

Appeal No. VA14/4/001

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

**Coates Entertainment Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

**In relation to the issue of Quantum of Valuation in respect of:**

Property No. 153095, Night Club, Theatre, at Lot No. 11-16 (Flr: 0 (part)), Coburg Street, Blackpool B, St Patrick's, County Borough of Cork.

BEFORE

**Rory Lavelle - FRICS, FSCSI, ACI Arb**

**Deputy Chairperson**

**Barry Smyth – FRICS, FSCSI, MCI, Arb**

**Member\***

**Dolores Power - MSCSI, MRICS**

**Member<sup>+</sup>**

**(Patricia O'Connor – Solicitor**

**Member)<sup>^</sup>**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 1<sup>st</sup> DAY OF MAY 2015**

By Notice of Appeal received on the 1<sup>st</sup> day of October 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €218 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"Valuation is excessive, inequitable and bad in law".*

\*Ordinary Member of the Valuation Tribunal at the time of the hearing of this appeal, appointed Deputy Chairperson with effect from 12 December 2014.

<sup>^</sup> Ordinary Member who heard this appeal whose appointment to the Valuation Tribunal expired on 22 February 2015.

<sup>+</sup> Replaced Patricia O'Connor as Ordinary Member for the purposes of this determination.

The appeal proceeded by way of an oral hearing, which took place in the offices of the Valuation Tribunal on the third floor of Holbrook House, Holles Street, Dublin 2, on the 26<sup>th</sup> day of November 2014. The Appellant was represented by Mr Gerard O’Callaghan, BSc (Surv.), MSCSI, of RE/MAX Cork and County, and the Respondent was represented by Mr Don Donovan, BSc Property Management & Valuation Surveying, Dip FM, MIAVI, a valuer at the Valuation Office.

In accordance with the Rules of the Tribunal, the parties had exchanged their respective précis of evidence prior to the commencement of the hearing and submitted same to this Tribunal. At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence-in-chief. This evidence was supplemented by additional evidence given either directly or via cross-examination. From the evidence so tendered, the following emerged as being the facts relevant and material to this appeal.

The property the subject of this appeal is a single storey licensed premises, extending to approximately 180 sq. metres with in addition a smoking area, toilet facilities and stores and is currently in use as a comedy club. It is located on Coburg Street on the north side of Cork City centre, in close proximity to St. Patrick’s Bridge and the junction of McCurtain Street and Bridge Street.

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,

#### **DETERMINES**

That the rateable valuation of the subject property, as determined by the Respondent at RV€135, be affirmed.

#### **The reasons being as follows:**

- 1) As this is a revision of a property it is to be valued on the basis of section 49 of the Valuation Act, 2001 i.e. “the tone on the list”. This is confirmed by the Valuation Tribunal’s judgement in **VA10/4/002 - Mia Taverns**.
- 2) ‘The tone of the list’ is on a rate of euro per square metre basis and not turnover basis.

- 3) The agreed evidence indicates that the property is in poor condition and with considerable areas not useable.
- 4) In recognition of the conditions of the property and that part only is useable, the Respondent's valuer has applied rates of euro per square metre to the usable area of the subject premises equivalent to or less than those applied to his comparisons and has applied no rate whatsoever to the areas at present unusable. The valuer has then allowed a 30% reduction on the resultant NAV to reflect a particular set of circumstances that is unique to the subject. The Tribunal concurs with this fair approach to the problems of these premises.
- 5) The Respondent's valuer has fairly recognised the condition and limitations of the premises in his assessment of NAV and RV of €135.

And the Tribunal so determines.