

Appeal No. VA93/2/034

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

Bonanza Bingo

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Bingo Hall at Map Ref: 22.23 (Ground Floor) Moore Street, North City Ward, County
Borough of Dublin
Quantum

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Veronica Gates

Barrister

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF NOVEMBER, 1993

By Notice of Appeal dated the 24th of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £220.00 on the above described hereditament.

Mr. Michael F. Keogh, Chartered Valuation Surveyor and a District Valuer with 23 years experience in the Valuation Office presented a written submission on the 19th October, 1993 on behalf of the Respondent.

By reason of the finding hereinafter contained it is not proposed to summarise the said submission other than to say that it was Mr. Keogh's main contention, following negotiations in March, 1993 with Mr. Martin O'Donnell of Messrs. Frank O'Donnell & Company, that there was formal agreement to a Rateable Valuation assessment of £220.00. The said agreement was

confirmed in writing by Messrs. Frank O'Donnell & Company by letters dated respectively 11th March, 1993 and 16th March, 1993.

No written submission was received on behalf of the Appellant.

Oral Hearing

The oral hearing took place in Dublin on the 3rd of November, 1993. Mr. Keogh appeared on behalf of the Respondent and Mr. Brendan Martin who now trades as 'Bonanza Bingo', appeared on his own behalf with the assistance of Mr. Pat Breslin a valuer of Blackrock, Co. Dublin.

When questioned by the Tribunal about the settlement Mr. Martin accepted that he had been telephoned by a representative of Messrs. Frank O'Donnell & Company and was aware that they were acting in the appeal. He did not ask them to discontinue acting and did not withdraw their instructions. He emphasised, however, that he had not originally engaged this firm and that, after the settlement, he immediately expressed his dissatisfaction therewith.

Mr. Keogh said that he was satisfied at all times that Messrs. Frank O'Donnell & Company were acting on behalf of the Appellant.

Determination

The Tribunal has held in many other cases and continues to be of the view that agreements and settlements ought to be binding upon the parties who enter into the same and that it should uphold such agreements unless there are some grounds upon which they are manifestly and demonstrably unjust. In so far as the Respondent was concerned, Mr. Keogh was dealing with a reputable firm of valuers who held themselves out to be acting for and with the authority of the appellant. Mr. Keogh, in entering into the agreement which he did enter into was entitled to rely upon this representation. There is no evidence that the authority, albeit initially bestowed by a different party, of the valuers to act was ever withdrawn.

On the basis, therefore, of the foregoing, the Tribunal determines the Rateable Valuation of the subject premises at £220.00.

