

Appeal No. VA92/2/066

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

Christy Ruane

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed House, shop, offices, yard and land at Lot No 2Aa Townland of Moyure, E.D.
Castleblakney, Co. Galway
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Mary Devins

Solicitor

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF FEBRUARY, 1993

By notice of appeal dated the 24th day of March, 1992, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £44.40 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "we live in an absolute rural area of low diminishing population and a corresponding reducing income. We purchased this property in 1975 for £18,000 and we have neither extended or changed same. We live at the bottom of Glentane Hill and are constantly victims of flooding. This new valuation is totally excessive."

The Property

The property is a public house and grocery shop located at the crossroads in rural east Galway. Most of the building is very old and of rubble masonry construction. This older section houses the bar and shop and a ten roomed residence. A function room of more modern construction was added in 1974. This area has been subject to flooding.

Written Submissions

A written submission was received from Mr. Christy Ruane, the appellant, in August, 1992. In the written submission Mr. Ruane stated that the property is 150 years old and depreciating in value. He stated that the population is dwindling and the income is reducing and that the turnover was down annually at a reducing rate of 10%. He stated that the location of the premises at the bottom of the Glentane Hill gave rise to constant flooding. He stated that he had neither improved nor extended the premises and that the income was constantly reducing.

A written submission was received from Mr. Christopher Hicks, Appeal Valuer on behalf of the respondent on the 10th August, 1992. In the written submission Mr. Hicks described the property and set out his calculation of the rateable valuation as follows:-

Licensed Turnover £50,000 @ 9% = £4,500 @ .5% = £23

Grocery Turnover £50,000 @ 3½% = £1,750 @ .5% = £ 9

Residence worth £30 per week = £1,560 @ .5% = £ 8

Total R.V. £40

Commenting on the appellants grounds of appeal Mr. Hicks stated that the reports on the property by valuers in 1905, 1917, 1953 and 1963 had made no reference to flooding. However, in July, 1990 the valuer had reported periodic flooding of the functional area, carpet saturated at inspection and a very stale smell.

At first appeal inspection in December, 1991 the carpets had been replaced and no evidence of dampness remained. Mr. Hicks stated that the valuation of £19 had been fixed at first appeal in 1953 at which time the shop and bar were in one room of 320 square feet. At that time there had been no internal plumbing and no electricity. The bar and grocery now occupied two separate rooms with a total area of 700 square feet and a 2,000 square foot function room had been added.

Mr. Hicks supplied details of five comparisons in the area as follows:

- (1) Eamonn Purcell - Licensed house and grocery in the village of Caltra. R.V. £50 (agreed 1990).
- (2) Finbar Early - Licensed house in Ballymoe. R.V. £27 fixed at VA/88/174 (domestic £7).
- (3) Gerry Holmes - The Elm Rest, Ballygar. R.V. £44 (1988).
- (4) Cyril Biggins - Paddy Festys of Recess. Licensed house and restaurant. R.V. £55 (agreed 1991).
- (5) James Mannion - The Village Inn, Kilkerrin, East Galway. Licensed house and post office. R.V. £38 (agreed 1992).

Oral Hearing

The oral hearing took place here in Galway on the 2nd day of February, 1993. The appellant appeared personally and Mr. Christopher Hicks, Appeal Valuer appeared for the respondent and gave evidence. Mr. Ruane gave a full description of the premises which agreed substantially with that of Mr. Hicks given in his precis. He stated that Galway County Council had been

contacted by his solicitor in relation to the flooding problem and while their engineers were investigating same nothing had happened to stop it or pay compensation for the loss.

No functions had been held recently in the function room of the premises which had been constructed about 25 years ago. The accounts of 1990 and 1991 showed that turnover dwindled by about 10%. Mr. Ruane said that this indicated a pattern which was caused by declining incomes and also by the cautious attitude people had towards expenditure on drink.

Findings

The Tribunal finds that the comparisons offered by Mr. Hicks have been helpful in establishing a reference by which the subject premises might be valued. The Tribunal is anxious that valid comparisons would be established throughout the vicinity of rural Galway and finds that it ought to allow some reduction in respect of the lack of buoyancy in turnover evidenced by the change from the 1990 to the 1991 accounts and which was probably an underlying factor in the relevant valuation year of 1990. Accordingly, the Tribunal finds that the valuation of the subject premises is £38.