

Appeal No. VA13/4/004

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

CB Pub Management Ltd

APPELLANT

And

Commissioner of Valuation

RESPONDENT

In Relation to the Issue of Quantum of Valuation in Respect of:

**Property No. 748462, Pub at Bodkins, Licensed House (INCL 4 to 7, Yarnhall St.) 57
Bolton Street, County Borough of Dublin.**

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 28th DAY OF JULY, 2014

Sasha Gayer – Senior Counsel

Chairperson

Brian Larkin – Barrister

Member

Aidan McNulty – Solicitor

Member

By Notice of Appeal received on the 30th day of December, 2013, the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €255 on the above described relevant property on the grounds as set out in the notice of Appeal attached to this Judgment at Appendix 1.

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence adduced before us by the parties to the appeal at a hearing held on the 22nd day of July, 2014 at its office at Holbrook House, Holles Street, Dublin 2,

DETERMINES

That the rateable valuation of the subject property be decreased from €255 to €180.

The reasons being as follows:

1. This appeal has been brought in respect of a revision of the subject property, the Tribunal having already determined that a “material change of circumstances” had occurred since a previous valuation (also on foot of a revision) carried out in 1988 (*CB Pub Management v. Commissioner of Valuation* [VA11/2/008]).
2. Accordingly, the method of determining the value of the subject property is set out in Section 49(1) of the Valuation Act, 2001 which provides:-

“If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of Section 28(4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.”
3. Any party seeking to determine the value of a property pursuant to Section 49(1) has to have regard to the assessment of comparable properties and the “material facts” relating to these comparable properties must be examined, analysed and accorded such weight as is appropriate in order to reflect differences in location, size, use and other factors which would have a bearing on value. (The Tribunal’s decision in *Orange Tree Ltd v. The Commissioner of Valuation* [VA06/2/045] applied.)
4. The Tribunal has carefully considered the comparator properties advanced by both the Appellant and Respondent and has determined that, of the Appellant’s comparators the

properties referred to at paragraphs 3 and 7 of Section 4 of the Appellant's précis of evidence, cannot be deemed to be truly "comparable" to the subject property.

5. Having considered the values of the remaining comparator properties and analysed the "material facts" relating to those properties, the Tribunal has determined that a fair and equitable rateable valuation to be assigned to the subject property, in accordance with the "tone of the list" is €179.96, say €180.

The Tribunal accordingly allows the Appeal and sets the rateable valuation of the premises at €180.

The Tribunal so determines.

SEAL

OF

TRIBUNAL