

Appeal No. VA92/6/049

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

Northern Sound

APPELLANTS

and

Commissioner of Valuation

RESPONDENT

RE: Studio and Offices at Lot No. 57 - 65/4 Glasslough Street, Townland of Rooskey, E.D.
Monaghan Urban, Urban District of Monaghan Co. Monaghan
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Paul Butler

S.C.

Veronica Gates

Barrister

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 19TH DAY OF MARCH, 1993

By notice of appeal dated the 4th day of November, 1992, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £42 on the above described hereditament.

The grounds of appeal are as set out in the Notice of Appeal that "the valuation is excessive and inequitable when rental levels are taken into consideration".

Mr. Jim Gormley A.R.I.C.S., District Valuer presented a written submission dated 1st March, 1993 and a further written submission dated 4th March, 1993. The same are appended to this judgment at Appendix A.

Mr. Brian Bagnall A.R.I.C.S., M.I.A.V.I. of Messrs. Brian Bagnall & Associates, Surveyors and Valuers, Property and Rating Consultants presented a written submission dated 2nd March, 1993. The same included submissions in relation to related appeals and a copy thereof is appended to this judgment at Appendix B.

By reason of the findings here and after contained the Tribunal considers it unnecessary to describe the property or to summarise the written submissions.

Oral Hearing

The oral hearing took place in Dublin on the 8th day of March, 1993. Mr. Bagnall appeared on behalf of the appellant and Mr. Jim Gormley appeared on behalf of the respondent.

Mr. Gormley raised by way of preliminary issue, inter alia, the fact that the valuation had been agreed at first appeal stage by Patrick J. Nerney, Rateable Valuation Consultant, on behalf of the appellant and that the said agreement was confirmed by letter dated 16th September, 1992 (a copy thereof appears at Appendix 5 of Mr. Gormley's said submission). In answer to this particular submission Mr. Bagnall said that Mr. Nerney had been acting on behalf of the tenant and that he and his client, Mr. Noel Mulligan, decided to let Mr. Nerney proceed to negotiate on the basis that the tenant had instructed him. Mr. Bagnall confirmed that Mr. Nerney negotiated the agreement on behalf of and with the authority of the appellant.

Determination

It has long been established before this Tribunal that where the parties to an appeal or their representatives have previously agreed on a rateable valuation and there are no altered circumstances such settlements are binding on the parties. One such determination was made in the appeal of **VA/90/3/29 - Lucy O'Connor -V- Commissioner of Valuation.**

Accordingly, the Tribunal determines that the appellant is estopped from going behind the said agreement and affirms the valuation.