

Appeal No. VA93/2/013

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

Vincenzo & Francesca Di Cioccio

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Ref: 328 part, Clontarf Road, Ward: Clontarf East, County Borough of Dublin

Quantum

B E F O R E

Henry Abbott

S.C. Chairman

Veronica Gates

Barrister

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 30TH DAY OF SEPTEMBER, 1993

By Notice of Appeal dated the 10th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £45 on the above described hereditament.

The grounds of appeal as stated in the Notice of Appeal are as already submitted, i.e.:-

"that the demand is excessive, 100% increase we might be able to pay but 300% is totally unrealistic."

The Property:

The subject property is situated in Clontarf, close to the junction of the Clontarf Road and the bridge to the Bull Wall and North Bull Island.

It is an end of terrace grocery and newsagency shop known as "Seaview Minimarket". Storage space is available to the rear of the shop. The property occupies the ground floor of a two-storey building. Parking is available to the front of the shop.

The tenure of the property is leasehold on a 35-year lease from March 1988 with 5 year rent reviews. The initial rent was £7,500 per annum, the tenant being liable for rates, repairs and insurance.

Written Submissions:

A written submission was received on the 2nd September, 1993 from Mr. Peter Igoe of Northside Estates, acting on behalf of the appellant.

In his submission, Mr. Igoe stated that the increase to £45 rateable valuation represented a 25% hike and that a 10% rise would be more bearable.

A written submission was also received on the 3rd September, 1993 from Mr. Thomas O'Flynn, a Valuer with 13 years experience in the Valuation Office, on behalf of the respondent.

In his submission Mr. O'Flynn described the property and its location and he set out the areas of the accommodation.

Mr. O'Flynn gave an analysis of the rent of the property as follows:-

Shop	344 sq.ft.	@ £20.50	=	£7,052.00
Store	131 sq.ft.	@ £ 3.00	=	£ 393.00
Rear Store	59 sq.ft.	@ £ 1.00	=	<u>£ 59.00</u>
				£7,504.00

Rent devalues at £20.50 per square foot on the shop in March, 1988.

Commenting on the grounds of appeal of the appellant Mr. O'Flynn stated that there appears to be quite a divergence of opinion between the appellants and their agent as to the extent to which the rateable valuation is excessive.

A breakdown of the Net Annual Value and the rateable valuation of the property is included in Mr. O'Flynn's submission and is set out as follows:-

Net Annual Value (as at November 1988)

There would have been very little difference in retail rents in Clontarf between March 1988, when the lease commenced, and November 1988.

The rent passing of £7,500 represents the property's N.A.V.

Rateable Valuation

£7,500 @ 0.63% = £47.25

Say **£45.00**

By way of comparative evidence two other properties in the Clontarf area were included in the submission and these are annexed to this judgment as Appendix A.

The submission also included a photograph of the subject property and a location map of the area.

Oral Hearing:

The oral hearing took place in Dublin on the 6th September, 1993. Mr. Peter Igoe of Northside Estates appeared on behalf of the appellant with Mr. Vincenzo Di Cioccio, appellant. Mr. Thomas O'Flynn appeared for the respondent.

The Tribunal, for the reasons adverted to in the House and restaurant appeal VA/93/2/012 which was heard with the minimarket premises, decides for the same reasons notwithstanding arguments in relation to passing rent, that the valuation fixed on First Appeal in respect of same ought to be reduced somewhat.

The Tribunal is apprehensive that these two premises will constitute bench marks for revision of other properties in the area and would not desire that the standard set would constitute a burden on other premises.

Accordingly, the Tribunal having considered all the circumstances has decided to reduce the valuation of the subject minimarket and determines it to be £40.

