

Appeal No. VA92/6/103

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

Sean Murphy

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 11Aa4, Townland of Newcastle, E.D. Ballysimon, District of Limerick I
Co. Limerick

Agreement at First Appeal

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, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £75 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 shop located in the two storey service building associated with the station. The shop is on the ground floor with sheltered access from the fuel pumps under canopy and deals in the usual convenience shopping associated with service stations.

Tenure

Two year 9 months from April, 1990 (approximately) at £15,600 per annum net.

Valuation History

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

In 1991 the valuation was increased to £290 following the extension of the restaurant, new rear store and new workshop/showroom. At first appeal the subject was divided into three separate hereditaments and the subject premises was valued as Lot 11Aa⁴ R.V. £75.

Written Submissions

A written submission was received on the 25th 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 valuation history as set out above. Commenting on the Appellant's grounds of appeal, Mr. Conroy stated, that the Appellant was bound by the agreement reached at first appeal stage and attached a letter to the written submission setting out details of this agreement.

He further stated that if the appellant was not bound by the agreement the acceptance by a qualified professional valuer, Frank O'Donnell & Company, of the valuation as agreed as fair was persuasive evidence of the correctness of the valuation. Finally, he stated, in relation to the quantum of the subject premises that it was fair and reasonable and comparable with recently revised properties which are of similar function. He said that the subject premises was well located to benefit from casual trade associated with petrol pumps, hair salon and restaurant as well as attracting passing custom in its own right. The basic accommodation, he said, was in good condition.

Mr. Conroy set out 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

Shop	1,137 sq.ft.	@ £12.35	=	14,041
Office, Store	352 sq.ft.	@ £ 2.25	=	<u>792</u>
				£14,833

@ 0.5% = £74.16

Say £75.00

or

Rent Reserved March, 1990	£15,600 per annum
adjust to November, 1988 (5%)	£14,820 per annum
@ 0.5%	= £74.20

Say £75.00

Mr. Conroy offered three comparisons which are summarised below:-

(1) Artane Service Station, Lot No. 16A Rineanna South, R.D. Ennis

Tenure: 2 years 9 months from 1/4/1992 @ £14,675 F.R.I.

Expenditure by Tenant: £73,535 1988 on improved facilities

R.V. £75 (1991 First Appeal agreement)

(2) Shannon Self Service, Lot 2M Tullyvarraga, E.D. Clenagh,
R.D. Ennis.

1991 First Appeal. R.V. £165

(3) Lot 2A/8 Tullyvarraga (Shannon Town Centre), R.D. Ennis

R.V. £135 (1991 Revision)

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.