

Appeal No. VA93/1/085

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

Maurice Abrahams Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop (in rear), basement and store at Map Ref: 45a, Townland: Dawson Street, Ward:
Mansion House, County Borough of Dublin
Quantum

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Mary Devins

Solicitor

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 28TH DAY OF SEPTEMBER, 1993

By Notice of Appeal dated the 4th day of March, 1993 Palmer McCormack & Partners appealed on behalf of the appellant against the determination of the Commissioner of Valuation in fixing a rateable valuation of £65 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

"The Net Annual Value adopted by the Revising Valuer is excessive and inequitable having regard to other retail premises in the immediate area."

The Property:

The property consists of a ground floor shop with separate access to a basement store located in South Anne Street close to the junction at Dawson Street.

The shop has an area of 227 square feet with gross frontage of 15'4" to South Anne Street. The basement store has an area of 206 square feet and it is used for storing stock.

Valuation History:

A rateable valuation of £23 was fixed on the premises in 1930. The premises was not revised again until the 1991 Revision when the R.V. was increased to £65. An appeal was lodged against this increase but no change was made by the Commissioner at First Appeal. It is against this valuation that an appeal lies to the Tribunal.

The property is held under a lease for a period of 25 years from the 14th April, 1979 subject to an initial rent of £3,250 per annum, reviewable at 5-yearly intervals to £6,200 (1987), and £7,250 per annum as of April 1989. In addition to rent the tenant is liable for payment of rates, internal repairs, exterior decoration and a contribution to insurance.

Written Submissions:

A written submission was received on the 24th August, 1993 from Mr. Michael D. Coyle, FRICS, MIAVI, Dip Arb Law, ACIARB, Valuation Partner of Palmer McCormack & Partners, Valuation Surveyors, Auctioneers and Estate Agents, on behalf of the appellant.

Mr. Coyle, in his written submission, described in detail the location of the premises, its accommodation, services, title and valuation history. He said that factors affecting rental value were the location of the premises and the rental value of the premises. He set out, in his opinion, the appropriate Net Annual Value and therefore rateable valuation of the premises as follows:-

Shop 227 sq.ft. @ £29.21 = £6,621

Store 206 sq.ft. @ £ 3.00 = £618

The rateable valuation should therefore be;

Net Annual Value: £7,250.00

x 0.63%

£45.65

Say £45.00

Details of three comparisons in South Anne Street are also set out in the written submission attached as Appendix A to this judgment.

A written submission was also received from Mr. Edward Hickey, a District Valuer with 21 years experience in the Valuation Office, on behalf of the respondent.

Commenting on the appellants grounds of appeal in the written submission, Mr. Hickey said that no evidence had been offered either orally or in writing at First Appeal. Mr. Hickey said that in carrying out the revision he had inspected every single shop in South Anne Street and had built up a detailed knowledge on rents and rateable valuations in this street. He set out his calculation of the appropriate rateable valuation on the subject premises as follows:-

Ground Floor Shop:	227ft ²	@	£45.00	=	£10,215.00
Basement Store:	206ft ²	@	£ 5.00	=	<u>£ 1,030.00</u>
					£11,245.00
	Say				£11,000.00
Estimated Net Annual Value				=	£11,000.00
R.V. @ 0.63%				=	£69.30
Say					£70.00

The R.V. £65.00 is considered fair and reasonable.

Mr. Hickey offered four comparisons in South Anne Street which are attached to this judgment as Appendix B.

Oral Hearing:

The oral hearing took place in Dublin on the 3rd September, 1993. Mr. Michael D. Coyle appeared on behalf of the appellant and Mr. Edward Hickey appeared on behalf of the respondent.

Both parties referred to their written submissions. Mr. Coyle relied upon the passing rent which was revised within 5 months of the relevant date and said that the same represented the true Net

Annual Value. He further referred to the decision of the Valuation Tribunal in the case of *VA/91/2/41 - Mervyn Robinson, Seebeck Limited t/a Strawbridge -V- Commissioner of Valuation*. In that case the Tribunal found that a passing rent should represent the Net Annual Value. Mr. Hickey accepted the passing rent but indicated that the same was not in keeping with the tone of the list in the area.

Both parties agreed to compromise the basement store area at £4 per square foot and the Tribunal was, therefore, left with the ground floor shop as the only disputed area.

The Tribunal is satisfied that the passing rent in this case is the best evidence of Net Annual Value. However, it is further satisfied that regard must be had to other passing rents and valuations in the area. In order to reconcile these differences the Tribunal feels that valuation should be based on a ground floor rental of £35 and a basement store rental of £4 giving a Net Annual Value of £8,769. Rateable Valuation is, therefore, determined at £55.