

Appeal No. VA14/5/093

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

John Foley

APPELLANT

And

Commissioner of Valuation

RESPONDENT

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

Property No. 2209371, Service Station/Forecourt Shop at Dungarvan Co. Waterford.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2nd DAY OF MARCH, 2017

BEFORE:

Dolores Power – MSCSI, MRICS

Deputy Chairperson

Brian Larkin - BL

Member

Mairead Hughes- Hotelier

Member

By Notice of Appeal received on the 3rd day of September, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a Net Annual Value of €70,000 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

"Due to increased competition i.e. new Applegreen, new Esso and new Top all locally which will reduce our turnover."

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 28/02/2017 adduced before us by Mr. John Foley, the Appellant, who contended for a Net Annual Value of €50,000 and Mr. Liam Hazel on behalf of the Respondent to the appeal,

DETERMINES

That the net annual value of the subject property be as set out below:

€70,000 – Unchanged

Fuel Throughput/Litres	(FMT) 2,000,000 ltrs	@	€6.50/1,000Litre	=	€13,000
Shop	(FMT) €1,500,000	@	3.75%	=	€56,250
Car Wash	(FMT) €10,000	@	7.50%	=	€750
Total NAV					€70,000

The reasoning being

1. The valuation of the subject property is managed under the Valuation Act 2001. The Net Annual Value (NAV) of the property is set in accordance with Section 48 of the Act.
2. As provided in section 35(a) (i) of the Valuation Act 2001, in rating appeals, the onus to show that the valuation of the appeal is incorrect lies with the Appellant. The Tribunal finds that the Appellant failed in this regard.
3. The Tribunal is mindful that the rent payable by the Appellant for the subject property under the Lease is not a market rent. The Tribunal further notes that the Appellant in evidence stated that 3 new service stations opened in 2014 – 3 years post the official valuation date of 28th October 2011, and said that this affected the turnover at the subject property.
4. The Tribunal notes that the Appellant did not provide any comparisons at the hearing to back up his claim for a reduction in the NAV from €70,000 to €50,000.
5. Having regard to the evidence and the arguments adduced, the Tribunal considers that the NAV of €70,000 as determined by the Commissioner of Valuation is fair and reasonable. Therefore, the Tribunal disallows the appeal and accordingly affirms the decision of the Commissioner of Valuation.

And the Tribunal so determines.