

Appeal No. VA97/2/015

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

John McKay t/a "No. 7 Newsagent"

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Reference 20D/7, Janelle Shopping Centre, Ward: Finglas South, County
Borough of Dublin

Quantum - Units in a shopping centre

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

George McDonnell - F.C.A.

Member

Finian Brannigan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 30TH DAY OF MARCH, 1999

By Notice of Appeal dated the 17th day of April 1997 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £178 on the above described hereditament.

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

- "1. The valuation is excessive and inequitable.
2. The valuation is bad in law."

The relevant valuation history is that a rateable valuation of £178.00 was placed on the subject property in the valuation lists issued in November 1995. This valuation was appealed. The Commissioner of Valuation issued his decision on 25th day of March 1997 leaving the valuation unchanged.

A written submission on behalf of the respondent prepared by Mr. Colman Forkin, a Valuer with 17 years experience in the Valuation Office, was received by the Tribunal on 19th day of November 1997.

Mr. Forkin's written submission described the basis for the rateable valuation as follows;

Shop	1,015 sq.ft. @ £26 p.s.f.	=	£26,390
Store	190 sq.ft. @ £ 8 p.s.f.	=	<u>£ 1,520</u>
			£27,910
		x 0.63%	= £175.83
	Say	=	£178.00

Mr. Forkin's written submission contained a schedule of four comparisons.

A written submission prepared by Ms. Sheila O'Buachalla B.A., an Associate of the Society of Chartered Surveyors and a director of Donal O'Buachalla & Company Limited, was received by the Tribunal on 18th day of November 1997. A further written submission prepared by Ms. O'Buachalla was received by the Tribunal on 9th day of March 1998. At the hearing of the immediately preceding appeal, John McKay t/a No. 7 Quick – VA97/2/014, Ms. O'Buachalla stated she was not relying on the written submission received by the Tribunal on 18th November 1997.

In her latter written submission Ms. O'Buachalla set out the basis for her estimate of the rateable valuation of the subject property as follows;

Shop	1,015 sq.ft. @ £16.00	=	£16,240
Mezzanine	190 sq.ft. @ £ 2.00	=	<u>£ 380</u>
			£16,620
	Less 20%		£ 3,324
	N.A.V.		£13,296
	@ 0.63%		£84 R.V.

Say £85 R.V.

Ms. O’Buachalla’s written submission contained a schedule of four comparisons.

The oral hearing took place at the Tribunal’s offices in Dublin on 20th day of March 1998. At the outset of her sworn testimony Ms. O’Buachalla stated she would not repeat her evidence as to the poor trading conditions at the centre which she had already given in the immediately preceding appeal.

Ms. O’Buachalla using the photographs she had already put in evidence described the subject property. It was beside the entrance to the mall. The property had a small frontage to the mall. The property did not have much depth as it extended sideways to an area which did not have frontage to the mall. Again the equipment which operated the doors to the shopping centre extended through the appellant’s property. This prevented the appellant from enlarging the frontage of the shop to the mall.

Ms. O’Buachalla referred to her comparisons.

Unit 19 was smaller than the subject and it had larger frontage to the mall. It had an area 758 sq.ft. and R.V. of £88. The N.A.V. of £13,968 devalued at £18.35 p.s.f.

Unit 20 was a very good unit. It had good frontage to the main mall and the side mall. It was a larger unit than the subject with a good location near the entrance to Crazy Prices. The area was 1,385 sq.ft. with R.V. £162. The N.A.V. of £25,714 devalued £18.48 p.s.f.

Unit 8 was not really comparable to the subject. She had put it in because it was next to the subject.

Her last comparison was Unit 3. This was opposite the subject in the mall. It was an L – Shaped unit with better frontage to the mall than the subject. It had an area of 894 sq.ft. and R.V. £100. The N.A.V. of £15,873 devalues at £18 p.s.f.

Under cross examination by Mr. Forkin Ms. O’Buachalla stated she had not used units 10 and 11, two comparisons contained in Mr. Forkin’s written submission, because she considered they were superior to the subject property.

Mr. Forkin put it to Ms. O’Buachalla that her comparisons Unit 19 and 20 were not relevant as they had been subdivided at 1997/3. The valuation of the subject property had been made in 1995/4.

Mr. Forkin again put it to Ms. O’Buachalla that there should not be a 20% deduction for poor trading conditions at the centre.

In his sworn testimony Mr. Forkin adopted his written submission as his evidence to the Tribunal.

Mr. Forkin referred to his comparisons. Unit 10 had been occupied by Peter Mark Ltd. It had a value of £25 p.s.f. for 1,000 sq.ft. He accepted that it had a double frontage.

Unit 11 had a value of £19 p.s.f. for 1,324 sq.ft. It was set back from the pedestrian access and Mr. Forkin considered it as being in an inferior location to the subject.

Unit 2 was the next comparison of Mr. Forkin. It had a value of £28 for 581 sq.ft.

Unit 3 was Mr. Forkin’s last comparison in his written précis. It was beside Unit No. 2 and was L-Shaped. Mr. Forkin said it was inferior to the subject property. It had a value of £18 p.s.f. for 894 sq.ft.

Under cross-examination by Ms. O’Buachalla, Mr. Forkin stated that any disadvantage in the layout of the subject property was negated by its excellent location at the entrance to the shopping centre. Under further cross-examination Mr. Forkin stated it was this locational advantage, which lead him to put a higher value p.s.f. on the subject relative to his

comparisons of Unit 10 and Unit 11. In further responses Mr. Forkin stated that newsagents like the appellant were traditionally located at the entrance to shopping centres where a large proportion of the passing trade was collected.

In her closing submission, Ms. O’Buachalla drew attention to the narrow frontage of the subject to the mall. This amounted to 13 feet. Again she drew attention to the fact that at the time of revision two immediately adjoining units to the subject were vacant. Now Unit 10. Peter Mark Ltd. was vacant. Ms. O’Buachalla said the Tribunal should have regard to the valuations on the comparator units and then make allowance for the configuration of the subject.

In his closing submissions Mr. Forkin said the Tribunal should ignore valuations made after the revision date for the subject.

The Tribunal has considered the written submissions and the evidence offered by the appellant and the respondent.

The Tribunal finds that Unit 11, a comparison offered by Mr. Forkin, is the most appropriate comparison in arriving at a determination in this matter. This comparison has a value of £19 p.s.f. for 1,324 sq.ft. The subject has a smaller size and a better location. This must give rise to a premium in the rate p.s.f.

Shop	1,015 sq.ft. @ £20 p.s.f.	=	£20,300
Store	190 sq.ft. @ £ 4 p.s.f.	=	<u>£ 760</u>
			£21,060
	x 0.63%	=	£132.68
	Say	=	£133.00

The Tribunal therefore determines the rateable of the subject hereditament to be £133.00