

Appeal No. VA93/3/051

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

Kingbird Limited t/a "The Bell"

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed Shop at Map Ref: 33, Navan Road, Village of Blanchardstown, E.D.
Blanchardstown - Abbotstown, R.D. Dublin - Fingal, Co. 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 26TH DAY OF APRIL, 1994

By Notice of Appeal dated the 12th August, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £625.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and inequitable having regard to the provisions of the Valuation Acts and on other grounds".

The Property

The property is situated at the junction of the Navan and Castleknock Roads close to Blanchardstown village. It comprises a single storey detached licensed premises. It is constructed with concrete block walls, solid and timber floors and tiled roof. Internally, the walls and ceilings have a mainly plastered finish. There is a tarmacadamed car park to the rear of the premises. The accommodation comprises a lounge/bar, kitchen, stores and toilets.

Valuation History

The premises had a valuation previously of £300.00 which was increased to £400.00 in August, 1991. On appeal the valuation was increased to £625.00. It is against this amount that an appeal lies to the Tribunal.

Written Submissions

A written submission was received on the 15th April, 1994 from Mr. Eamonn O'Kennedy, Principal of O'Kennedy & Company, Valuation and Rating Consultants on behalf of the appellant. In his written submission, Mr. O'Kennedy described the property and its valuation history as set out above, and said that in his opinion the Open Market Rental Value of the premises at the 10th August, 1991 (the valuation date) is £55,000. He offered as comparison the Roselawn Inn, Blanchardstown. Mr. O'Kennedy said in his opinion a fair rateable valuation of the premises is £350.00. Mr. O'Kennedy also set out in his written submission a number of similar licensed premises recently revised broken down between licensed premises, the subject of a sale and revaluation in recent years and licensed premises whose market value is in excess of £1,000,000 which had been the subject of a revaluation in recent years. Mr. O'Kennedy also attached to his written submission details of the turnover of the appellant company.

A written submission was received on the 13th April, 1994 from Mr. Christopher Hicks, Appeal Valuer on behalf of the respondent. In the written submission, Mr. Hicks set out details of his valuation on the subject premises as follows:-

"Capital Value 1990	=	£1,360,000 (Purchase Price)
Allow 10% for 1988	=	£1,224,000
Multiplier from the Submarine Bar	=	.0004695
Multiplier from the Palmerstown Inn =		.0005625
Average:	=	.000516
Capital Value	=	£1,224,000
x .000516	=	R.V. £631.58

SAY = £625"

Mr. Hicks said that the multiplier used in his calculation of rateable valuation was deduced from Tribunal decisions VA91/2/027 - Snug Taverns t/a The Submarine Bar and VA91/3/029 - Louis Fitzgerald t/a The Palmerstown Inn. Mr. Hicks said that he used these two judgements as they were both well known to Mr. O'Kennedy, the capital value in both was stated with reasonable accuracy, they are full written Tribunal judgements and a substantial number of other licensed premises were referred to in those cases. Mr. Hicks said that in 'The Submarine Bar Mr. O'Kennedy relied exclusively on capital value to deduce R.V. and that a Rateable Valuation of £540.00 was determined by the Tribunal on a submitted capital value of £1,000,000. Mr. Hicks said that in the case of 'The Palmerstown Inn' Mr. O'Kennedy submitted a capital value of £800,000 on which the Tribunal determined a Rateable Valuation of £450.00.

Oral Hearing

The oral hearing took place in Dublin on the 20th April, 1994. Mr. Eamonn O'Kennedy appeared on behalf of the appellant and Mr. Christopher Hicks appeared on behalf of the respondent. Both parties referred to their written submissions. Insofar as the rental value of the Roselawn Inn (£37,500) was concerned Mr. Hicks said that, in that particular case the agreed Net Annual Value of the premises was £63,500 yielding the rateable valuation of £400.

In the course of the hearing it emerged that Mr. Hicks was attempting to value the premises solely on the basis of the estimated capital value thereof in 1988 and without offering any evidence as to the state of the subject premises at that date. The premises were purchased by the present owner in 1990 for £1,360,000, after which the premises was entirely demolished and rebuilt. It further emerged that the premises is currently being revalued on the basis of the existing new premises. The Tribunal is, therefore, satisfied that to revalue the premises solely on the basis of a purchase price paid therefor in 1990 is entirely academic and that this is not the time to attempt to value what is in fact new premises and to interfere with the original valuation of £300.00. The Tribunal, therefore, affirms the original valuation of £300.00.

It should be added, lest there be any doubt about the matter, that this determination will in no way affect the current revaluation process of the new premises.

