

Appeal No. VA14/5/439

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

**Pattina Products Limited T/A McDonalds**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

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

Property No. 731220, Retail (Shops), 14-16 Mary Street, County Borough of Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 31<sup>ST</sup> DAY OF AUGUST, 2016**

BEFORE:

**Stephen J. Byrne - BL**

**- Deputy Chairperson**

**Frank O Donnell – FRICS, B Agr Sc, MIREF**

**- Member**

**Thomas Collins – PC, FIPAV, NAEA, MCEI, CFO**

**-Member**

By Notice of Appeal received on the 4<sup>th</sup> day of September, 2015 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €338,000 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"Pursuant to Sections 35(a)(i) & (ii) and Sections 48 & 49 of the Valuation Act, 2001, the Valuation is incorrect and does not reflect the character, specification, size and location of the subject property and relativity to other properties."*

*"'Without Prejudice' €101,000 pursuant to Sections 48 & 49 of the Valuation Act, 2001."*

*“The appellant reserves the right to contend that a valuation is bad in law in the event that an error in law is identified in the course of the appeal.”*

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 adduced before us by the parties to the appeal,

**DETERMINES**

Retail Zone A	59.8 sq.m	@	€1,200	=	€ 71,760
Retail Zone B	75.4 sq.m	@	€ 600	=	€ 45,240
Retail Zone C	92.1 sq.m	@	€ 300	=	€ 27,630
Retail Balance	30.2 sq.m	@	€ 150	=	€ 4,530
Basement	210.9 sq.m	@	€ 130	=	<u>€ 27,417</u>

Total NAV = €176,577

**Valuation Say = €176,500**

**REASONS**

1. The Tribunal had significant regard to the appellant’s comparison of Banba Toymaster, 48 Mary Street valued at €650 Zone A. This property is situated directly opposite the subject property.
2. While the basement in the subject property is in restaurant use it currently only opens three days a week from Friday to Sunday as a result of poor trading.
3. Mary Street is a much inferior street to Henry Street as evidenced by the footfall figures supplied by the appellant:

<i>Footfall Figures</i>	<i>Henry Street at Butlers Café</i>	<i>Marys Street at Jervis Centre</i>	<i>Corner of Capel Street &amp; Mary Street at Mullen Sports</i>
<i>Average per week</i>	329,766	225,921	54,726
<i>2014</i>			