

Appeal No. VA05/1/002

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 2001**  
**VALUATION ACT, 2001**

**Audrey's Fancy Goods**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Lot No. 81.82.ab/2, Main Street, Mountrath, Mountmellick, County Laois.

**B E F O R E**

**Fred Devlin - FSCS.FRICS**

**Deputy Chairperson**

**Frank O'Donnell - B.Agr.Sc. FIAVI.**

**Member**

**Michael F. Lyng - Valuer**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 3RD DAY OF JUNE, 2005**

By Notice of Appeal dated the 19th day of December, 2004, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €21.00 on the above described relevant property.

The Grounds of Appeal as set out in the Notice of Appeal are:

"This property is rented to Mr. Sinnott for €80 per week. If the RV is €21 he will move out."

1. This appeal proceeded by way of an oral hearing in the offices of the Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 25<sup>th</sup> of February 2005. At the hearing the appellant was represented by Mr. John Comerford, the owner of the property concerned. Mr. Terence Fahey, a Valuer in the Valuation Office, appeared on behalf of the respondent, the Commissioner of Valuation.

### **The Property Concerned**

2. The property concerned comprises a ground-floor shop in a three-storey terrace building situated on the west side of Main Street Mountrath close to Market Square. The upper floors of the buildings are used for residential purposes.
3. The property concerned has a net internal area of 38.59 sq. metres with a frontage of 7.45 metres. The shop has double timber frame display windows and has the benefit of electric storage heating. The property has been occupied for the past year or so on a month-to-month basis at €80 per week plus rates.

### **Rating History**

4. Pursuant to Section 28(6) of the Valuation Act, 2001 a valuation certificate was issued on the 7<sup>th</sup> of July, 2004 to the effect that the rateable valuation of the property concerned had been determined at €23. Following an appeal to the Commissioner of Valuation this figure was reduced to €21 and it is against this decision that the appeal to this Tribunal lies.

### **The Appellant's Evidence**

5. Mr. John Comerford having taken the oath said that in his opinion the rateable valuation was excessive and suggested that a more appropriate figure would be in the order of €8 to €10. Furthermore, he said, the level of rates payable would now be such as to put the present occupier out of business. If that were to happen Mr. Comerford said that it would be difficult to re-let the shop due to the decline in

business activities in Mountrath over the past several years. In his opinion the prevailing rental levels were at or about 1988 rental levels and this was borne out by the fact that the property concerned was occupied at that time at a rent of IR£80 per week.

### **The Respondent's Evidence**

6. Mr. Fahey having taken the oath adopted his written précis and valuation which had previously been received by the Tribunal as being his evidence-in-chief. In his evidence Mr. Fahey contended for a rateable valuation of €21 calculated as set out below:

Net Annual Value as at November 1998

Shop 38.59 sq. metres @ €109.34 per sq. metre = €4,219.54

Rateable Valuation @ 0.5% = €21.10

Say €21

7. In support of his opinion of net annual value Mr. Fahey introduced four comparisons, details of which are set out in the Appendix to this judgment. In his evidence Mr. Fahey said that when arriving at his opinion of Net Annual Value of the property concerned he had perused the Valuation Lists and had examined in detail the assessments of those properties on Main Street whose valuations had been revised since November 1988. All of his comparisons, he said, were located close to the subject property and moreover the valuation of comparisons no. 2 and 4 had been agreed with Mr. Comerford at the 1994/3 and 2004 appeal stages respectively. In the circumstances, Mr. Fahey said, the valuation put forward by him was fair and reasonable and in accordance with the Valuation Act, 2001.
8. When asked by Mr. Comerford about Lots No. 24 and 25 Main Street, which had rateable valuations of IR£7 and IR£16 respectively, and which were the subject of revision in 1997, Mr. Fahey said that he was unable to comment but would investigate the matter and ensure that all relevant information would be made

available to the Tribunal in writing. Mr. Comerford said he had no objection to this course of action.

9. By letter received the 7<sup>th</sup> of March, 2005 the appeal valuer, Mr. Paschal Conboy, advised the Tribunal as follows:
  - a. The valuations of £7 and £16 in respect of Lots No. 24 and 25 Main Street Mountrath were assessed at the 1978 and 1969 revisions respectively.
  - b. Both properties were listed for revision in 1997 and in each instance no change in the valuation was made by the revising valuer. No information was available from the records as to why the decision to make no change was made in each instance.

### **Findings**

The Tribunal has carefully considered all the evidence and arguments adduced by the parties and makes the following findings:

1. The relevant valuation date in this instance is the 7<sup>th</sup> of July 2004 and hence the valuation of the property concerned is to be determined in accordance with the provisions of the Valuation Act, 2001.
2. Mr. Fahey in arriving at his opinion of Net Annual Value acted very properly in having regard to the valuation of other properties close to the property concerned whose valuations had been recently revised. The Tribunal attaches considerable weight to all his comparisons and note that in two instances Mr. Comerford was the appellant.
3. Information regarding Lots No. 24 & 25 is of no assistance to the Tribunal insofar as they were determined at the 1978 and 1969 revisions respectively.

### **Determination**

Having regard to the above the Tribunal affirms the rateable valuation of €21 as determined.

And the Tribunal so determines.