Appeal No. VA04/2/051

AN BINSE LUACHÁLA

VALUATION TRIBUNAL

AN tACHT LUACHÁLA, 2001

VALUATION ACT, 2001

Craddock House Nursing Home **APPELLANT**

and

Commissioner of Valuation **RESPONDENT**

RE: Nursing Home, at Lot No. 3C, Craddockstown North, Naas Urban, County Kildare.

B E F O R E

Frank Malone	**Deputy Chairperson**
Maurice Ahern - Valuer	**Member**
Michael McWey - Valuer	**Member**

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 22ND DAY OF JULY, 2005

By Notice of Appeal dated the 25th day of May, 2004, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €475.00 on the above described relevant property.

The Grounds of Appeal as set out in the Notice of Appeal are:
"On the basis that the RV is excessive, inequitable and bad in law".

The appeal proceeded by way of an oral hearing, which took place on 6th October 2004, in the offices of the Tribunal at Ormond House, Ormond Quay Upper, Dublin 7. Mr. Eamonn Halpin B.Sc. (Surveying) A.S.C.S., M. R.I.C.S., M.I.A.V.I., appeared on behalf of the appellant and Mr. Denis Maher, M.R.I.C.S. represented the respondent. Both parties, having taken the oath, amended their précis of evidence as outlined later in this determination and then formally adopted them as being their evidence-in-chief.

Description

The property comprises a modern, purpose-built, 68-bed nursing home. The building is mainly single storey in design but has some dormer style accommodation over part of the front and side (south) blocks. Accommodation comprises 68 beds (53 single rooms, 4 double rooms, 1 treble room and 1 x 4-bedded room), a dining-room, 3 sitting-rooms, 2 conservatories, an oratory, a laundry-room, a kitchen, 2 offices and an entrance hall. Externally, there is a pump house and a store. There is parking for about 45 cars.

Location

The property is located at Craddockstown close to Naas, Co Kildare on a county road adjoining a newly developed residential area and approximately 20 miles from Dublin city centre.

Tenure

The property is understood to be held freehold.

Services

Mains services are attached.

Valuation History

The property was valued on 17th November 2003 at RV €475 which valuation remained unchanged following an appeal to the Commissioner. It is against this decision of the Commissioner on 28th April 2004 that the appeal to this Tribunal now lies.

The Appellant's Case

Mr. Halpin, before adopting his précis of evidence as his evidence-in-chief, made the following amendments which he confirmed to the Tribunal had been seen and accepted by Mr Maher:

(i) to amend the valuation being contended for and to indicate 3 different bases of valuation. A copy of that amended valuation is contained in Appendix 1 to this judgment.

(ii) to amend the rate per square metre of his Comparison as shown in manuscript in Appendix 2 to this judgment.

Mr. Halpin said the site was purchased in 1999 for approximately €380,000 and the total construction cost approximately €1.77 million. The property had 68 beds, mainly on the ground floor, with some beds and office space in the dormer area. The latter was not as good as the downstairs area. The property did not have a lift. There was a large ancillary space.

Mr. Halpin said there is a trend, which he has personally identified over the last 5 years, towards an increase in the size of nursing homes, larger bedrooms, dayrooms, dining rooms and hallways, especially where patients suffering from Alzheimer's Disease were cared for. The increase in size of nursing homes is, he said, dictated by Health Board regulations. It has not led to any increase in charges per week in recognition of the extra space in more modern nursing homes over what is charged in older nursing homes which, though smaller, are exempt from the Health Board regulations. The charge is dictated by the market and not by the size of the property.

Mr. Halpin said that the best comparison submitted by the parties was his own comparison, Larchfield Park Nursing Home (Larchfield) (see Appendix 2 to this judgment), also in Naas but that the Valuation Office would not accept this comparison and had gone outside the rating authority area for their comparisons. Larchfield is a modern purpose-built building in the same rating authority area as the subject property. Mr. Halpin said that if the Tribunal were to rule a comparison from outside the rating authority area as acceptable, he would have no objection to the Valuation Office Comparison No. 4, Moyglare Nursing Home (Moyglare), Maynooth (see respondent's comparisons at Appendix 3 to this judgment). It was, he said, exempt from the new Health Board guidelines.

Mr. Halpin said the Valuation Office had to find an equitable level of value and he fully supported Mr. Maher's submission on page 4 of his précis which stated: "*The amount of bedrooms provided is not the only factor in determining the value to the hypothetical tenant. Such factors as location, occupancy rates, age and condition of structure, local competition and fees charged by competitors, usability and staff requirements are other items to be considered.*" but, he said, the Valuation Office had not applied this. The key determinant of value had, for years, been the number of beds. The standard charge for a standard bed in the subject property was currently €770 per week; in Larchfield, it was €800 per week and in Moyglare it was €780 per week. So although the subject property was the newest of the three it could not charge more than the others.

Mr. Halpin said that there was one significant difference between the subject property and those two comparisons and that related to how much space per bed there is in each case. Larchfield had 40 beds when it was revised in 1988. If one excludes the Boiler House and the Store, the space per bed worked out at 23.97 square metres. For Moyglare, which has 56 bedrooms, space per bed worked out at 25.13 square metres. The subject property with 68 beds, however, has the much larger floor space of 37.76 square metres per bed.

Mr. Halpin said the divergence of opinion between the parties is that his view is that space per bed is the most significant factor while the Valuation Office hold with the NAV approach. Extreme caution should be exercised with that approach, otherwise the RV will not reflect the tone of the list. What is involved here is the subject property which is a modern, purpose-built nursing home and when one compares it with other modern, purpose-built nursing homes, though not as recently constructed and charging broadly the same or higher per week, one finds that the subject property is dramatically larger but its potential to generate profit is restricted to the number of beds. There is nothing wrong with the Commissioner using the NAV per square metre approach but it must reflect the number of beds. Whatever level is applied must be reduced to keep the subject property in line with its competitors.

Mr. Halpin said the location of the subject property was on a par with that of any of the comparisons. Residents in the subject are not paying more for the extra space. The operators should not be penalised for providing more space for the enjoyment of the residents. The hypothetical tenant, in the case of the subject property or in the case of Larchfield, would be more interested in the number of beds and in the charge per week that could be justified than in the amount of bed space. The hypothetical tenant would pay more for either Larchfield or Moyglare because of their lower operating overheads based on smaller size, insurance and rates bill.

Mr. Halpin then went through his various valuations, as set out at Appendix 1 to this judgment. His first valuation was based on what he assumed to be the tone of the list and was a combination of his own experience and earlier Tribunal decisions on how one might approach valuations per bed. Mr. Maher, he said, found fault with this approach but while the figures per bed are in RV terms they could be turned into NAV per bed and this was an equally valid method of valuation. If one included the Pump House and the Store with the 68 Bedrooms, the total RV would come to €325.

On a direct comparison basis (Mr. Halpin’s second method) the actual NAV of Larchfield, when analysed per bed (40 beds), worked out at €889 per bed. This level applied to the subject property would give an NAV of €60,452. Adding in the Pump House and Store brought the NAV up to €61,000 and gave an RV at 0.5% of €305.

Mr. Halpin’s third method was that employed by the Valuation Office but with a lower rate per square metre and giving an RV of €325. He confirmed to the Tribunal that he had agreed all the areas with Mr. Maher.

Mr. Halpin’s own view was that, if one were to apply Section 49 strictly, the approach that gives the best and clearest result is the comparative method which is 68 beds @ €889 i.e. the NAV attributed to 40 beds in Larchfield. Section 49(1), he said, restricts one to the same rating area as the subject property and there is only one modern, purpose-built nursing home, Larchfield, in that area.

Mr. Halpin then drew the Tribunal's attention to two previous Tribunal decisions, **VA95/4/09 – John Shinnick, Monfield Nursing Home Limited** and **VA98/2/047- Ashbrook House Limited**. In both those cases, he said, the Tribunal had found it worthwhile to look at the number of beds, not just the square footage. In both there was a fair exploration of the location and potential for occupancy and charges based on location.

In conclusion, Mr. Halpin reviewed his Comparison, Larchfield, submitting photographs of it and of the subject property with the consent of Mr Maher. The nursing home proper comprises 959 square metres @ €38 per square metre, a Laundry and Store comprising 67 square metres @ €30 per square metre and a Boiler and Plant Room comprising 34 square metres @ €15 per square metre. Mr. Halpin commented on the photograph of Larchfield saying that the middle section was what was assessed in 1988 when it was newly built. Subsequently the Alzheimer Unit and the Convalescent Area had been added and not yet assessed but this did not invalidate the comparison because the basis of the valuation, the 40 beds, was known from the appeal result. The RV per bed, as amended by Mr. Halpin, came to €4.44.

Under cross – examination by Mr. Maher, Mr. Halpin confirmed that the appellant had built, rather than bought, the subject property. But he did not agree that the appellant had himself designed the building saying that the initial intention was to build a 48-bed nursing home and the architect was so instructed but that in the course of discussions with the Architect, the Builder, the Health Board and the Fire Officer certain changes were made including an extension and the addition of the dormer space which brought it up to 68 beds. Quite a bit of the design was dictated by Health Board and Fire Officer requirements.

Mr. Maher put it to Mr. Halpin that his client need not have built so much ancillary space to which Mr. Halpin replied that it was his client's belief that, to comply with all the regulations of both the Health Board and the Fire Officer, the majority of that space was actually required. Asked what these requirements were Mr. Halpin said they were an ever-increasing set of requirements. He could not specify exactly what they were but said that between the Health Board and the Fire Officer there is a greater requirement for corridor space, size of bedrooms, number of ensuites and so on. Asked by Mr. Maher for examples of the kind of increase in bedroom size etc. he had in mind Mr. Halpin said that in the late 1980's and early 1990's, approximately 25 square metres per bed was the standard size but in the last 2 – 3 years, the size had increased to 32 – 38 square metres per bed. In response to Mr. Maher he said he had not introduced examples as the cases he had in mind were located around the country and not in the same rating area as the subject property.

Mr. Maher asked if nursing homes have to provide this space and if so who dictates that and what are the regulations. Mr. Halpin said he said he was not party to the regulations but had been told by his nursing home clients around the country that, although they have larger buildings, it is not possible to have additional bedrooms within the regulations. When Mr. Maher suggested these were simply guidelines rather than mandatory regulations Mr. Halpin replied that essentially they are mandatory since their effect was that if a nursing home did not comply with them it would not be registered with the Health Board and would not be eligible for a Health Board subvention. Asked if there was a law or some definite regulation to substantiate his evidence Mr. Halpin said he could not answer that. With regard to Larchfield he said it would have been subject to whatever guidelines existed in 1987 when it was built and he imagined the extension was subject to those same guidelines but in any case his comparison was with the original building.

Mr. Maher then referred to Mr. Halpin's earlier evidence that Larchfield was charging €800 per week and asked what they were charging in 1988 i.e. was the €800 per week now following the extensions and renovations. Mr. Halpin replied that the €800 rate applied to rooms in the original Larchfield premises which rooms, he understood, had not been altered. He also said the 1988 equivalent would have been in the region of £160 - £200. In further response to Mr. Maher he could not say what the overall per bed space in the extended property was because the property had not been revised since it was extended and renovated and he did not therefore know the revised area or the overall number of rooms. The rate per bed space of 23.97 square metres he had cited earlier was valid because it referred to that part of Larchfield which was assessed and valued to date.

Asked by Mr. Maher if he would accept that Larchfield was not valued on an NAV basis Mr. Halpin replied that he would be surprised if that were so having himself dealt with 1988 revisions for the Commissioner. While he could not be certain about revisions he would be surprised if the appeals were not carried out on an NAV basis. Mr. Maher stated that it was valued on the old square metre basis. Mr. Halpin said he would accept this if evidence were shown but the property was nevertheless in the List and therefore a valid comparison.

The Chairperson asked when Larchfield was revised and when the NAV basis of valuation was introduced and suggested the date was October 1989 to which Mr. Maher replied that Larchfield was valued in 1988, that the NAV method was introduced by the 1988 Act but that in the urban district of Naas it would not have been used until about 1990. Mr. Halpin said he had a clear recollection of an instruction from the Chief Valuer to every valuer in the Valuation Office, where he then worked, that all 1988 appeals were to be done on an NAV basis but that it was possible that Larchfield appeal was not dealt with until 1989/1990.

Mr. Maher then asked Mr. Halpin to confirm that his NAV basis on Larchfield was his own deduction and was not the actual basis that was used. Mr. Halpin said it was his attempt to analyse the RV based on the recorded areas. In further reply he said he had quoted the two Tribunal decisions in relation to properties outside the rating area for precedence reasons, not for valuation purposes but to illustrate the approach adopted in them. He would not accept that valuing on a per bedroom basis does not comply with the Valuation Act requirement to value on an NAV basis because that method was essentially an NAV per bed. Mr Maher asked Mr. Halpin where, in his first method, the NAV was to be found as only an RV per bed was cited. Mr. Halpin replied that the NAV was arrived at by multiplying the RV figures by 200. He informed Mr. Maher that he was not personally aware of any instance where the Valuation Tribunal dismissed such a basis of valuation. The rate of €26 per square metre in his third method of valuation was arrived by consulting a table of values to see what the dominant level was for nursing homes and the €26 would correspond to the lower level applied to them. The difference between that level and the level on Larchfield was accounted for by the significant difference between the buildings – 40 beds in 959 square metres and 68 beds in 2568 square metres. His preferred method was direct comparison as in his second method with an RV of €305.

The Chairperson asked Mr. Maher whether he had photos of his comparison properties to assist the Tribunal is assessing them. Mr. Maher replied that there were no photos on file. He then resumed his cross-examination of Mr. Halpin asking him if he would accept that his (Mr. Maher's) Comparison 1, Suncroft Lodge (Suncroft), and the subject property were very comparable in terms of area and number of rooms. In support he read his description of Suncroft in his précis at Page 5(4) as follows: " *a newly built modern structure, the total floor area is 2,237 sq. mt. For 52 bedrooms or 43sq. mt. per room. As 8 of these are double rooms the figures can be adjusted to the equivalent of 60 rooms or 37.28 sq. mt. per room, the same as the subject.*" Mr. Halpin replied that Suncroft, a 60-bed property, devalued at NAV €1,269 per bed. He went on to say Suncroft was not his comparison, he was not familiar with it, and no information was given by Mr. Maher as to whether the valuation was a revision or an appeal result nor did he know what the charge per week was. The only fact he could establish was the NAV of €1,269 per bed while the subject devalued at substantially more. The Chairperson asked Mr. Halpin if he agreed with Mr. Maher's figure of 37.28 square metres per room in Suncroft to which Mr. Halpin replied that he could not accept that there were 60 rooms but could accept it as a per bed figure saying that he was not familiar with Suncroft, was not sure it was comparable or that it was admissible. The NAV was €1,269 per bed while the subject property is €1,407 per bed. In response to Mr. Maher he said he had to accept as fact that the area was 2,237 square metres with 60 beds and that would make it and the subject very comparable saying it illustrated that the modern trend for nursing homes is around 35 / 38 square metres per bed. He would not accept that the subject should be rated the same as Suncroft as it was not in the same rating area.

With regard to Mr. Halpin's first method of valuation the Chairperson referred to **VA97/4/001 - Irish Shell Ltd.** where the Commissioner had applied an RV per tank and the Tribunal finding was as follows: " *It has not been argued on behalf of the Commissioner that the method adopted has as part of it, a process for ascertaining the NAV and from that to derive the RV. Of course by applying an agreed conversion factor and by making a calculation one could mathematically work out what the NAV might be. But this in truth would be a disingenuous submission given the near certainty of practice that like hereditaments have an RV placed thereon without any attempt to identify a rent. So it cannot be denied that factually the submission made on behalf of the Appellant is accurate. That being the situation then, if our interpretation of Section 11 is* *correct, it must follow that an essential ingredient in the process is absent and that accordingly the approach adopted by the Commissioner with regard to the tanks and pipelines is invalid.”*. Mr. Halpin agreed with the Chairperson that the process of establishing an NAV still applies but said that in the case of nursing homes the RV was derived in the first instance from the NAV. It was simply a very useful check to keep the various properties relative to each other. He agreed with the Chairperson that one would still have to arrive at an NAV per room and following **Irish Shell Ltd.** could not do so by extrapolating from the RV. He further accepted that the two previous Tribunal decisions, **VA95/4/09 – John Shinnick, Monfield Nursing Home Limited** and **VA98/2/047- Ashbrook House Limited** which he had cited in support of his per bed method pre-dated the Tribunal decision in Irish Shell Ltd. which decision was delivered in April 2000.

In reply to the Chairperson Mr. Halpin said the site was bought in 1999 and the building was opened towards the end of 1999 and used for 3 - 4 years before being assessed.

Mr. Halpin informed the Tribunal that he was relying on Section 49 (1) of the Valuation Act. If it turned out that Larchfield was not valued on a NAV basis, Mr. Halpin believed it would be a question of assessing its value in 1988 in accordance with Section 49(2)(b). Mr. Halpin stated that even if it were not assessed on an NAV basis, the Appellants could rely on it as it was in the List and was correct per Section 63 of the Valuation Act 2001. The Chairperson then quoted from Section 63: *“The statement of the value of property as appearing on a valuation list shall be deemed to be a correct statement of that value until it has been altered in accordance with the provisions of this Act”* and pointed out that it may be a correct statement but it is a way of valuing that no longer exists. Mr. Halpin agreed that in that event one would have to go back to 1988 and index up a current level.

The Respondent’s Case

Mr. Maher took the oath and adopted his précis as his chief-in-evidence, with two changes: on page 2 where the number of bedrooms should read 68 and on page 5 where the floor area of the nursing home was changed from 2,611.2 square metres to 2,568 square metres. Mr. Maher stated that his approach to valuing nursing homes was on an NAV basis, on a rate per square metre gross external area. During his investigation he found only one other nursing home in the Naas Urban Area and, having viewed it, decided that it was not a suitable comparison. He then looked at the levels of other nursing homes in Co. Kildare and he based his rate per square metre on them. At no stage on any of the comparisons or any of the other nursing homes he had valued had an allowance been made for, or regard been had to, the relativity between the overall floor area and the number of rooms/beds.

He had valued the subject at €36 per square metre, slightly higher than Suncroft which he considered to be his best comparison. Suncroft was valued in 2001. It was a 2-storey building, was a similar type structure and nursing home to the subject and was valued at €34.28 per square metre. He valued the subject slightly higher for its better location in a residential area of the urban district of Naas. Suncroft was about 4 miles south of the Curragh in a rural area. He said that Larchfield, Mr. Halpin's comparison, was valued on a square metre basis (RV per square metre) in 1988 so an NAV was not assessed on that building. The Chairperson asked Mr. Maher how he knew this and Mr. Maher replied that he had the notebook reference on it with him. Mr. Halpin intervened to say that every property in Ireland in the 1988 revision was dealt on a square metre basis, but every property on appeal, per instructions to valuers in the Valuation Office at that time, was dealt with on an NAV basis. Mr. Maher denied absolutely that this was so. To clarify the matter in dispute between Mr. Maher and Mr. Halpin the Chairperson asked for details of the entire valuation history, both at revision and appeal, to be supplied. The hearing adjourned briefly to allow Mr. Maher to source this information from the Valuation Office.

When the hearing resumed Mr. Maher furnished two documents (see Appendices 4 and 5 to this judgment) to the Tribunal and to Mr. Halpin: (i) a copy extract from the valuer's notebook at the revision of Larchfield in 1988 (Appendix 4) which showed that the revision was done on a square metre basis and which was therefore dismissed by the Tribunal with the agreement of the parties and (ii) a copy of the appeal to the Commissioner (Appendix 5) in relation to which the parties remained at odds as to whether it was conclusive on the method of valuation employed at appeal stage. Mr. Halpin concluded that it showed NAV to have been the basis of valuation which made it a valid comparison. He said the document showed that two alternatives had been used the first of which was an NAV approach giving the NAV as £40,000 and then applying the somewhat unusual fraction of $^{1}/_{270}$ to give an RV of £150. He agreed with the Chairperson that that fraction would not be used nowadays and would not be comparing like with like. Asked by the Chairperson if the NAV of £40,000 would have produced the figures of 959 square metres @ €38 per square metre cited in his précis Mr. Halpin said the fact that it was assessed on an NAV basis made it a valid comparison. Mr. Maher concluded that it was valued at revision on a square metre basis and valued at appeal on a dual basis, one of which was a market value basis the origin of which was unknown. The Chairperson referred him to the market value figure of £1/2 million more or less on the first page of the document. In response to a question from the Chairperson both parties agreed that a market value method and not a contractor's method had been used with Mr. Halpin saying that the valuer had taken a yield of 8% to derive the NAV from the market value. Mr. Maher concluded it was not a safe comparison and could not be relied on. Besides, he said, it was further unsafe in that the premises had been extended and refurbished and not re-assessed so the valuation was out of date. Mr. Halpin referred to the contribution by the staff valuer in the paragraph at the foot of the first page of the document which was illegible but held to his position that the valuation at appeal was on an NAV basis and therefore reliable.

Mr. Maher continued his evidence stating that he was involved in the Irish Shell Ltd. case and that his basis of valuation, i.e. a rate per thousand gallons capacity of tanks, was totally dismissed by the Tribunal. He had been involved in a number of other cases dismissed by the Tribunal since then because they were not valued on an NAV basis. So he could not accept Mr. Halpin's per bed basis of valuation. All nursing homes had been valued as he had valued the subject, that is gross external floor area at a rate per square metre NAV.

Mr. Maher said his comparison (2), Willowbrook Nursing Home (Willowbrook), on the outskirts of Naas was a much inferior property to the subject. It was an old converted house with a number of flat roofed extensions. There was no breakdown in that assessment as to what the area of rooms was relative to the overall floor space available. The same was the case in his comparison (3) The Ryevale Nursing Home (Ryevale) in Leixlip which was recently extended and was revised in 2004. It was an older nursing home, also with extensions and possibly not as well laid out as the subject having a lot of interconnecting corridors between blocks.

Mr. Maher said the number of rooms or beds in a nursing home were not the only items which would determine its value to a hypothetical tenant. The Tribunal in the two nursing home judgments referred to earlier by Mr. Halpin also mentioned other items such as usability and waste space. No waste space existed in the subject which was a new, modern building all of which was used. He concluded by saying that the fact that Larchfield charges €800 a week now could not be taken into account because of the extensions and renovations which had taken place and because the valuation was not up to date to reflect current charges.

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In cross-examination, Mr. Halpin asked Mr. Maher what evidence he had to show that Larchfield had been refurbished as well as having been extended which had already been acknowledged. Mr. Maher said that while he had not inspected the building it was clear to him from driving past it that it had been refurbished and that it was no longer possible to distinguish the original building from the newer extensions.

Mr. Maher informed Mr. Halpin that in the **Irish Shell Ltd.** case, his valuation method was dismissed because he had valued the tanks @ £1 per one thousand gallon capacity tank RV and had not assessed on an NAV basis. He would not agree with Mr. Halpin that the number of beds was the only or main factor to be taken into account by the hypothetical tenant nor that a larger building would necessarily incur greater costs.

With regard to his comparison (2), Willowbrook, Mr. Maher could not recall how many rooms/beds it had or what the weekly charge was. He went on to say that these items were not relevant to his basis of valuation. Asked by Mr. Halpin if he would accept that his (Mr. Maher's) comparison (4), Moyglare, was a purpose-built, modern, structure which was extended Mr Maher replied that it was a purpose-built nursing home which also contained some residential accommodation. Mr. Halpin pointed out that the figures in Mr. Maher comparison (4) [1,407.6 square metres @ €35.81] gave an RV of €252 and not €292.04 as set out in Mr Maher's précis. Mr Maher said he could not be sure that the 1,407.6 square metres included the residential accommodation. He could not recall how many beds Ryevale had and it was not part of his evidence because he did not use that system of valuation. Mr. Maher agreed that, in relation to the subject, he had seen Mr. Halpin's submission at the Representations stage prior to the valuation being fixed. Mr. Halpin then put it to him that the arguments being made by him now to the Tribunal were already contained in that submission and Mr. Maher therefore had to have considered them then even if he had never considered them prior to this case. Mr. Maher replied that he considered their validity and found they did not constitute sufficient strength for him to alter his opinion.

Asked by Mr. Halpin if the subject was a better property than the comparisons Mr. Maher said it was better than Larchfield, equivalent to Suncroft but in a better location, and superior to Willowbrook. He could not say whether Suncroft was a revision or an appeal valuation. Mr. Halpin remarked that it was totally unsatisfactory that Mr. Maher knew nothing about the comparisons he was putting forward, whether they were valued at appeal or revision stage, the number of bedrooms etc. Mr. Maher said it did not matter whether a valuation was appealed, it was a valuation in the List. The Chairperson said the square metre per bed would be helpful and Mr. Maher said he had supplied this for Suncroft which was the same as the subject and that whether a valuation was the result of an appeal or was determined at revision was irrelevant. The Chairperson said an appealed valuation would have more weight. Mr. Halpin referred to a recent Tribunal decision on the business campus in Maynooth, Co. Kildare which, he said, highlighted the fact that the Valuation Office were relying on revision figures only and that the better evidence was from appeals and Tribunal decisions. Mr. Maher said the Act did not say so.

Mr. Halpin confirmed to the Chairperson that he was not pursuing the issue of the information which he claimed was missing form Mr. Maher's comparisons, i.e. number of beds, extensions and whether valued at revision or 1st Appeal.

Findings

The Tribunal notes and endorses the finding of an earlier Tribunal in **Irish Shell Ltd**. as cited in Page 10 of this judgment. The Tribunal finds that Mr. Halpin's comparison, Larchfield, was valued on a square metre basis at revision but that it is not clear whether the First Appeal valuation was on an NAV or RV basis. On the Appeal from revision the RV per square metre was continued so the Tribunal is not satisfied that a bona fide effort was made to apply an NAV.

There is no evidence as to where the market value figure of £500,000 on the appeal form came from or whether it was correct. Larchfield is therefore an unreliable comparison.

No information is available to the Tribunal as to the number of bedrooms in the respondent's comparisons (2) Willowbrook and (3) Ryevale rendering them also unreliable.

Of the remaining 2 comparisons, being the respondent's comparisons (1) Suncroft and (4) Moyglare the Tribunal prefers Suncroft although no evidence has been put before the Tribunal as to its quality and condition. In this regard the Tribunal notes the absence of any photographs from the respondent's evidence and the resultant difficulty for the Tribunal in assessing the relative merits of the comparisons and the subject.

Determination

Having regard to the foregoing the Tribunal determine the Net Annual Value and the R.V. of the relevant subject property as follows:

	Area		Rate		NAV
Ground Floor	2,234 sq.m	@	€34.28	=	€76,581.52
First Floor	334 sq.m	@	€30.00	=	€10,020.00
Pump House	27.06 sq.m	@	€12.70	=	€ 343.66
Store	14.70 s.m	@	€12.70	=	€ 186.69
					€87,131.87

€87,131.87 @ 0.5% = RV €435.66 say RV €435

And the Tribunal so determines.