

Appeal No. VA94/1/024

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

Michael Shiel Esq.
(Hayes Conyngham Robinson)

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Reference: 2b/Unit AB, Townland: Sheepmoor, Roselawn Shopping Centre, E.D.:
Blanchardstown Delwood, Dublin - Fingal, Co. Dublin
Quantum - Passing rent, unit in S.C.

B E F O R E
Henry Abbott

S.C. Chairman

Paddy Farry

Solicitor

Patrick Riney

F.R.I.C.S. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 4TH DAY OF OCTOBER, 1994

By Notice of Appeal dated the 5th day of May, 1994 the appellant appealed against the determination of the Commissioner of the Valuation in fixing a rateable valuation of £190 on the above described hereditament.

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

"The Rateable Valuation is excessive when compared with valuations of similar properties in the area".

The Property:

The property comprises two adjoining retail units in a modern shopping development which have been integrated to comprise one retail unit. The building is of concrete frame construction with concrete block infill walls and a precast concrete roof finished with asphalt over. There is a brick external facade. The property has the benefit of a modern aluminium frame shop front. The floor is solid. There is a suspended tiled ceiling within the unit.

The accommodation is as follows:-

Retail Unit	c. 1,983 square feet
Total Floor Area	c. 1,983 square feet

The premises is located adjoining the Quinnsworth Supermarket on one side and a newsagent on the other.

Tenure:

Each unit is held under a separate lease for 36 years from 29th September, 1976 on a full repairing and insuring basis, with provision for 3 year rent reviews. The current rent in each case was established as at 29th September, 1988:-

Unit A -	£15,500
Unit B -	£12,250

Written Submissions:

A written submission was received on the 13th July, 1994 from Douglas Newman Good, Auctioneers, Valuers, Estate Agents, Surveyors and Property Managers, on behalf of the appellant.

In the written submission the property is described as set out above and it is stated that based on the rent payable the current rateable valuation of £190 should be reduced to £175.

Commenting on the rents of the subject units it is stated in the written submission that these rents are an arms length transaction reflecting the true open market rental value of premises at the review date. The rateable valuation should, therefore, be based on same.

A written submission was received on the 14th July, 1994 from Mr. John Smiley, an Appeal Valuer, on behalf of the respondent.

In the written submission Mr. Smiley described the property, its location and tenure. He set out his calculation of the rateable valuation as follows:-

Agreed area 1,983 square feet (excluding two W.C.'s and ventilated lobby)

Zone A	804 square feet @ £24 =	£19,296
Zone B	820 square feet @ £12 =	£ 9,840
Balance	359 square feet @ £ 6 =	<u>£ 2,154</u>
		£31,290

N.A.V. £31,000 x 0.63% = £195.30

R.V. = £190.00

Mr. Smiley supplied a table of comparisons as follows:-

U n i t N o:	Area (Sq.F t)	Rent	Calculation of N.A.V.	N.A.V. *	R.V.
C	827	£18,000 (R.R.88)	Zone A 360 sq ft @ £24 } Zone B 360 sq ft @ £12 } = £13,600 Balance 107 sq ft @ £ 6 }	£13,50 0	£85
D	850	£13,125 (R.R. 88)			

E	850	£13,125 (R.R. 88)			
F	850	£13,125 (R.R. 88)	Zone A 360 sq ft @ £24}	£13,74	£85
			Zone B 360 sq ft @ £12}	0	
			Balance 130 sq ft @ £ 6}		
G	850	£13,125 (R.R. 88)			
H	850	£13,125 (R.R. 88)			
I	850	£13,125 (R.R. 88)			
J	850	£13,125 (R.R. 88)			
K	850	£13,125 (R.R. 88)			
L	947	£14,700 (R.R. 3/89)	Zone A 360 sq ft @ £24}	£14,30	£90
			Zone B 360 sq ft @ £12} = £14,322	0	
			Balance 277 sq ft @ £ 6}	<u> </u> *	

All the above are as agreed 1990 1st Appeal

Oral Hearing:

The oral hearing took place herein in Dublin on the 27th July, 1994. Mr. Paul Good of Douglas Newman Good, Valuers, appeared for the appellant. Mr. John Smiley appeared for the respondent.

While Mr. Smiley argued that the premises should be valued on the basis of two units on a similar basis to the single unit shops in the shopping centre, Mr. Good argued that the subject was a double unit in respect of which there was a passing arms-length rent producing a net annual value that suggested a quantum reduction.

There was certain debate in relation to the buoyancy of the rents in the Roselawn Shopping Centre but the Tribunal considers that is not the deciding factor in this particular case.

The Tribunal is satisfied that the rent was in fact arms-length and that there are insufficient factors in the case which would direct the Tribunal away from being guided by the passing rent in establishing net annual value.

The Tribunal is further mindful of its decision in *Appeal No: VA93/2/073 - Claude Borza - V- Commissioner of Valuation* where quantum reductions of a range of 15% were accepted.

Consistent with the Claude Borza decision the Tribunal, therefore, finds the rateable valuation of the subject premises is £175 and so determines.