

Appeal No. VA91/4/010

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

Maurice Forde

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed Shop, Store and Yard at Lot No. 60a, Watercourse Road, E.D. Commons,
County Borough of Cork
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Padraig Connellan

Solicitor

Veronica Gates

Barrister

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF OCTOBER, 1992

By notice of appeal dated the 17th day of December, 1991 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £150 on the above described hereditament.

The grounds of appeal are that the valuation is excessive and inequitable having regard to the provisions of the Valuation Acts and on other grounds also.

Written Submissions

A written submission was received from Mr. Kevin Allman, a staff valuer with 19 years experience in the Valuation Office, on behalf of the respondent on the 9th April, 1992. This submission describes the property as follows:

Location:

This public house is located on Watercourse Road, North Cork City. This is a main road artery and carries very heavy traffic. The surrounding property is light industrial, commercial and residential.

Description:

Licensed premises trading on ground floor only. The upper floors were in the process of being refurbished at inspection, and as they were not capable of beneficial occupation are excluded from the valuation.

The entire ground floor is commercial and has been renovated to a very high standard. Viewed externally the premises has a prominent position on the street.

Tenure:

The property is held freehold.

Condition:

The property is in particularly good condition following renovation.

Services:

All mains services. Oil, central heating.

Valuation History

The valuation history of the premises is that the rateable valuation was £30 prior to 1990 revision when it was increased to £150. The rateable valuation of £30 was set in 1972. The respondent set out the manner of calculating the valuation as set out in Appendix 1 and annexed hereto, and furnished comparative lettings and valuations on the basis of those set out in Appendix 2 annexed hereto.

Oral Hearing

The oral hearing took place in Dublin on the 1st May, 1992. The appellant represented himself and Mr. Kevin Allman Staff Valuer with 19 years experience in the Valuation Office represented the respondent and gave evidence.

Considerable discussion emerged between the Tribunal and Mr. Forde who outlined the fact that his initial turnover was £360,000 per annum for the premises which opened in 1989. He admitted that he was doing reasonably well but did have trouble through tenants staying on longer than he would have wished, delaying his setting up and also he seemed to have very high borrowing commitments. He looks forward to some of the leases on equipment running out shortly and also felt that he could get financing on a 15 year basis which would leave him a better income. He said that he was taking £10,000 a year out of the business which you could call profit. Nevertheless, he said, that his overdraft actually increased during the year and feels that his bank was penalising him.

Mr. Allman produced photographs of the premises which are annexed hereto and which show the premises to be very nicely finished and apparently in a good enough location. Mr. Forde did not strongly pursue any argument that comparisons indicated that the estimated N.A.V. for the premises should be less than that estimated by Mr. Allman.

Findings

The Tribunal has sympathy with Mr. Forde who has gigantic commitments on this premises but finds that the premises if rented would yield a handsome rent, commensurate with the estimates of Mr. Allman. The Tribunal is forced into this view by reason of the ability of this premises to carry the enormous borrowing and other overheads on apparently short term finance. The Tribunal accordingly finds that the valuation of the premises is £150.