

Appeal No. VA92/4/033

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

**Mary Collins**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Hairdressing Salon at Lot No. 1/47c Main Street, Town of Killeagh, E.D. Killeagh,  
Townland of Killeagh Gardens, District of Youghal 1, Co. Cork  
Quantum - Passing rent

**B E F O R E**  
**Mary Devins**

**Solicitor (Acting Chairman)**

**Paul Butler**

**S.C.**

**Joe Carey**

**P.C. M.I.A.V.I.**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 22ND DAY OF JANUARY, 1993**

By notice of appeal dated the 7th day of July, 1992, Mary Collins appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £10 on the above described hereditament.

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

"the business being in a small village as Killeagh, I feel the rate is far too high. The business potential is small and it will take time to establish the salon. A bill like this every year would close the door."

**The Property:**

The property consists of a lock up hairdressing salon situated in Main Street, Killeagh. There is ample parking. Killeagh is on the Main Road between Midleton and Youghal which is also the main Cork to Waterford Road. The salon comprises the entire of a reconstructed semi-detached one storey building. Internally, in front, there is a 200 sq.ft. salon with a small porch; behind it is a 100 sq.ft. store. All the main services are connected to the shop - mains water, sewerage and telephone. Heating is supplied by paraffin heater.

**Tenure:**

The property is held on a 2 year lease from August 1991 at £50 per week plus rates plus insurance plus internal maintenance.

**Written Submissions:**

Accounts for the period August 1991 to December 1992 were submitted by Gerard Murphy & Company, Certified Accountants, on behalf of the appellant.

A written submission was received on the 15th January, 1993 from Mr. Terence Dineen, B.Agr.Sc., a District Valuer with 18 years experience in the Valuation Office. In the written submission Mr. Dineen described the property and the tenure thereof and gave details of the grounds of appeal at First Appeal stage. Commenting on the grounds of appeal Mr. Dineen stated that the appeal on the subject premises had been considered in conjunction with the adjoining block, 1/47b. Mr. Dineen stated that the R.V. in both cases was reduced from £15 to £10. Both appellants had felt that the rents of £50 a week were reasonably fair. In the circumstances Mr. Dineen contended that £38 per week taken for N.A.V. was fair in the subject case. Mr. Dineen contended that the adjoining unit is the best comparison, comparable properties are scarce in the area. In a rural location, Caherlag, five miles east of Cork City and off the main road a first floor

hairdressing salon of 302 sq.ft. had been let on a weekly tenancy of £40 per week since November, 1989.

**Oral Hearing:**

At the oral hearing which took place in Cork on 22nd January, 1993, Mr. Patrick Dunne, Accountant, appeared on behalf of the appellant. The respondent was represented by Mr. Terence Dineen, Valuer, of the Valuation Office.

Mr. Dunne explained that the payment of rates based on the current R.V. would have a crippling effect on his client's business. He went on to say that by virtue of the nature of her business it would take his client a very long time to make enough profits to pay outgoings like rates. As a large section of the premises was used as a store, Ms. Collins felt that the R.V. of £10 was too high and suggested a figure of £7.50 as being fairer.

Mr. Dineen at the outset pointed out that premises and not tenants were rated, and that the occupier's trading situation had very little bearing on the rateable valuation.

He stated that while the actual rent passing was £50 a reduction of that figure to a N.A.V. of £38 was made to allow for any drawbacks in the instant situation.

Mr. Dineen referred to a comparable hairdressing premises in a rural location near Caherlag with more disadvantages than the subject premises, which was let on a weekly tenancy of £40 per week.

**Findings:**

The Tribunal, while it may have sympathy with the appellant's situation, accepts the respondent's evidence in relation to location, comparable premises, and in particular his estimate of N.A.V., in view of the actual rent passing.

In the circumstance the Tribunal affirms the decision of the Commissioner.