

Appeal No. VA15/5/023

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

Rosemary Wilmot, Wilmot Childcare Consultancy Ltd

APPELLANT

and

Commissioner of Valuation

RESPONDENT

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

Property No. 2170027, Miscellaneous, Floors 0, 1; 3AA/5 Annacotty Business Park, Annacotty Industrial Estate, Annacotty, Co Limerick

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 30TH OF AUGUST, 2016

BEFORE:

John Stewart – FSCSI, FRICS, MCI Arb

Deputy Chairperson

Thomas Collins – PC, FIPAV, NAEA, MCEI, CFO

Member

Hugh Markey FRICS, FSCSI

Member

By Notice of Appeal received on the 9th day of September, 2015, the Appellant appealed against the determination of the Commissioner of Valuation in fixing a Net Annual Value of €32,800 on the above described relevant property on the grounds as set out in the Notice of Appeal as set out in the copy attached to this judgement 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 it by the parties to the appeal; Mr William Wilmot, a director of the Appellant, who contended for a net annual value of €23,500 and Ms Triona McPartlan on behalf of the Respondent to the appeal,

DETERMINES

That the Net Annual Value of the subject property remains unchanged at €32,800.

The reasoning being

The onus lies with the Appellant to prove that the Respondent's Net Annual Valuation is incorrect and the Tribunal is of the view that this has not been done. The Appellant's case relied heavily on the nature of the demise; the type of business carried on therein; external factors and forces affecting the business carried on (crèche). These factors cannot be considered in arriving at the NAV. The Appellant introduced 2 tone comparators to support its case; neither was helpful to the Tribunal as they were of significantly larger premises and in a different size category to the subject. No rental comparators were adduced by the Appellant.

The Respondent's evidence was limited in terms of market rentals within the business park; the representative adduced tone comparators within the business park and of premises in similar use to the subject, albeit in better locations and valued at significantly higher levels.

Accordingly, the Tribunal dismisses the appeal.