

Appeal No. VA92/6/102

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

Michael O'Leary

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Restaurant at Lot No. 11Aa3, Townland of Newcastle, E.D. Ballysimon, District of Limerick I, Co. Limerick
Quantum

B E F O R E

Padraig Connellan

Solicitor (Acting Chairman)

Veronica Gates

Barrister

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 14TH DAY OF MAY, 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 £110 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and unfair".

The Property

The property is situated on the main Limerick/Dublin Road on the outskirts of Limerick close to the new Castletroy Park Hotel and the University of Limerick. The premises form part of a Maxol service station and comprise the restaurant located in the two storey service building associated with the station.

Tenure

35 year lease from December, 1991 at £28,600 per annum F.R.I., 3 year reviews.

Accommodation

Accommodation consists of:

Restaurant	1,112 sq.ft. (seating for approximately 77 people)
Kitchen	260 sq.ft. (fully tiled walls & floor)
Stores	121 sq.ft.
WC's	164 sq.ft.

Parking for customers including adequate parking for truck stops.

Valuation History

Prior to the 1991 revision the valuation of this hereditament was included in the single valuation for Lot 11Aa which included all the buildings on the site as no tenants had been identified.

The recent valuation history of the subject premises dates from 1989 when the R.V. was increase from £80 to £150 to take account of the enlargement of the restaurant and the extension of the shop into a former store. There was no change to the valuation following 1989 first appeal.

In 1991 the valuation was increased to £290 following an extension to the restaurant, new rere store and new workshop/showroom. A new lot '11Aa²' was created to value the hairdressing salon on the first floor.

At first appeal it became apparent that there were two tenants in occupation and consequently these two tenancies were valued independently. Lot Aa³ the subject premises being allocated an R.V. of £110.

Written Submissions

A written submission was received on the 15th January, 1993 from Mr. Patrick Conroy, a Valuer with 19 years experience in the Valuation Office on behalf of the Respondent.

In the written submission Mr. Conroy set out details of the property and its valuation history as described above. Commenting on the Appellants grounds of appeal, he stated that, the Appellant was bound by the terms of agreement reached at first appeal stage. The letter of agreement from Mr. Frank O'Donnell & Company attached to the written submission indicated the details of this agreement. He further stated that if it was contended that Frank O'Donnell & Company in writing did not have client's consent then it was his view that the valuation as agreed by a qualified professional valuer was compelling evidence of the correctness of the valuation. Finally, he stated, that without prejudice to the above, the valuation of £110 is fair and reasonable and comparable with recently revised properties which are of a similar function.

Mr. Conroy set out details of his calculation of the Rateable Valuation on the subject premises as follows:-

Valuation Method

The comparative method was relied upon.

Rateable Valuation and Net Annual Value

It was agreed with Appellant's agent that the appropriate R.V./N.A.V. ratio was 0.5% of the Net Annual Value in November, 1988 in accordance with Valuation Office policy.

Valuation

(1) Restaurant, Kitchens	1,372 sq.ft.	@ £15.50	=	21,266
Store	121 sq.ft.	@ £ 2.25	=	<u>272</u>
		N.A.V.		=£21,538

@ 0.5% = 107.69

Say £110

or

(2) Rent reserved 12/91 £28,600

Adjusted to November, 1988 (85%) 24310

@ 0.5% £121 - Say £110 as above

Comparisons

Three comparisons summarised below were put forward by Mr. Conroy in his written submission:-

- (1) Artane Service Station, Lot No. 16A, Rineanna South, R.D. Ennis
Tenure: 2 year 9 month from 1.4.1992 @ £14,675 F.R.I.
Devalued at R.V. £75

- (2) Shannon Self Service, Lot No. 2M Tullyvarraga, E.D. Cleanagh,
R.D. Ennis.
1991 First Appeal. R.V. £165

- (3) Lot No. 2A/8 Shannon Town Centre, Tullyvarraga, R.D. Ennis.
1991 Revision. R.V. £135

Oral Hearing

An oral hearing took place on the 4th day of May, 1993. The Respondent was represented by Mr. Patrick Conroy, District Valuer. There was no appearance on behalf of the Appellant.

Prior notification of the date of the hearing of the appeals had been forwarded to the agent for the Appellant, Ms. Siobhan Fahy, Fahy & Company, John Street, Limerick by the Registrar by letter dated 12th March, 1993.

Having considered the precis of evidence submitted by Mr. Conroy, the Tribunal determines that the appeals be dismissed and the valuation affirmed. The Respondent made no application in relation to costs.