

Appeal No. VA10/3/033 & 034

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

Maurice Coleman

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 2203793, Office(s) at Lot No. 1.2/flr 0 (VA10/3/033) and Property No. 2203808, Office(s) at Lot No. 1.2/flr 1 (VA10/3/034), Leitrim Road, Townparks, Carrick-on-Shannon, Carrick on Shannon 1, County Leitrim

B E F O R E

Maurice Ahern - Valuer

Deputy Chairperson

Michael F. Lyng - Valuer

Member

Tony Taaffe - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 25TH DAY OF FEBRUARY, 2011

By Notices of Appeal dated 24th August, 2010 the appellant appealed against the determination of the Commissioner of Valuation in fixing rateable valuations of €31 (VA10/3/033) and €21 (VA10/3/034), on the above described relevant properties.

The grounds of appeal are set out in the Notices of Appeal and a letter attached to the Notices of Appeal, copies of which are attached at Appendix 1 to this judgment.

The appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 20th day of October, 2010. Mr. Padraic Coleman, the father of the appellant, represented the appellant. Mrs. Kathleen Coleman, mother of the appellant, also attended. Mr. Patrick Murphy, BSc (Valuation Suveying), IAVI, a valuer in the Valuation Office, represented the respondent, the Commissioner of Valuation. At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence-in-chief.

The Property

VA10/3/033 – The subject property is a ground floor office in a 2-storey semi-detached building, which is purpose built for retail/office use.

VA 10/3/034 – The subject property is a first floor office and kitchen in the same 2-storey semi-detached building.

Location

The subject property is located in Carrick-on-Shannon, Co. Leitrim, on Leitrim Road, close to the junction with Main Street.

Accommodation

The agreed areas of accommodation are as follows:

VA10/3/033 – Ground Floor Office 74.95 sq. metres

VA10/3/034 – First Floor Office: 64.01 sq. metres

First Floor Kitchen: 4.51 sq. metres

Services

All main services are connected to the premises

Tenure

Freehold

Valuation History

VA10/3/033 - A rateable valuation of €35 was assessed on the property and a proposed Valuation Certificate was issued to the appellant on 18th November, 2009. Mr. Padraic Coleman, on behalf of the appellant, made representations to the Revision Officer in

December, 2009. After consideration of the representations, a final Valuation Certificate of €31 was issued on 7th January, 2010. Mr. Padraic Coleman, on behalf of the appellant, made an appeal to the Commissioner of Valuation in February, 2010. After consideration of the appeal, a Valuation Certificate of €31 was issued on 30th July, 2010. An appeal to the Valuation Tribunal was lodged on 24th August, 2010 by Mr. Padraic Coleman on behalf of the appellant.

VA10/3/034 – A rateable valuation of €23 was assessed on the property and a proposed valuation certificate was issued to Mellowford Ltd. (the occupiers of the subject property at that time) on 18th November, 2009. Mr. Maurice Gannon, on behalf of Mellowford Ltd., made representations to the Revision Officer in December, 2009. After consideration of the representations a final Valuation Certificate of €23 was issued on 23rd December, 2009. Mr. Maurice Gannon on behalf of Mellowford Ltd. made an appeal to the Commissioner of Valuation in February, 2010. After consideration of the appeal a Valuation Certificate of €21 was issued on 30th July, 2010. On 24th August, 2010 Mr. Padraic Coleman, on behalf of the appellant, made an appeal to the Valuation Tribunal.

Appellant's Evidence

Mr. Padraic Coleman having taken the oath adopted his written précis which had previously been received by the Tribunal as being his evidence-in-chief. In giving his evidence he did not distinguish between the two properties, the subject of the appeals, and presented his evidence as being applicable to both. He stated the following in support of his appeal:

1. The street upon which the subject properties were located was not a business street.
2. There were five derelict buildings within 35 yards of the subject properties. The only business premises located nearby were a hardware shop and a filling station.
3. There was virtually no footfall present at the location.
4. There was no comparison between the subject properties and the comparison properties that had been put forward by the Commissioner of Valuation.
5. The subject premises had been purchased for €150,000.
6. It was difficult to get tenants for the subject properties, as commercial rents were down 60%.

In response to a question from the Tribunal, Mr. Coleman stated that the property, the subject matter of VA10/3/034, was currently let to a pilates instructor at a rent of €175 per week.

Cross-Examination of Padraic Coleman

Mr. Coleman, in reply to Mr. Patrick Murphy, confirmed that a building in which was located the National Learning Network was adjacent to the subject property, as was both Leitrim Hardware (a hardware shop), and a petrol station. Mr. Coleman accepted that there were 4 marked car-parking spaces opposite the subject property and also agreed that the subject property was approximately 50 yards from the Carrick-on-Shannon Main Street.

Evidence of Kathleen Coleman

Mrs. Kathleen Coleman then briefly gave evidence. Mrs. Coleman criticised the rating valuation system in place. She also referred to the unsatisfactory location of the subject premises and the difficulties in obtaining a tenant. This completed the evidence of the appellant.

Respondent's Evidence

Mr. Patrick Murphy, having taken the oath, adopted his précises as being his evidence-in-chief. Again, he did not distinguish between the properties. In essence he took the Tribunal and the appellant through the booklet that he had presented to the Tribunal which incorporated the valuation methodology that he had adopted and which also set out the comparisons which he had taken into account in arriving at his valuation conclusion. He contended that he had followed the tone of the list in arriving at his conclusions.

Mr Murphy contended for rateable valuations of €31 in respect of VA10/3/033 and €21 in respect of VA10/3/034, calculated as follows:

VA10/3/033: Office Ground Floor	74.95 sq. metres @ €2.00 per sq. metre	€6,145.90
Total		€6,146.00

NAV €6,146.00 x 0.5% = €30.73

RV say €31.00

VA10/3/034: Office First Floor	64.01 sq. metres @ €1.51 per sq. metre	€937.25
Kitchen	4.15 sq. metres @ €41.00 per sq. metre	€ 170.17
Total		€4,107.40

NAV €4,107.00 x 0.5% = €20.53

RV say €21.00

In support of his opinion of NAV, Mr Murphy put forward 4 comparisons in respect of VA10/3/033 and 4 comparisons in respect of VA10/3/034, details of which are attached at Appendix 2 to this judgment.

Cross-Examination

In his cross-examination Mr. Coleman raised the comparisons presented by the respondent. In respect of VA10/3/033 Comparison No. 4, (Peter Doyle & Associates), he suggested that there was no comparison between the location of this property and that of the subject properties on Leitrim Road, vis à vis parking, etc. He also referred to VA10/3/033 comparison No. 3 (McPartland Opticians), located on Castle Quay close to the junction with Shannon Bridge, and stated that “all the business” was done at this location. Mr. Murphy accepted that there were both double yellow lines on the roadway nearest to the subject property and single yellow lines on the other side of the road. Under questioning from the Tribunal, Mr. Murphy accepted that he had presented no comparisons in respect of the contended valuation for the kitchen. He also stated that the reason that he had not presented the adjacent hardware shop and filling station as comparisons was because they were extremely old valuations and were therefore not relevant.

Submissions

In his closing submissions the appellant repeated that there was no footfall at the location, that it was not a commercial location, that it was very hard to get a tenant, there were no professional offices adjacent and that there was no comparison between this location and the Dublin Road. In his closing submissions Mr. Murphy stated that he had fixed a valuation less than the comparisons that he had submitted, including the Summerhill area (which is a secondary location on the outskirts of Carrick-on-Shannon), that there was commercial activity at the location and that it was only 50 yards from the town centre. Mr. Murphy concluded by stating that he had followed the tone of the list in arriving at his assessment.

Findings

The Tribunal has carefully considered all the evidence and arguments adduced at the hearing and finds as follows:

1. The subject property is adjacent to reasonable commercial activity.

2. The comparisons presented by the respondent are, in all the circumstances, fair and reasonable and are in accordance with the tone of the list.
3. There is car-parking space available adjacent to the subject property.
4. At the hearing of the appeals, the appellant did not contend for any lower valuations.
5. The Tribunal notes the acceptance by the respondent of the absence of any comparison evidence in respect of the valuation of the kitchen in appeal no. VA10/3/034 and in the circumstances considers it fair and reasonable to reduce the valuation in respect of the kitchen from a valuation of €41 per sq. metre to €20 per sq. metre.

Determination

The Tribunal having regard to the foregoing determines the rateable valuation of the subject property to be as follows:

VA10/3/033 – The Tribunal affirms the valuation of €31.

VA10/3/034 – The Tribunal determines the rateable valuation of the subject property at €20.00, calculated as follows:

Office First Floor 64.01 sq. metres @ €1.51 per sq. metre =	€3,937.25
Kitchen 4.15 sq. metres @ €20.00 per sq. metre =	<u>€ 83.00</u>
Total	€4,020.25
NAV €4,020.25 @ 0.5% =	€20.10
RV Say	€20.00

And the Tribunal so determines.