

Appeal No. VA97/3/006

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

Oliver Malone & Sean McGuigan

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Restaurant at Lot No. 97b, Main Street, UD: Cavan, Co. Cavan
Quantum

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Finian Brannigan - Solicitor

Member

Ann Hargaden - FRICS.FSCS

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 22ND DAY OF JANUARY, 1999

By Notice of Appeal dated the 3rd July 1997 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £23 on the above described hereditament.

The Grounds of Appeal as set out in the notice of appeal are that "taking into account the location and size and comparable rateable valuations in the area and the difficulty marketing any business in this economically deprived and social welfare dependent part of Cavan town the rate is submitted to be excessive".

The relevant valuation history is that a rateable valuation of £35.00 was fixed on the property at 1995/4 revision. On appeal the rateable valuation was reduced to £23.00.

A written submission prepared by Mr Raymond Sweeney, a District Valuer with 27 years experience in the Valuation Office was received by the Tribunal on 18th November 1997.

The written submission described the subject property and the basis of its valuation as follows:

Restaurant	269 sq. ft.	@	£15.00/ sq. ft.	= £4,035
Kitchen (rear)	65 sq. ft.	@	£10.00/ sq. ft.	= <u>£ 650</u>
		TOTAL NAV		= £4,685
		@ 0.5%		= £23.42
				Say £23.00

OR

Estimated Rent 11/1988 £90 per week x 52	= £4,680
@ 0.5%	= £23.00

Mr Sweeney's written submission contained six comparisons located in Cavan town. Five of the comparisons are described as located off centre of the town and were assessed at £15.00 - £17.00 per sq. ft. Comparison number six is described as being situated in a prime location and as being assessed at £30.00 per sq. ft.

A written submission prepared by Donohoe Mackey & Co, Solicitors, on behalf of the appellant was received by the Tribunal on 20th November 1997. This written submission listed eight comparisons in the Cavan urban area.

The appeal processed by way of an oral hearing which took place in the Circuit Court Cavan town, on 28th November 1997. The appellant was represented by Mr James Donohue, Solicitor, of Donohoe Mackey & Co. The respondent was represented by Mr Raymond Sweeney.

In his oral submission Mr Donohoe stated that he agreed with Mr Sweeney's description of the areas for the restaurant and kitchen in the subject premises.

In the preceding appeal Mr. O'Donohoe had referred to the lack of urban incentives provided by the government in the town of Cavan and the consequent adverse affect on all investment in the town. Mr Donohoe submitted it was difficult to get a tenant for the subject premises.

Mr Donohoe submitted that the most relevant comparison was Noel's Restaurant, almost opposite the subject, which was rated at £25.00. The total floor area of that comparison was 511 sq. ft. This comparison was the fifth comparison submitted by the respondent.

Mr. Donohoe submitted that a fair rateable valuation for the subject premises would be £20.00.

In his sworn testimony Mr Sweeney adopted his written submission as his evidence to the Tribunal. He described the subject property as being bright and compact.

In further testimony Mr Sweeney dealt in greater detail with his six comparisons.

Mr Sweeney referred to both sides common comparisons, namely 86a Main Street, Cavan town, taking the rateable valuation in that case, namely £25.00, then a rateable valuation of £23.00 for the subject was proportionate. Mr Sweeney further stated that there was 158 sq. ft. of public area in number 86a and 269 sq. ft. of public area in the subject.

The Tribunal has considered the written submissions of the appellant and the respondent as well as the oral submissions of Mr Donohoe and the evidence of Mr Sweeney.

The Tribunal considers that comparison No 5 of the Respondent is the most relevant in arriving at a decision in this matter. This comparison No 86a Main Street, Cavan has been offered by both sides.

This comparison is almost double the size of the subject property and is valued at an overall rate of £10.00 per sq. ft.

The Tribunal considers that the areas of the subject should be valued at different rates p.s.f. as follows:

Restaurant	269 sq. ft. @ £13.50 / sq. ft.	=	£3,631.50
Kitchen (rear)	65 sq. ft. @ £ 5.00 / sq. ft.	=	<u>£ 325.00</u>
	Total N.A.V.	=	£3,956.50
	@ 0.5%	=	£ 19.78
	Say		£20.00

The Tribunal therefore determines the rateable valuation of the subject premises to be £20.00.