

Appeal No. VA15/1/002

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

**Fergal O'Connor**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

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

Property No. 5004055, Retail (Shops) at 25 Dublin Street, Balbriggan, County Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 19<sup>th</sup> DAY OF AUGUST 2015**

BEFORE:

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

**Deputy Chairperson**

**Mairead Hughes – Hotelier**

**Member**

**James Browne – BL**

**Member**

By Notice of Appeal received on the 8<sup>th</sup> day of January, 2015, the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €20,400 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"Offices on main street not renting at 20k! Unrealistic, unaffordable and unsustainable. Evidence all over main street / in decline pop up shops or 6 mt leases / and gone!"*

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 Appellant himself, Mr Fergal O'Connor and by Ms Fiona Quinn of the Valuation Office for the Respondent, on the 3<sup>rd</sup> day of July, 2015,

**DETERMINES AS FOLLOWS:-**

The Tribunal affirms the valuation at €20,400.

Calculated as follows:

Retail Zone A 23.30 sq. metres @ €500 per sq. metre

Retail Zone B 31.49 sq. metres @ €250 per sq. metre

Retail Zone C 7.69 sq. metres @ €125 per sq. metre

**The reasons being as follows:**

1. This valuation occurs under the provisions of Clause 28 (4) of the Valuation Act 2001. This is a first valuation of a premises in a local authority area (Fingal County Council) which had a general revaluation in 2009 based on net annual values as at 30th September 2005.

2. The basis of valuation is set out in Section 49(1) of the Valuation Act 2001 which states that the determination shall be made by reference to the values, as appearing in the valuation list relating to the same rating authority area as that property is situated in, of other properties comparable to that property. This is commonly called the 'tone of the list'.

3. The Commissioner of Valuation in carrying out this valuation under this section of the Act must follow 'the tone of the list' and the Tribunal in assessing an appeal must also follow the 'tone of the list'.

4. This basis of valuation is notwithstanding that market rents may have changed between the statutory valuation date and the date of first valuation and, as provided by Section 49(1) of the Act, both the Commissioner and the Tribunal must value the

property in this instance as at the 30<sup>th</sup> September 2005 levels to maintain equity between properties in the same valuation area.

5. There is a considerable body of evidence in Dublin Street, Balbriggan, showing net annual values for retail premises calculated at €500 per sq. metre Zone A as at 30<sup>th</sup> September 2005 and thus this is the ‘tone of the list.