

Appeal No. VA98/1/005

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

Ben Mullane

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 3/Unit 5 Bishop Street; Townland: Gortboy, E.D. Newcastle Urban,
R.D. Newcastle, Co. Limerick
Quantum - Public toilet in front of premises

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Barry Smyth - FRICS.FSCS

Member

Finian Brannigan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 5TH DAY OF JANUARY, 2000

By Notice of Appeal dated the 6th day of January 1998, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £31.00 on the above described hereditament.

The Grounds of Appeal as set out in the said Notice of Appeal are that;

- "1. This valuation for 450 sq.ft. of shop in a country town like Newcastle West is totally excessive and penal.
2. No inspection was carried out by the Commissioner of Valuation of the property.
3. The property is incorrectly described as being in the townland of Cullenagh".

The appeal proceeded by way of an oral hearing that took place on the 12th day of May 1999 in the Council Chamber, Limerick County Council. The appellant was represented by Mr. P. G. McMahon of Patrick G. McMahon, Solicitors in Co. Limerick. Mr. Ben Mullane the appellant gave evidence. Mr. David Molony, a Valuer with 14 years experience in the Valuation Office appeared on behalf of the Commissioner of Valuation. In accordance with practice and as required by the rules of this Tribunal the parties had prior to commencement of the hearing exchanged précis of evidence and submitted same to us. Having taken the oath each valuer adopted as his evidence in chief his précis.

1. The Property

The property is located in the town of Newcastle West on the eastern side of Bishop Street. It comprises a ground floor newsagents/confectionery shop contained in a refurbished secondary school. There are four retail units in the converted complex, an auctioneer's office and a first floor dental surgery. The accommodation of the subject premises is 415 sq.ft. (38.6 sq.m.). The property is held under a 9 year - 9 month lease from 19th December 1994 @ £150 per week.

2. Valuation History

1996/4 Valuation assessed at revision. Rateable Valuation £25. Rateable Valuation increased at first appeal to £31.00.

3. Mr. McMahon on behalf of the appellant stated that the appellant would not be relying upon the copy letter from Mr. Michael G. Liston, Auctioneer and Valuer dated 5th May 1999 however he put in evidence two photographs of the subject premises which were agreed with Mr. Molony and a copy letter from Mr. McMahon on behalf of the appellant to Mr. Michael Liston on behalf of the landlords on 16th April 1998 indicating that the business had fallen to an extent that the appellant had considered looking at the opt-out clause in his lease.

4. Having taken the oath Mr. Molony gave his evidence in chief and adopted his précis. Mr. Molony estimated the net annual value on the subject premises as follows;

(1)	Shop	415 sq.ft. @ £15.00 p.s.f.	=	£6,225
	Estimated N.A.V.	£6,225 @ 0.5%	=	£31.12
	Say			<u>£31.00</u>
(2)	Lease	Rent @ December 1994	=	£7,800
	Adopting the Jones Lang LaSalle, Irish Property Index (Shop estimated rental value)			
	387/469 x £7,800	=	£6,240 @ 0.5%	= £31.20
	Say			<u>£31.00</u>
(3)	Lease	Rent @ December 1994	=	£7,800
	Less 20% to Nov. 1988 level:	£6,240 @ 0.5%	=	£31.20
	Say			<u>£31.00</u>

Note: Lease Rent of £7,800 per annum equates to £18.66 p.s.f.

He gave the details of two comparisons as set out below;

	Lease Rent p.s.f.	November 1988 p.s.f.
Lot 3/Unit 5 (Subject Property)	£18.66	£15.00
Lot 3/Unit 4 (Comparison 1)	£16.29	£12.25
Lot 3/Unit 3 (Comparison 2)	£13.10	£ 9.80

5. Findings and Determination

Having considered the evidence of the appellant and the respondent and having taken into consideration the fact that the appellant faces some difficulties because of the placement of the toilet near to the subject premises, the Tribunal considers that the subject premises is nevertheless a more valuable property than the comparisons and determines that the valuation per square foot should be £14.00 which gives a net annual value of £5,810. Accordingly the Tribunal determines that the rateable valuation, using the fraction of 0.5% applicable, should be £29.05. Say £29.00.