

Appeal No. VA96/4/006

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

Boherbue Co-Op

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop and Store at Map Ref: 1Bacd, G/1, Townland: Gneeves, ED: Boherboy, RD:
Kanturk, Co. Cork
Quantum

B E F O R E

Fred Devlin - FRICS.ACI Arb.

Deputy Chairman

Brid Mimmagh - Solicitor

Member

Michael Coghlan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 12TH DAY OF DECEMBER, 1997

By Notice of Appeal dated the 6th August, 1996 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £130 on the above described hereditament.

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

- "(1) The valuation is excessive and inequitable.
- (2) The valuation is bad in law".

1. The subject hereditament is a new development located in the Village of Boherbue and completed in or about 1994. The development comprises a Newsagents and a Hardware Shop together with associated storage and office accommodation and extensive concrete yard area.
2. At the 1996 revision the hereditament was valued at a rateable valuation of £130. No change was made at the First Appeal stage and it is against this decision that the appeal to this Tribunal lies.
3. The Appeal proceeded by way of an oral hearing held on the 12th March, 1997 in the District Courthouse, Angelsea Street, Cork at which the appellant was represented by Mr. Desmond Killen, FRICS FSCS IRRV, a Director of Donal O'Buachalla & Company Limited. The respondent was represented by Mr. Frank O'Connor, ARICS BSC, a District Valuer in the Valuation Office.
4. Prior to the oral hearing both valuers submitted and exchanged written précis of evidence on valuations which they each adopted as being their evidence in chief at the said hearing.
5. The areas of each constituent part of the hereditament were agreed prior to the oral hearing and set out below are the valuations submitted by the appellant and the respondent respectively.

Mr. Killens Valuation

"Shop	:	463 sq.ft. @ £4.25 psf	£ 1,968
Hardware Shop	:	3,807 sq.ft. @ £2.50 psf	£ 9,517
Offices	:	1,893 sq.ft. @ £2.50 psf	£ 4,733
Stores	:	3,566 sq.ft. @ £1.50 psf 621 sq.ft	£ 6,280
Yard	:	Total 15,000 sq.ft. Allow for shared access and use with mill.	

7,500 sq.ft. @ 0.10p psf	£ 750
NAV	£23,248
RV @ 0.5%	
Say	£115"

Mr. O'Connors Valuation

"

Newsagents shop	463 sq.ft. (net)	@ £4.25/sq.ft.	£ 1,968
Offices	1,893 sq.ft. (gross)	@ £2.50/sq.ft.	£ 4,733
Hardware Shop	3,807 sq.ft. (net)	@ £3.00/sq.ft.	£11,421
Warehouse/stores	4,187 sq.ft. (gross)	@ £1.50/sq.ft.	£ 6,281
Concrete storage yard	15,000 sq.ft.	@ £0.10/sq.ft.	£ 1,500
Total NAV =			£25,903

NAV £25,903 @ 0.5% = RV £130"

Mr. Killen in arriving at his opinion of NAV relies upon two comparisons as set out in Appendix One attached to this decision.

Mr. O'Connor introduced five comparisons in support of his valuation as set out also in Appendix two attached to this decision.

Mr. Killen in a brief oral submission to the Tribunal said that from an examination of the evidence it was clear that the only substantive matter in dispute was the value attributed to the hardware shop. Indeed as far as he was concerned he had reached agreement with Mr. O'Connor at First Appeal stage that the rateable valuation be reduced to £115.

Mr. O'Connor in response stated that what Mr. Killen had said was correct but that in line with common practice the agreement was subject to the approval of the Commissioner of Valuation. He further indicated that he had made a recommendation to the Commissioner of Valuation that the rateable valuation be reduced to £115. However the Commissioner, having considered his report, decided to make no change and this was the figure that he was now contending for at the oral hearing. When asked by the Tribunal what he considered the NAV of the subject property to be in accordance with the Valuation Acts, Mr. O'Connor responded £23,000.

Determination

It is clear from Mr. O'Connor's evidence that he found himself in the unenviable position at the Oral Hearing of having to defend a valuation which he himself did not consider to be correct. In response to a question from the Tribunal he said that in his expert opinion the proper NAV of the subject hereditament was £23,000. By so responding Mr. O'Connor displayed a high degree of integrity and professionalism which this Tribunal finds commendable.

Having regard to the fact that both valuers are of the opinion that the correct NAV of the subject hereditament is £23,000, the Tribunal has no alternative but to determine the Rateable Valuation to be £115 in accordance with the Valuation Acts.