

Appeal No: VA23/5/0191

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015
VALUATION ACTS, 2001 - 2015**

MAGGIE MAYS RESTAURANT LTD

APPELLANT

and

TAILTE EIREANN

RESPONDENT

In relation to the valuation of

Property No. 1133608, Bar & Restaurant at Bride Street, Loughrea, County Galway.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 6TH DAY OF MARCH 2026**

BEFORE

Frank O’Grady - MA, FSCSI, FRICS

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 5th day of October, 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ‘(the NAV)’ of the above relevant Property was fixed in the sum of €40,100.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because : *(a) The Valuation is incorrect: Proposed Valuation has been calculated on the Turnover figures re Drink and Food Sales. These figures appear to be estimates and are not in agreement with the actual figures of Drink and Food Sales carried out at this property.*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €32,700.

2. RE-VALUATION HISTORY

2.1 On the 23rd day of September, 2022 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €40,100.

2.2 A Final Valuation Certificate issued on the 15th day of September, 2023 stating a valuation of €40,100.

2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st day of February, 2022.

3. DOCUMENT BASED APPEAL

3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.

3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.

4. FACTS

4.1 The parties are agreed as to the following facts.

4.2 The subject property is located on Bride Street, Loughrea in the town centre adjacent to the car park , also owned by the Appellant.

4.3 The property is a traditional two storey licenced premises. The ground floor operates as a traditional pub with a food offering and the first floor is a modern lounge and upmarket dining area.

4.4 The property is in good condition.

4.5 The floor areas have been agreed between the parties.

Ground Floor	Bar	61.50 m2	
	Kitchen	<u>31.35 m2</u>	
		92.85 m2	
First Floor	Lounge/Dining	70.35 m2	
	Total Trading Area		163.50 m2

4.6 The property is held Freehold and is owner occupied.

5. ISSUES

5.1 The matter at issue is quantum.

6. RELEVANT STATUTORY PROVISIONS:

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

7. APPELLANT’S CASE

7.1 Mr. Justin Comer stated that the determination of the valuation was not a determination of its value that accords with that required under S.19 (S) and the valuation is incorrect. Trading Accounts were submitted (Appendix 1, N/A to public).

7.2 Mr. Comer is of the opinion that the increase in Turnover is attributable to catering and All Pro contracts in 2022 and 2023.

7.3 He also stated that the property is 500m away from the town centre with no immediate access to bus stops, post office, banks and car parks.

7.4 He is of the opinion that the NAV should be €32,700

8. RESPONDENT’S CASE

8.1 Ms. Deryn Ryan of Tailte Eireann for the Respondent submitted a detailed precis of evidence and confirmed location, description, turnover and title details of the property. Block plans of the building and internal and external photographs were provided. Also supplied were the accounts and rentals as provided by the Appellant at representation stage.

8.2 Ms. Ryan clarified the location of the property at 200m from the town centre and there was a private car park close to the subject also owned by Mr. Comer.

8.3 She stated that this was a Revision Case in accordance with S.48 of the Valuation Act 2001 as amended and the NAV is what a hypothetical tenant would pay by way of rent for the subject property.

8.4 Ms. Ryan stated that the accepted method of valuation for licensed premises is by the application of a percentage to the Fair Measurable Trade (FMT). Following the analysis of market and trading information, it is her opinion that a hypothetical tenant or reasonable efficient operator could run the premises on the same manner and just as successfully as the Appellant.

8.5 To assist her case, 2 Key Rental Transactions (KRT) and 3 NAV Comparisons were introduced (Appendix 2, N/A to public)

KRT 1 PN 1170147 NAV €35,000

Market St., Clifden, Co. Galway.

Total Trading Area 103.22 m2

KRT 2 PN 1117682 NAV €56,000

Main St., Oranmore, Co. Galway.

Total Trading Area 252.38 m2

NAV 1 PN 1132502 NAV €25,200

Main St., Loughrea, Co. Galway.

Total Trading Area 98.78 m2

Property located on same road as subject, no food offering.

NAV 2 PN 2193541 NAV €18,000

Bride St, Loughrea, Co. Galway.

Total Trading Area 39.48 m2

Smaller pub close to the subject.

8.6 The Respondent stated that the onus of proof rested with the Appellant and no evidence was provided that the Commissioner had erred in preparing the valuation.

8.7 Ms. Ryan stated that the subject property was valued “relative to the value of other similarly circumstanced properties comparable to that property on that Valuation List in the rating authority area “ in accordance with correctness of value, equity and uniformity.

8.8 The Respondent stated that the Appellants opinion that all the catering aspect for the subject should be excluded from the valuation as it did not add to the footfall of the subject is not a reasonable consideration due to

(a) The product is prepared on site in a commercial kitchen and to disregard all sales not consumed on the property is incorrect.

(b) The catering aspect of the business is tied to the subject. The storage and preparation can only happen on the property.

(c) No comparable property offered where the catering aspect is prepared and stored.

(d) Any reasonable operator would be deemed to have the same capacity on site to undertake a similar level of food production.

8.9 Ms. Ryan stated that having investigated all the particulars of the appeal and considered both the evidence and the grounds of appeal, that the NAV of €40,100 is correct. (Appendix 4, N/A to public).

9. SUBMISSIONS

9.1 There were no legal submissions.

10. FINDINGS AND CONCLUSIONS

10.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Galway County Council.

10.2 For properties that are classified by the Commissioner as licenced premises, are valued using a tabulated scheme of valuation by reference to the trading/earning capacity of the property, where estimates are made for each component of the trade (FMT) that a hypothetical tenant would expect to achieve at the valuation date from which to arrive at the NAV. This scheme assigns varying unit values (%) dependent on the turnover level, to each component income generating element of the licenced premises be it drink, food etc. from which to derive an NAV.

10.3 Mr Comer as a lay appellant is of the opinion that the assessment is excessive and should be reduced to €32,700. No comparable evidence to support the opinion of value was put forward.

10.4 The Respondent offered two KRTs and 3 NAVs as listed in the appendices (N/A to public) which were derived using the above-described scheme and the Tribunal finds that the method of valuation as proposed is appropriate and accepts the percentage margins used for food and drink.

10.5 The Appellant did not provide any valuation or methodology of valuation in this case and as stated by the Respondent the onus of proof rests with him to demonstrate that the Respondent has erred in her approach to the valuation.

10.6 The Respondents comments on the Appellants opinion that catering should be excluded from the valuation are well made. The fact that comments given to the catering and the external food business were not contested leaves the Tribunal with no grounds to reduce the NAV.

10.7 The Tribunal can only make decisions based on the information put before it and where no reliable evidence is presented, the Tribunals hands are tied.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent and valuation of the Property as stated in the valuation certificate to €40,100.

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.