

Appeal No. VA00/3/008

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

Campbell-Sharp Associates Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Art Gallery Lot No.83 (Hall & 1st Flr) Harcourt Street, St Kevins, Dublin 2. County
Borough of Dublin
Costs

B E F O R E

Tim Cotter - Valuer

Deputy Chairperson

Brian Larkin - Barrister

Member

Mairéad Hughes - Hotelier

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 11TH DAY OF JUNE, 2004

By notice of appeal dated the 22nd day of September 2000, the Appellant appealed against the determination of the Commissioner of Valuation fixing the rateable valuation of the above described property at IR£63.00.

By reason of the matters set out hereunder it is unnecessary to state the grounds of appeal or to deal with the parties' written submissions.

The appeal was listed for hearing on the 12th of December 2003. By letter dated 10th December 2003, received by the Commissioner on the same day and by the Tribunal on 11th December 2003, the Appellant gave notice of her intention to withdraw the appeal. The Respondent made application for costs and the Tribunal sat on 12th December 2003 to hear that application.

At the hearing the Appellant was represented by Mr James Seymour, Solicitor, of Sheehan & Company, Solicitors and the Respondent by Mr Brendan Conway, BL, instructed by the Chief State Solicitors Office.

Mr Conway, in applying for costs, stressed that the date of hearing had been fixed for some time and the Respondent was not informed of the intention to withdraw the appeal until the 10th December 2003, two days before the hearing date. By that time the Respondent had completed all preparations for the hearing. The facts which formed the basis of the Appellant's decision to withdraw must already have been known to her from 1st appeal stage in September 2000.

Mr Seymour told the Tribunal he had been instructed by his client on 11th December and had not previously acted for her in this case. He was in the hands of the Tribunal with regard to costs. His client had been confused about the matter. The rates had now been settled and he wished to offer his client's apologies.

While the Tribunal has some sympathy with the Appellant it is of the view that she must have been aware of the weakness of her case for some time. The Tribunal therefore has decided to award costs to the Respondent in respect of their Counsel's brief and consultation fees.

The Tribunal's decision is the unanimous determination of the division of the Tribunal which heard the appeal and fully reflects the views of the late Mr. Tim Cotter, Chairperson of the division, whose death occurred before the issue of this decision.