

Appeal No. VA93/3/002

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

Paul Leahy

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices and Stores at Map Ref: 8 Malpas Terrace, Merchants Quay Ward, County
Borough of Dublin
Quantum

B E F O R E
Mary Devins

Solicitor (Acting Chairman)

Brian O'Farrell

Valuer

Joe Carey

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

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF FEBRUARY, 1994

By Notice of Appeal dated the 19th day of July, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £36.00 on the above described hereditament.

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

"we have had no changes to the building or its uses to warrant any increase in its valuation".

The Property

The property comprises a two storey building with current uses on the ground floor of storage, showroom and loading bay. First floor usage is offices, kitchen and toilets. The walls are of rubble masonry with a concrete dash on the outside and a plaster finish on the inside. The roof is slated. The ground floor is concrete and the first floor is timber. The property is located mid-way up Clanbrassil Street two blocks from the new dual carriageway.

This is a secondary commercial district, an area which has seen considerable redevelopment over the last few years.

Services

All main services are connected to the property.

Valuation History

In 1983 this property was described as "House and yard" and had a rateable valuation of £13.00. Prior to the current revision in 1991 the description of the property was "House, shop and yard (tenements)" with a rateable valuation of £11.00. The reduction in R.V. from £13.00 to £11.00 indicated that the property had been neglected and had fallen into disrepair. A reconstruction took place and it was then purchased by the present owners for £50,000 in April, 1990. Following this a revision of the R.V. took place and the Commissioner of Valuation fixed a rateable valuation of £36.00 on the hereditament. It is against this valuation that the appeal lies to the Tribunal.

Written Submissions

A written submission was received from Mr. Paul Leahy on the 18th January, 1994. A written submission was received from Mr. Phil Colgan, District Valuer with 16 years experience in the Valuation Office on behalf of the respondent on the 19th January, 1994.

In his written submission, Mr. Colgan set out details of the property as described above and his calculation of the rateable valuation on the subject premises as follows:-

Ground Floor:

Showroom/Stores: 948 sq.ft. (Nett)(58m²) @ £4.00/m² = £3,792

First Floor:

Offices & Canteen: 681 sq.ft. (Nett)(63m²) @ £3.00/m² = £2,043
£5,835

N.A.V. Say £5,700 p.a. X 0.63% = £35.91

SAY = £36.00

OR

N.A.V. Say £110.00 p.w. = £5,700 X 0.63% = R.V. = £36.00

OR

Purchase Price at May 1990 £50,000
£50,000 X 9 Y.P. (i.e. 11% Return) = £5,556
So N.A.V. say £5,700 X 0.63% = R.V. = £36.00

Oral Hearing

At the oral hearing which took place in Dublin on the 26th day of January, 1994 Mr. Paul Leahy, Managing Director of the appellant company gave evidence that the subject property was located off Clanbrassil Street, on the periphery of a designated area. He stated that the property had been for sale or rent, for some considerable time, but because of its situation close to an area where properties enjoyed tax advantages and other incentives, they had not had one offer to purchase. He further stated that the property, in his opinion, had virtually no letting value.

He explained that when the appellant company purchased the property in 1990 it was already in commercial use by a competitor, and had an R.V of £11.00. Mr. Leahy felt that an increase in the order of 255% in R.V. was insupportable, particularly in view of the downturn which the business was currently experiencing.

Mr. Colgan referred to his written submission and stated that in view of the appellant's evidence that he would accept the sum of in or around £55,000 for the subject property, an assessment of N.A.V. at £5,700, was in the circumstances, more than reasonable. He pointed out that at the time the appellant company bought the subject premises, it was listed for revision, and the old R.V. of £11.00 related to the building when it was a domestic residence in a very poor state of repair.

The Tribunal accepts in full Mr. Colgan's evidence in relation to the history of the valuation of the subject property.

In view, however, of the disadvantages of the property in its present state particularly its location immediately adjacent to a designated area with its inherent disadvantages in relation to letting values, the Tribunal feels that some allowance should be made and accordingly determines that the correct rateable valuation on the subject premises is £26.00.