

Appeal No. VA88/0/125

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

Fabric Boutique Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Lot No. 5D/43 Unit 38 Whitehall, D.E.D. Churchtown - Nutgrove, R.D. Dunlaoghaire - Rathdown, Co. Dublin

B E F O R E
Mary Devins

Solicitor (Acting Chairman)

Paul Butler

Barrister

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 11TH DAY OF NOVEMBER, 1988

By Notice of Appeal dated the 19th day of August, 1988, the appellant appealed against the decision of the Commissioner fixing the rateable valuation of the above mentioned hereditaments at £47.00.

The hereditament in question consists of a ground floor retail unit having a net floor area of 42 square metres. The property is situated in the Nutgrove Shopping Centre, Churchtown, Dublin 14.

The property forms part of the former M.F.I. premises at Nutgrove Shopping Centre which comprised stores on the ground floor with showrooms on the first floor. Following redevelopment the ground floor was converted to four shop units in 1987 and the first floor to

two units one of which is occupied together with one of the ground floor units. On 1987 Revision the hereditament was listed for annual revision. Following revision, no change was made, as it appeared that the work of adaption was not well advanced.

Dublin County Council appealed to the Commissioner of Valuation on the grounds that the redevelopment has been completed before the statutory date.

On receipt of their appeal, Mr. S. Connolly, B.Sc., a Valuer with more than 8 years' experience in the Valuation Office was deputed to inspect the premises and submit his report. Following submission of his report, the hereditament was subdivided into five hereditaments, including the subject premises. Mr. Connolly had found that the premises herein, was occupied and trading as a shop from November, 1987. The Commissioner of Valuation fixed the Valuation at £47.00.

Mr Brendan Troy, A.R.I.C.S., on behalf of the appellant, by written submission dated the 21st day of October, 1988, set out the area of the hereditament at 42 square metres. This area, while differing from that referred to in Mr. Connolly's written submission, was agreed to by both parties before the oral hearing.

In the course of the oral hearing, which took place on the 21st day of October, 1988, Mr Troy referred to one comparable, viz; "Sacs" - a similar-sized unit in the same shopping centre, which has a rateable valuation of £43.00, devaluing at £1.02 p.m.sq.

During the oral hearing Mr. Connolly pointed out that he had no information as to the annual letting value of the subject premises up to the time of the oral hearing. He argued that, in spite of the reduced area of the premises, as agreed between Mr. Troy and himself, the rateable valuation of £47.00 was still correct. The annual rent of the hereditament being in the region of £15,000.00, a rateable valuation of £47.00 was a fair and correct percentage of the Net Annual Value.

Mr. Connolly also referred to certain comparisons, among them "Sacs, Unit 34, Nutgrove Shopping Centre", which was the comparable relied on by Mr. Troy. (See Appendix "A").

The Tribunal, while conscious of the fact that a correct valuation cannot always be arrived at by slavishly adhering to a criterion of so many pence per square metre, nevertheless feels that the devalued figures as set out in the comparisons offered by both parties, should not be ignored.

In the circumstances, therefore, the Tribunal is of the opinion that the correct valuation of the premises is £43.00.