

Appeal No. VA15/3/004

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 2001
VALUATION ACT, 2001**

Johnny Craven

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In Relation to the Issue of Quantum of Valuation in Respect of:

Property No. 294748, Retail (Shops), Unit 11 Supervalu Shopping Centre, Main Street, Blanchardstown, County Borough of Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2ND DAY OF AUGUST, 2016**

B E F O R E:

Barry Smyth – FRICS, FSCSI, MCI Arb

Deputy Chairperson

Aidan McNulty - Solicitor

Member

Grainne Duggan - BL

Member

By Notice of Appeal received on the 11th day of September, 2015 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €22,000 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

"Adjacent Retail Shops (twice the sq footage) of ours are renting at 22,000 p/a. recently. See property register".

"€12,000 p.a. (we are currently paying €9,000 p.a. for the last 3 years)".

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence on the 16th day of March, 2016 adduced before us by Mr Johnny Craven on behalf of the Appellant, who contended for a net annual value of €12,000 and Mr Ian Power on behalf of the Respondent to the appeal,

DETERMINES

The Appellant stated on the notice of appeal to the Valuation Tribunal dated the 10th September 2015 that the Valuation that ought to have been to be determined as being the Net Annual Value of the property concerned was €12,000.

The Tribunal affirms the Commissioner's Valuation of €22,000.

The reasons being:

1. This Valuation and this decision are reached under the terms of Section 49 of the Valuation Act of 2001, as this is an amendment of the valuation list in relation to similarly circumstanced property. This is commonly referred to as the tone of the list.
2. The Zone A rate of €700 per m² was determined by the Tribunal in Appeal No. VA10/5/037 and Appeal No. VA10/5/009 in February 2011, but each Valuation referred to the Fingal County Council revaluation date of the 30th September 2005 and therefore were not valuations as at 2010 as contended by the appellant
3. The Commissioner of Valuations response to the Section 40 notices, served by the Shopping Centre's managing agents, recognised that other properties were similarly circumstances to those noted at 2) above and therefore fixed a rate of €700 per m², Zone A. As in 2 above, this correctly reflected 2005 values and not 2010 or later values.
4. The Tribunal may not provide for individual revaluations at dates other than those the Minister determines under the provisions of the Valuation Act 2001 as otherwise there would be no equity between rate payers in a rating authority area similarly circumstanced.

5. While the Tribunal acknowledges that rents in the Centre are now less than in 2005, the Tribunal in adhering to 2005 Net Annual Value provides for equity between the rate payers.