

Appeal No: VA23/5/0279

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

JOHN MCNULTY

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 2006340, Fuel depot at JJ Reid LTD PT1 Main Street Stranorlar, County Donegal

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 16TH DAY OF APRIL, 2026

BEFORE

Brian Meldon - FSCSI, FRICS, Reg Val, Arb

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 11th 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 €145,000.

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:

"I feel that the proposed valuation is way over and above what the current valuation of rates should be for my premises, as my current rates are €11,130.55 for the year, which I find is already excessive. Proof of these rates can be provided when needed."

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €10,000.

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 €145,000.

2.2 Following the initiation of the appeal, the Respondent undertook a review of the valuation and reduced the Net Annual Value of the property to €60,850.

2.3 A Final Valuation Certificate issued on the 15th day of September, 2023 stating a valuation of €60,850.

2.4 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 subject property is a fuel depot located at JJ Reid Ltd PT1, Main Street, Stranorlar, County Donegal.

4.2 The property is entered on the valuation list as Property No. 2006340 and is used for commercial purposes as a fuel depot.

4.3 The Respondent initially determined the Net Annual Value (“NAV”) of the property in the sum of €145,000, which was subsequently reduced to €60,850 following a review at appeal stage.

4.4 The valuation date applicable to the revaluation of the property is 1 February 2022.

4.5 The Appellant appealed the determination on the basis that the valuation was excessive having regard to the rates payable on the property.

4.6 The quantum of the valuation is the sole matter in the dispute.

5. ISSUES

The issues for determination are:

5.1 Whether the valuation determined by the Respondent correctly reflects the Net Annual Value of the subject property in accordance with the provisions of the Valuation Act 2001-2015.

5.2 In particular, the Tribunal must determine whether the Appellant has demonstrated that the Respondent's valuation is excessive or otherwise incorrect.

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 The Appellant contends that the valuation determined by the Respondent is excessive.

7.2 The Appellant stated that the annual commercial rates payable on the property amount to €11,130.55 and considers this level of rates to already be excessive.

7.3 The Appellant submitted that the valuation of the property should be reduced to €10,000.

7.4 The Appellant did not provide rental evidence, comparable properties, or valuation analysis in support of the proposed valuation.

7.5 The Appellant provided turnover figures in respect of the shop and fuel sales at the property.

7.6 The Tribunal notes that these figures were considered in the course of the Respondent's review at appeal stage, which resulted in a reduction of the Net Annual Value from €145,000 to €60,850.

8. RESPONDENT'S CASE

8.1 The Respondent initially valued the Property at €145,000.

8.2 Following a review at appeal stage, the Respondent reduced the Net Annual Value of the Property to €60,850.

8.3 The Respondent maintains that the revised valuation of €60,850 is correct and has been determined in accordance with the provisions of the Valuation Acts 2001–2015.

8.4 The Respondent relied upon three comparable properties of a similar nature and use within the locality, details of which are set out in the valuation evidence.

8.5 The Respondent analysed these comparable properties by reference to shop turnover levels and derived a consistent valuation approach based on the application of a percentage rate to turnover.

8.6 The Respondent determined that a rate applied to shop turnover, together with consideration of fuel throughput, produced Net Annual Value levels consistent across the comparable properties.

8.7 Applying this methodology to the subject property, including an analysis of shop turnover and the application of an appropriate percentage rate, the Respondent derived a Net Annual Value of €60,850.

8.8 The Respondent submits that this approach is consistent with the valuation of comparable properties and achieves equity and uniformity as required under section 19(5) of the Act.

8.9 The Respondent further submits that the Appellant has not provided any evidence to demonstrate that the revised valuation is incorrect or inequitable.

9. SUBMISSIONS

9.1 The parties rely upon section 19(5) and section 48 of the Valuation Act 2001 (as amended).

9.2 The Respondent submits that the onus of proof rests upon the Appellant to demonstrate that the valuation determined is incorrect or inequitable.

10. FINDINGS AND CONCLUSIONS

10.1 The Tribunal is required to determine the value of the Property so as to achieve, insofar as is reasonably practicable, both correctness of value and equity and uniformity of value between comparable properties on the valuation list, in accordance with section 19(5) of the Act.

10.2 The net annual value of the Property falls to be determined pursuant to section 48 of the Act, being the rent for which, one year with another, the Property might, in its actual state, reasonably be expected to let from year to year, on the statutory assumption that the probable annual cost of repairs, insurance and other expenses necessary to maintain the property in that state are borne by the tenant.

10.3 The Appellant contends that the valuation is excessive having regard to the level of rates payable on the property.

10.4 The Tribunal notes that the amount of commercial rates payable is a consequence of the valuation and the annual rate on valuation applied by the local authority and is not, in itself, evidence that the valuation is incorrect or inequitable.

10.5 The Appellant has not produced rental evidence, comparable Net Annual Value assessments, or any other valuation evidence in support of the proposed valuation of €10,000.

10.6 The Tribunal notes that the Respondent has reviewed the valuation at appeal stage and reduced the Net Annual Value of the Property from €145,000 to €60,850, having regard to the evidence available, including the analysis of comparable properties and the valuation methodology applied.

10.7 The Tribunal is satisfied that this revision reflects a reconsideration of the valuation having regard to relevant factors, including the comparable evidence and valuation methodology relied upon by the Respondent.

10.8 The Appellant has not produced any evidence to contradict the comparable evidence relied upon by the Respondent or to demonstrate that the revised valuation of €60,850 is excessive or inequitable.

10.9 The onus of proof rests upon the Appellant to demonstrate that the valuation is incorrect or inequitable, and the Tribunal is not satisfied that this burden has been discharged.

10.10 Accordingly, the Tribunal finds that there is no basis upon which to disturb the revised valuation determined by the Respondent.

DETERMINATION:

The Tribunal disallows the appeal and confirms the decision of the Respondent.

The Net Annual Value therefore stands revised at €60,850.

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.