

Appeal No. VA96/2/004

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

Dermot G. O'Donovan

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Map Ref: 83e (3rd floor)(including 11b, 12b Mount Kennett Place), Street:
Henry Street, Ward: Dock "A", County Borough of Limerick
Quantum

B E F O R E

Liam McKechnie

S.C. (Acting Chairman)

Rita Tynan

Solicitor

Patrick Riney

FSCS.FRICS.MIAVI

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 8TH DAY OF JANUARY, 1997

By Notice of Appeal dated the 29th March 1996 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £265 in respect of each of the above described hereditaments.

The grounds of appeal as set out in the Notices of Appeal were:-

- "(1) The valuation is excessive, inequitable and bad in law.
- (2) That proper regard should be had to *Section 5 of the Valuation Act 1986*.
- (3) That the provisions of *Section 3 of the Valuation Act 1988* in relation to prior Notice of Revision have not been complied with by the Rating Authority and that the RV of £265 should be struck out."

This appeal was heard concurrently with the appeal of VA96/2/003 - Daly Shee & Duffy of 83d Henry Street in Limerick. Similar arguments were adduced in both appeals which are recorded in that judgment and which will not be repeated here.

In this appeal Mr. Eoin O'Buachalla appeared on behalf of the Dermot G. O'Donovan and Mr. O'Flynn appeared on behalf of the Commissioner. Both of those in accordance with common practice had previously submitted précis of evidence and at hearing of this appeal adopted their respective précis of evidence as their evidence in chief given under oath. What the evidence given on oath by both parties showed in this case is that the area in question is 5,670 sq.ft., that the property is held on a 35 year lease with 5 year reviews commencing on 13th January 1993. The rent is:- Years 1, 2, 3 = £39,697 pa. Years 4, 5 - £45,368 pa. The tenant subsequent to entering into this lease and entering into occupation of the property carried out improvements and fitting out works in the sum of £180,000.

In Mr. O'Flynn's evidence he suggests a method of valuing this property in precisely the same way as he does in relation to the property of Daly Shee & Duffy. Equally so the comparisons given by him are identical with the comparisons given in Daly Shee & Duffy, and in his opinion the rateable valuation should be £265 with £7.40 psf on the agreed area. In response, Mr. O'Buachalla has adopted the same course as he did in the other case. His précis was precisely the same subject to the individual points above mentioned. His evidence was effectively the same as that given previously. He suggested a price per square foot of £6.35 on 5,671 sq.ft., giving a suggested rateable valuation of £227. Given the fact that both valuers approached the matter in this case in a similar way to that in the previous case, it is our view that the correct rateable valuation in this case should be £246 and so determines.