

Appeal No. VA14/5/920

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

**Thomas Martin**

**APPELLANT**

**And**

**Commissioner of Valuation**

**RESPONDENT**

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

Property No. 857245, Retail (Shops), Ground Floor, 1A Thomas Hill, Waterford City,  
County Waterford.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 15<sup>TH</sup> DAY OF JULY, 2016**

BEFORE:

**Barry Smyth - FRICS, FSCSI, MCI Arb**

**- Deputy Chairperson**

**Carol O'Farrell - BL**

**- Member**

**Hugh Markey - FRICS, FSCSI**

**-Member**

By Notice of Appeal received on the 4<sup>th</sup> day of September, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €4,750 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"1) The subject property's estimate of net annual value is excessive and inequitable. The subject property was to let in late 2009 on an IRI verbal contract at €75/week (€3,900 per annum). In 2012, this was reduced to €220/month (€2,640 per annum)."*

*"2) The subject property's location is poor with low footfall and is a tertiary retail location with no retail beyond it up Thomas Hill."*

*"3) Given the age and condition of the buildings the hypothetical tenant would be willing to take a lease on the property (either IRI or FRI)."*

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 18<sup>th</sup> of March, 2016 adduced before us by Mr David Halpin on behalf of the Appellant, who contended for a net annual value of €2,640, and Ms Triona McPartlan on behalf of the Respondent to the appeal,

## **DETERMINES**

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

### **NAV at €3,500 Reduction.**

#### **The reasoning being:**

1. In this instance, there is a passing rent of €3,900 agreed in 2009 and payable at the valuation date of 28<sup>th</sup> September 2011. In addition, the Tenant pays rates but this rent is inclusive of both interior and exterior repairs and insurance.
2. Mr. Halpin's adjustment of the passing rent to reflect the Landlord's liability for repairs and insurance at 20% appears somewhat arbitrary while the Valuation Office basis of 3% for interior repairs and 3% for exterior repairs plus €5 per m<sup>2</sup> for insurance seems to be more soundly based.

3. The Zone A rate employed by the Commissioner at €200 per m<sup>2</sup> is in the Tribunal's opinion too high for this isolated retail property on a street with no other retail trade and only one other property that is rated. A reduction of the zone of the list Zone A applied in neighbouring in O'Connell Street which is predominately retail is appropriate to reflect the difference.
4. We have reduced the passing rent as at the valuation date by 6% to reflect the fact that the entire repairing liability is the Landlords as opposed to the Tenants as envisaged by Section 48 of the Act and by €5 per m<sup>2</sup> to reflect the Landlord carrying the insurance rather than the Tenant for the same reason.