

Status of Judgment: Draft

Appeal No. VA01/1/101

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Rayro Stores Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop/Store at Lot No. 115 Jamestown Road, Finglas, County Borough of Dublin

B E F O R E

Henry Abbott - Senior Counsel

Chairman

Patrick Riney - FSCS. MIAVI

Member

Frank Malone - Solicitor

Deputy Chairman

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 26TH DAY OF FEBRUARY, 2002

By Notice of Appeal dated 27th April 2001 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €105.39 (£83). The grounds of appeal as set out in the Notice of Appeal are: "That the valuation is excessive, inequitable and bad in law."

The oral hearing took place in the Valuation Tribunal Offices at Ormond House, Ormond Quay, Dublin 7 on Friday 21st September 2001. Mr. Eamonn Halpin, Chartered Valuation Surveyor, E. Halpin & Co., represented the appellant Rayro Stores Ltd.. Mr. Brian O'Flynn, District Valuer from the Valuation Office represented the Respondent.

Mr. Halpin stated that the dispute was in regard to quantum whilst confirming that the 1994 Revision had taken place increasing the R.V. from £47 to £83 and that the R.V. had been unchanged at the first Appeal Stage. The grounds of appeal to the Tribunal were that the R.V. is excessive, inequitable and bad in law.

In presenting his case under oath and adopting his submission as his evidence in chief, Mr Halpin pointed out that the premises mainly comprised an old cottage, which had been converted many years ago by the previous owners into a small convenience store. The original building had been further improved with the addition of a small flat roofed extension to the rear. He emphasised that the shop area to the front of the building was long and narrow with a frontage of c. 24ft. and a depth of about 50ft and the building itself was set back as shown in the photographs submitted along with his submission.

Mr. Halpin pointed out that the location of this property was quite remote in comparison to a number of the comparables submitted by the Valuation Office. He emphasized that the location was mostly residential in nature but accepted that it was opposite the former Unidare factory, which now had been redeveloped as a small industrial estate. The buildings were in reasonable condition with a modern internal fit out and signage to the front.

Accommodation:

Front and Retail Area	113.15 sq. m. or 1,218 sq. ft.
The rear store passage and tiny office	31.4 sq. m. or 338 sq. ft.
External shed as store	40.78 sq. m. or 439 sq. ft.
Total	c.185.43 sq. m. or 1,995 sq.ft.

There is a small tarmac area to the front with a garden and a shed to the rear as also indicated in the photographs submitted.

The Appellant's case was primarily based on the Commissioner fixing an N.A.V. at €16,824.03 (£13,250) which in his opinion had been over assessed for the following reasons:

1. It is too close to Finglas Village with such a wide variety of retail units including Superquinn Shopping Centre.
2. The actual building along with the cottage with piecemeal additions is a modest property.
3. The N.A.V. is out of line with the comparative evidence.
4. The occupier's goodwill should not be taken into account in assessing N.A.V.
5. The Commissioner of Valuation failed to attach sufficient weight to the above in arriving at his estimate of N.A.V.

The comparisons submitted by Mr. Halpin were as follows:

- (1) Xtravision shop at Ballymun Shopping Centre is a retail unit of c. 1,080 sq. ft. and devalued at €10.16 or c. £8 per sq. ft. He pointed out this was a superior location than the subject property.
- (2) Lot 275/3 Glasnevin Avenue, a shop unit of c. 503 sq. ft. devalued at €10.16 (£8) per sq. ft. and was a superior location than the subject property, and is located in a parade of shops. Mr. Halpin also referred to the other five comparisons, in his submission and which were located primarily in different locations than the subject property.

Mr. Brian O'Flynn, a District Valuer with 26 years experience in the Valuation Office, cross examined Mr. Halpin in detail in regard to his submission. He asked the question as to why all of the comparisons submitted by the Appellant were primarily located in quite different and distant locations and as to why he had not used comparable evidence, which was available locally to the subject property. Mr. Halpin was of the opinion that the comparable evidence given was relevant because of their size and nature of business.

Mr. O’Flynn replied on behalf of the Commissioner of Valuation and adopted his submission as his evidence in chief. He pointed out that the rateable valuation remained unchanged after the first appeal, at €105.39 (£83). He was of the opinion that the valuation had been determined in accordance with the provisions of the Valuation Acts by reference to a 91/2 first appeal verbal agreement and to comparable recently revised properties of a similar nature in the area.

Mr. O’Flynn described the property as a modern shop with adjacent store to rear, with adequate and easily accessible parking to the front.

He felt the location was excellent, a short distance from the village of Finglas and in a prominent position opposite the Unidare Industrial Estate. The accommodation was described by him as follows:

Shop area	112.7 sq. m.
Stores	22.5 sq. m.
Office/Canteen	6.22 sq. m.
Stores External	43.2 sq. m.
 Total	 184.62 sq. m. or 1,987 sq. ft.

Mr. O’Flynn was of the view that the rateable valuation of €105.39 (£83) was the correct assessment.

He dealt in some detail with the comparisons submitted by him which were as follows:

- (a) The subject property, had been reviewed in the 91/2 first appeal and based on a verbal agreement at that time of €136.37 (£107.64) per sq. m. or €12.70 (£10) per sq.ft.
- (b) The Shop premises at 1A Cardiffbridge Road had been assessed on a zoned basis with an NAV of €23,109.23 (£18,200) p.a., which equated to a R.V. of €14.28 (£90).

- (c) He also quoted details of another comparison at 11 Jamestown Road, Finglas which is a shop and office premises in a prominent location at the intersection of McKee Avenue and Jamestown Road.

Determination

The Tribunal have considered all of the evidence in the submissions and given at the oral hearing and are of the opinion that whilst the subject property is somewhat removed from the centre of Finglas Village, it is still in a location which would command reasonable interest from prospective occupiers and customers.

It is within walking distance of the main shopping precinct of Finglas. However it is located directly opposite to the entrance of the Unidare Industrial Complex within this densely populated area, which supplies a readily available population to enable this business to develop.

The Tribunal noted there was a difference in the description and floor areas of the subject property given by both the Appellant and the Respondent and subsequent to the oral hearing, the parties submitted a zoned analysis of the areas of the subject property which had been agreed by both parties as follows:

Shop Zone A	46.97 sq. m.
Shop Zone B	46.97 sq. m.
Shop Zone C	18.72 sq. m.
Office/Canteen	6.22 sq. m.
Stores External (gross)	43.2 sq. m.
Total	162.08 sq. m. or c. 1,744.6 sq. ft.

The Tribunal has given due consideration to all of the comparable evidence submitted. However it is of the opinion that the most appropriate comparisons in this case would be those located within the general area of the subject property. In particular, comparison (b), 1A Cardiffsbridge Road, Finglas, of the Respondent.

In view of the foregoing and having taken all evidence into consideration we hereby determine the rateable valuation to be €5.23 (£75), analyzed as follows:

Shop Zone A 46.97 sq. m. @ €190.46 (£150) per sq. m. = €8,945.91 (£7,045.50)

Shop Zone B 46.97 sq. m. @ €5.23 (£75) per sq. m. = €4,472.96 (£3,522.74)

Shop Zone C 18.72 sq. m. @ €44.44 (£35) per sq. m. = €831.92 (£655.20)

Office/Canteen 6.22 sq. m. @ €38.09 (£30) per sq. m. = €236.92 (£186.60)

Stores 43.22sq. m. @ €25.39 (£20) per sq. m. = €1,097.36 (£864.40)

Total €15,585.07 (£12,274.24)

@ .63% = €8.19 say R.V. €5.23 (£75)