

Appeal No. VA98/3/023 &  
VA98/3/024

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

**Gerard Farrelly Auctioneers Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Map Ref:8Bb and Office at Map Ref: 8Ba Market Square, Townland: Oldcastle,  
ED: Oldcastle, Co. Meath  
Quantum - Passing rent

**B E F O R E**

**Liam McKechnie - Senior Counsel**

**Chairman**

**Michael Coghlan - Solicitor**

**Member**

**Ann Hargaden - FRICS.FSCS**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 11TH DAY OF OCTOBER, 1999**

By Notices of Appeal dated the 23rd day of March 1998 the appellant appealed against the determinations of the Commissioner of Valuation in fixing rateable valuations of £8 (shop) and £15 (office) on the above described hereditaments.

The grounds of appeal as set out in the Notices of Appeal are the rates struck are inappropriate and that accurate to the effect that rental levels as at November 1988 have not been reflected in the rates set.

The property comprises a small auctioneer's office on the ground floor and a beauty salon on the first floor of a two storey building. The property is situated in the centre of the town of Oldcastle, Co. Meath, approximately forty four miles from Dublin.

Written submissions were received from Mr. Des Doyle of the Valuation Office on the 18<sup>th</sup> day of May 1999 and from the appellant, Mr. Gerard Farrelly on the 17<sup>th</sup> day of May 1999.

In his written submissions Mr. Doyle set out his estimate of net annual value of both premises as follows:

**VA98/3/023**

Passing Rent: £210 per month	=	£2,520 p.a.	
Allow 30% to Nov. 1988	=	£1,764	Say £1,700
£1,700 @ 0.5% = £8.50. Say £8.			

**VA98/3/024**

266 sq.ft. @ £12 psf = £3,192  
 Say £3,000  
 £3,000 @ 0.5% = £15.

Mr. Doyle also gave one comparison in relation to VA98/3/023 and three comparisons in relation to VA98/3/024 as follows:

**VA98/3/023**

*1b Cavan Street*

First floor accountant's office RV £6 (1996)  
 Rent £40 per week  
 NAV at Nov. 1988 – 230 sq.ft. @ £5 psf = £1,150  
 RV @ 0.5% = £5.75. Say £6.

**VA98/3/024**

1. *VA98/3/023 - 8Bb Market Square, Oldcastle (Beauty Salon above subject property)*  
 £210 per month. Yearly tenancy.  
 NAV £1,700 @ 0.5% = RV £8.50. Say £8.
  
2. *1c Cavan Street (Oldcastle Sports)*  
 RV £7 (1996)  
 NAV at Nov. 1988 - 189 sq.ft. @ £8 psf = £1,512  
 RV @ 0.5% = £7.56. Say £7.
  
3. *1b Cavan Street*  
 NAV at Nov. 1988 – 230 sq.ft. @ £5 psf = £1,150  
 RV @ 0.5% = £6.

Mr. Farrelly set out four comparisons to support his valuation.

1. *Brogan's Chemist, Cogan Street, Oldcastle*  
 Weekly Rent £33
2. *McEnroe Dry Cleaners, Oliver Plunkett St., Oldcastle*  
 Weekly Rent £30
3. *Monaghan's Butcher Shop, Cavan Street, Oldcastle*  
 Weekly Rent £52.50
4. *Jack Kiernan & Son Footwear Sales, The Square, Oldcastle*  
 Weekly Rent £22.

Mr. Farrelly also set out his estimate of a realistic market rent for the premises to be in the sum of:

Ground floor £28 per week  
 First floor £16 per week.

**Oral Hearing**

The appeal proceeded by way of an oral hearing which took place on 31<sup>st</sup> day of May 1999 in the Tribunal Offices, Dublin. The appellant appeared on his own behalf and Mr. Des Doyle, B. Comm. and Valuer in the Valuation Office appeared for the Commissioner. In his evidence, Mr. Farrelly noted the four comparisons as referred to within his letter to the Tribunal of the 17<sup>th</sup> day of May 1999. He stated that the first comparison confirmed a net annual value of £3 psf. The second premises (McEnroe Dry Cleaners) had a net annual value of £2.60 psf. The third comparison (Monaghan Butchers Shop), rental to include cold rooms etc., had a net annual value of £6 psf. The last comparison (Jack Kiernan & Sons) had a net annual value of £3.80 psf. Mr. Farrelly contended that these rental comparisons as broken down were in direct contradiction of the evidence presented by the Valuation Office.

Mr. Farrelly went on to say that he did not accept that a 30% reduction to 1988 levels for rent was acceptable as same did not reflect the actual rental situation in Oldcastle at that time.

Under cross examination, Mr. Des Doyle suggested to the witness that Brogan's Chemist (the first comparator) had been held since 1948 by the tenant who subsequently took a 35 year lease. Mr. Doyle suggested to the witness that in fact the value of Brogan's was fixed at £14 and that in assessing rental, the Tribunal was of the view that the £35 quoted for rent did not constitute a full commercial rent and assessed same at £80 per week.

Mr. Des Doyle gave evidence for the Commissioner. He stated that he was relying upon the rental evidence available to him in respect of the first floor of the subject premises. He stated that in making a 30% adjustment to 1988 a rateable valuation of £8.50 was achieved.

Under cross examination it was suggested to Mr. Doyle that the tenant at first floor of the subject premises had since left after holding same for approximately 2 years and 6 months.

## Findings

The Tribunal has considered the written submissions and the oral evidence and submissions of the appellant and respondent.

The Tribunal has noted the situation of the premises which in its view are at least as good, if not superior to all of the comparisons listed. The Tribunal is of the view that in this instance rental values are an appropriate basis for assessment. It is noted that the upstairs beauty salon was at least up until recently rented at £210 per month or £52 per week. The Tribunal is sympathetic to the appellant's contention that rental values were more depressed in Oldcastle than elsewhere. The Tribunal is nevertheless satisfied that the 30% reduction in actual rentals to November 1988 levels is generally the best method for assessment.

In this instance the Tribunal is of the view that the proper rent as of November 1988 for the ground floor premises would have been £32 per week or £1,644 per annum. The Tribunal further finds that the 0.5% percentage is the appropriate one to be used in deriving a rateable valuation in this case.

Accordingly, multiplying the annual rent as of November 1988 = £1,644 p.a.

RV at 0.5% = £8.32. Say £8.

In relation to the first floor premises in this instance the Tribunal is of the view that an appropriate market rent for these premises as of November 1988 would have been £20 per week which equals £1,040 p.a.

RV at 0.5% = £5.02. Say £5.

The Tribunal therefore determines the valuations as follows;

VA98/3/023	-	Premises at first floor	£5.00
VA98/3/024	-	Premises at ground floor	£8.00.