is required for its construction, the acquisition of land on which the residence is constructed), is entered into solely between a first-time purchaser and a qualifying lender, and is secured by the mortgage of a freehold or leasehold estate or interest in, or a charge on, a "*self-build qualifying residence*".

26. Section 477C(1) of the TCA 1997 defines a "*self-build qualifying residence*" as a "*qualifying residence*" which is built, directly or indirectly, by a first-time purchaser on their own behalf. In this appeal, it is important to note that section 477C(1) of the TCA 1997 defines "*qualifying residence*" as, among other things, a building "*where the purchase value is <u>not greater than…€500,000</u>*" (emphasis added).

27. In turn, the term "*purchase value*" in the case of a self-build qualifying residence is defined in section 477C(1) of the TCA 1997 as "*the approved valuation*". The term "*approved valuation*" in the case of a self-build qualifying residence is defined as "*the valuation of*

the residence that, <u>at the time the qualifying loan is entered into</u>, is approved by the qualifying lender as being the valuation of the residence" (emphasis added).

28. It follows from the above that the valuation that is relevant for the purposes of the HTB is the valuation at the time the Appellant entered into the mortgage agreement with the Bank.

29. In this case, it was undisputed that on [redacted], the Bank issued the Appellant and her spouse with a letter of approval for a mortgage, in which under "Letter of Approval – Particulars of Mortgage Loan", the "Purchase Price/Estimated Value" was stated to be €510,000. The Commissioner has found this to be a material fact.

30. However, the Appellant submitted that there was "an unintentional typographical error", and that the agreed purchase price was €500,000 rather than €510,000. In support of this submission, the Appellant presented an email from a valuer dated [redacted] as well as a letter from the valuer dated [redacted]. The Commissioner notes that the email referred to the Appellant and her spouse, stating: "*It has come to my attention that the valuation that I carried out for the above there was a typo error on the valuation. The value for the house should have been €500,000.00 not €510,000.00. The comparables in the area are all under €500,000.00*", while the letter referred to the Appellant and her spouse, stating: "*It has come to my attention that the valuation that I carried out for the above two clients that I made a typo error in the valuation and the value of the property should be €500,000.00 (five hundred thousand euro only). I have notified the bank of this error, and they have made the necessary amendments*". In addition, the Appellant pointed to a list of three properties titled "Comparables", which appears in the letter of approval from the Bank dated [redacted]. The Commissioner notes that the sale prices of those properties are stated to range between €400,000 and €500,000.

31. Yet the fact remains that the letter of approval from the Bank dated [redacted] stated that the valuation of the Property was €510,000. Moreover this is consistent with the Appellant's Notice of Appeal, which stated that: "*Our mortgage letter of approval valued our purchase price of the house on completion as €510,000. At the time of approval, we were unaware of the significance of this valuation as this was our first time building/purchasing a property.*" In this appeal, the Appellant did not contend that the Bank had issued another letter of approval with a different valuation of the Property at the time the loan was entered into. More fundamentally, no evidence of any such letter of approval was provided to the Commission.

32. As a result, the Commissioner is satisfied that the documentation presented shows that the valuation of the Property which was approved by the Bank at the time the loan was entered into was €510,000, which exceeded the maximum purchase value of €500,000 provided for in the legislation.

33. For the avoidance of doubt, the Commissioner does not consider that the fact the letter of approval from the Bank listed other "comparable" properties with sale prices ranging between €400,000 and €500,000 alters the valuation of the Property which was contained in the letter of approval from the Bank.

34. In addition, the Appellant stated that section 477C(1) of the TCA 1997 refers to an "approved valuation", whereas the letter of approval from the Bank referred to an "estimated valuation". The Appellant contended that the legislation operates unfairly towards self-built properties, as "*the reliance on an estimated valuation for a property that is under construction is inherently unfair and operates to the detriment of applicants who are constructing a home, as opposed to those purchasing a completed property where the value is clearly established from the outset*".

35. Nonetheless, it is clear to the Commissioner from the wording used in section 477C(1) of the TCA 1997 that the legislation makes express provision for self-built properties. The term "*purchase value*" is defined in section 477C(1) "*in the case of a self-build qualifying residence"* as *"the approved valuation*". In turn, the term "*approved valuation*" is defined "*in relation to a self-build qualifying residence*" as "*the valuation of the residence that, at the time the qualifying loan is entered into, is approved by the qualifying lender as being the valuation of the residence*".

36. The Commissioner is mindful of the principles summarised by the High Court in *Perrigo*, as referenced above. In considering the ordinary meaning of the word "approved", the Commissioner has consulted the Oxford English Dictionary, which defines "approve" as "officially accept as satisfactory". Having regard to section 477C(1) of the TCA 1997, the Commissioner considers that the ordinary meaning, when seen in context, of the term "*approved valuation*", is clearly and expressly qualified by the phrase "*at the time the loan is entered into*" and refers to the valuation which the lender approves, or officially accepts as satisfactory, at the time the loan is entered into. As noted above, the Commissioner is satisfied that the documentation presented shows that the valuation of the Property which was approved by the Bank at the time the loan was entered into was €510,000.

37. While the Appellant submits that this legislation operates unfairly towards self-built properties, it is important to note that the Commissioner's jurisdiction confers no discretion

to disapply, or create exceptions to, the statute where it is claimed to be unfair. The Commissioner's jurisdiction "*is limited to determining whether an assessment correctly charges the relevant taxpayer in accordance with the relevant provisions of the TCA*", see *Lee v Revenue Commissioners* [2021] IECA 18.

38. Finally, the Appellant referenced a previous determination by the Commission regarding the HTB and sought to distinguish the facts of this appeal from that determination. For the avoidance of doubt, this determination concerns the facts of this consolidated appeal, and no other appeal or determination. Nonetheless and for completeness, the Commissioner will address the points made by the Appellant in this regard.

39. The Appellant stated that the value of the property concerned in the previous determination exceeded €500,000 by a large sum. Yet the legislation makes no exception in respect of the maximum purchase value of €500,000 which depends on the amount by which €500,000 is exceeded, or otherwise. Accordingly, while the Commissioner has sympathy for the Appellant's position, the legislation affords no discretion on the matter. Furthermore, the Appellant stated that whereas the previous determination concerned a valuer who had not inspected the property, in this appeal the valuer confirmed that he made a typographical error. However, the Commissioner does not regard the fact that the valuer subsequently stated there was an error in the valuation as altering the valuation which was approved by the Bank at the time the loan was entered into.

40. It follows from the above that the Commissioner concludes that the Appellant has not succeeded in showing that the Claim satisfied the "qualifying residence" requirement, in circumstances where the valuation of the Property which was approved by the Bank at the time the qualifying loan was entered into exceeded €500,000. Given this finding, the Commissioner determines that the Claim did not qualify for the HTB under section 477C of the TCA 1997.

41. The Commissioner appreciates that this decision will be disappointing for the Appellant and acknowledges the particular circumstances outlined on appeal. The Appellant was entitled to check whether the Respondent's decision was correct. However, the Commissioner must make a determination in accordance with the criteria set out in legislation. In this case, the Commissioner is satisfied that the Appellant was not entitled to claim under the HTB, for the reasons outlined above.

Conclusion

42. In conclusion, the Commissioner has determined that the Claim did not qualify for the HTB under section 477C of the TCA 1997. Accordingly, the Appellant was not entitled to receive payment under the HTB and the Respondent was correct to refuse the Claim under section 477C of the TCA 1997.

Determination

43. For the reasons set out above, the Commissioner determines that the Appellant has not succeeded in showing that the Commission's decision to refuse the Claim was wrong, and that decision shall stand.

44. This Appeal is determined in accordance with Part 40A of the TCA 1997 and in particular section 949AL thereof. This determination contains full findings of fact and reasons for the determination, as required under section 949AJ (6) of the TCA 1997.

Notification

45. 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

46. 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

Jo Kenny
Appeal Commissioner
19 March 2026