

Appeal No. VA93/3/031

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Michael Byrne, Byrne's Electrical

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Ref: 2/2, Tullow Street, Townland: Carlow, Ward: Carlow Urban, Co. Carlow
Quantum

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Brian O'Farrell

Valuer

Paddy Farry

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 22ND DAY OF DECEMBER, 1993

By Notice of Appeal dated the 11th day of August, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £80 on the above described hereditament.

The grounds of appeal are that:-

"The valuation is excessive and in no way relates to the ability of the business to pay the amount rated. It is impossible for us to pay such an amount."

The Property:

The premises is located in Tullow Street, Carlow. At ground floor level there is a shop premises for T.V., video and audio systems and stores and office at first and second floor levels.

The premises was purchased in October 1993 for £150,000 and approximately £25,000 was spent on fitting out the shop.

Valuation History:

At 1959 First Appeal the lot had a valuation of £65. In 1992 the rateable valuation of a new Unit 2 was fixed at £80, occupier, Byrne's Electrical. In June 1992 this valuation was appealed and no change was made at first appeal by the Commissioner of Valuation. It is against this valuation that an appeal lies to the Tribunal.

Written Submissions:

The appellant provided a written submission dated the 19th October, 1993.

In that submission the appellant went through and commented upon comparisons offered by the Commissioner and, indeed, provided some further comparisons.

He further stated that he entered into an agreement to purchase the subject property in October 1992 with a year long closing date; because of the long closing date he was not allowed to have a loan clause in the contract and that he has been unable to complete the purchase since. While he is still obliged to fulfil his part of the contract, he is, in the interim, paying £1,500 per month to the owner.

Desmond Feehan, a District Valuer with 31 years experience in the Valuation Office, provided a written submission on behalf of the respondent dated 11th October, 1993.

Mr. Feehan, in the said submission, gave the relevant dates and valuation history, commented upon the grounds of appeal, described the premises, gave his basis of valuation and offered comparisons.

Oral Hearing:

The oral hearing took place in Dublin on the 22nd October, 1993. The appellant appeared on his own behalf and Mr. Desmond Feehan appeared on behalf of the respondent.

Both sides referred to their written submissions. The appellant argued that the £1,500 per month that he was now paying did not reflect the rental value of the premises and said that he was advised that the rental value thereof amounted to approximately £1,000. He said that he was offered somewhat smaller premises in an urban renewal scheme at a rent of £120 per week (£6,000 per annum). He did not believe that he could sell the premises for more than about £130,000 having contracted to buy the same for £150,000 and having spent £25,000 thereon.

Determination:

The Tribunal is satisfied that the best two comparisons available are the adjoining premises, Frazers, and Bradbury's which is situate across the road. In regard to Frazers it was pointed out by the respondent that business failed therein and the premises is now vacant. It was recently put up for auction and there were no bidders. With regard to Bradbury's the same was revised in 1989 and the rental thereon was, on any basis, much lower than that suggested.

Having regard to the foregoing the Tribunal is inclined to adopt Mr. Feehan's method of valuation, changing the Zone A figure down from £30 to £25 and the Zone B figure down from £15 to £12.50, leaving the second floor office and store figure alone. This gives a Net Annual Value of £13,890. Accordingly, the Tribunal determines rateable valuation at £69.