

Appeal No: VA19/5/1706

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015
VALUATION ACTS, 2001 - 2015**

WH RYAN LIMITED

APPELLANT

And

COMMISSIONER OF VALUATION

RESPONDENT

**In relation to the valuation of
Property No. 1329950, Store at Croke Street, Thurles, County Tipperary.**

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 21ST DAY OF MARCH 2024**

BEFORE

Hugh Markey – FRICS, FSCSI

Deputy Chairperson

1. THE APPEAL

1.1 By Notice of Appeal received on the 14th day of October, 2019 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ‘(the NAV’) of the above relevant Property was fixed in the sum of €23,600.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because: *The Valuation is Incorrect.*

The current rates of this property are preventing people from using it. You will see internationally that that side street properties are extremely are difficult to fill. In Austria I have friends who receive a grant of 40euro a week to occupy a ground floor office with their architecture practice. This is to keep the Vienna looking vibrant. Therefore, I do not believe charging such high rates in small town Ireland is sustainable.

- 1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €4,000.

2. RE-VALUATION HISTORY

- 2.1 On the 15th day of March, 2019 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €26,300.
- 2.2 A Final Valuation Certificate issued on the 10th day of September, 2019 stating a valuation of €23,600.
- 2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 15th day of September, 2017.

3. DOCUMENT BASED APPEAL

- 3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.
- 3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.

4. FACTS

- 4.1 The parties are agreed as to the following facts:
 - 4.1.1 The property is freehold and is vacant.
 - 4.1.2 The agreed floor areas are cited below:

	Floor	M2
Store	0	245.22
Store	0	71.50
Store	0	24.94
Store	0	21.60
Store	0	218.16
Store	0	302.22
Store	0	62.98
Store	0	28.00
Total	-	974.62

4.2 Location/Description

The property is located off Croke Street in the centre of Thurles, Co. Tipperary. The property comprises a series of old (1960s) industrial buildings grouped around a courtyard and accessed via a 3m wide lane from Croke Street. The buildings are of poor/fair specification with varying eaves heights up to 6.7m. The buildings were previously used for the purposes of the manufacture of coffins.

5. ISSUES

The sole issue is one of quantum.

6. RELEVANT STATUTORY PROVISIONS:

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

7. APPELLANT’S CASE

7.1 The Appellant’s case is as set out in the Notice of Appeal and as recited at 1.2 above. A submission was made by the Appellant which elaborated on the basis for appeal and included an internal photograph of one of the buildings showing its poor condition and a second showing the access from Croke Street. He elaborated on the use of the buildings since production ceased. He explained how the buildings were available to let but without success and had been given free to the local scouts and the local authority for storage.

7.2 He outlined the difficulties with access and suggested that the buildings may have to be demolished in order that rates would not be payable.

8. RESPONDENT’S CASE

8.1 Ms. Triona McPartlin, representing the Respondent, outlined the background to the revaluation and the basis for arriving at the scheme of valuation. She noted that a level of €27 per sq. m. was applied to the subject. She provided evidence of 2 Key Rental

Transactions (KRT's) which informed the scheme of valuation and the level adopted by the Respondent. These are contained in Appendix 1 of this judgment (N/A to public). In addition, she provided 3no. NAV Comparables to support the figure adopted. Details of these are included at Appendix 2 to this judgment (N/A to public).

- 8.2 She noted that the rate per square metre applied to the subject was the lowest for a property of this type and allowance had been made for its nature.

9. FINDINGS AND CONCLUSIONS

- 9.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Tipperary County Council.

- 9.2 As with any appeal to the Tribunal, the onus lies with the Appellant to introduce evidence that the valuation placed on the appeal property by the Respondent should be disturbed; that the provisions of the Act have not been met. In the present appeal, no such evidence was introduced and the appeal must, therefore, fail.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent.

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court.

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.