

Appeal No. VA96/3/041

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

John Levin t/a John's Foodmarket

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop and stores at Map Ref: 64Aa, Townland: Lagavooren, West Gate, UD: Drogheda,
Co. Louth
Quantum

B E F O R E
Fred Devlin

FRICS.ACI Arb. (Acting Chairman)

Patrick Riney

FSCS.FRICS.MIAVI

Barry Smyth

FRICS.FSCS

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 18TH DAY OF FEBRUARY, 1997

By Notice of Appeal dated the 26th day of July 1996 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £120 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

"The RV is excessive and inequitable having regard to the nature of the property and the tone of the list."

Oral Hearing & Written Submissions:

The appeal proceeded by way of an oral hearing which took place on the 29th day of January 1997 at the Valuation Tribunal Offices. The appellant was represented by Mr. Conor O'Cleirigh, ARICS ASCS MIAVI, Principal of Conor O'Cleirigh & Company, Chartered Valuation Surveyors. The respondent was represented by Mr. Malachy Oakes, a District Valuer with over 20 years experience in the Valuation Office. Having taken the oath each valuer adopted as their evidence in chief their respective written submissions which had previously been exchanged by them and submitted to the Tribunal.

Agreed Facts

The valuers were agreed on the location, description and floor area of the premises. The floor areas are briefly as follows:-

Ground floor

Retail supermarket area 250.6 sq.m. (2,697 sq.ft.)

Side Stores 32.8 sq.m. (353 sq.ft.)

First floor

Stores/Office/Canteen 84.3 sq.m. (907 sq.ft.)

The property is held in fee simple or equivalent title.

The property has the benefit of an off-licence.

Appellant's Valuation

Mr. O'Cleirigh stated that in his opinion the appropriate rateable valuation is £90 derived as follows:-

Ground floor

Retail 250.6 sq.m. (2,697 sq.ft.) @ £48.40 psm (£4.50 psf)

Stores 32.8 sq.m. (353 sq.ft.) @ £31.50 psm (£2 psf).

First floor

Stores 84.3 sq.m (907 sq.ft.) @ £18.80 psm (£1.75 psf)

Total £14,430 @ 0.63% = RV £90.90. Say £90.

In support of these figures he provided three comparisons, two of larger supermarkets in the centre of Drogheda and one in Cabinteely, Co. Dublin.

Respondent's Valuation

Mr. Oakes estimated the net annual value as follows:-

Shop	250.6 sq.m. (2,697 sq.ft.) @ £64.60 psm (£6 psf)
Stores	32.8 sq.m. (353 sq.ft.) @ £32.30 psm (£3 psf)
Stores (first floor)	84.3 sq.m. (907 sq.ft.) @ £32.30 psm (£3 psf)
Total	£19,962 NAV @ 0.63% = £125. Say £120.

Mr. Oakes provided four comparisons of premises in the Drogheda area.

Determination:

Having considered all the evidence the Tribunal finds that the appellant has not adduced any evidence to sustain his contention that the valuation of £120 is excessive and inequitable.

Accordingly, therefore the Tribunal affirms the rateable valuation of £120.