

Appeal No. VA10/3/029

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

Momentum Creative Marketing Services

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 2203801, Office(s) at Lot No. 9/A1, Tullylannan, Leitrim, Carrick on Shannon 1, County Leitrim.

B E F O R E

Maurice Ahern - Valuer

Deputy Chairperson

Michael F. Lyng - Valuer

Member

Michael Connellan Jr - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 18TH DAY OF FEBRUARY, 2011

By Notice of Appeal dated the 18th day of August, 2010 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €41 on the above described relevant property.

The grounds of appeal as set out in the Notice of Appeal are:

"The property was incapable of beneficial occupation at the relevant date as a consequence of the extensive flooding in the area. In the event that the Valuation Tribunal do not accept the argument at 6(c)(iii) the RV should be RV €25."

1. The appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 17th day of November, 2010. At the hearing the appellant was represented by Mr. Conor Ó Cléirigh, FIAVI, ASCS, MRICS, Conor Ó Cléirigh & Company, and the respondent was represented by Mr. Patrick Murphy BSc (Valuation Surveying), MIAVI, a District Valuer in the Valuation Office. Both parties having taken the oath adopted their respective précis which had previously been received by the Tribunal as their evidence-in-chief. From the evidence so tendered, the following emerged as being the facts relevant and material to the appeal.

The Issue

2. Quantum only.

Subject Property

3. The property concerned is a modern two-storey corner building of concrete block construction with plastered and painted external elevation and a pitched slate roof. The windows and doors throughout are PVC double-glazed type and floors are concrete at ground and first floor. The internal fit-out comprises plastered and painted walls and ceilings, carpeted floor covering and fitted spot lights at ceiling level. The internal layout comprises an open plan reception room/waiting area to the front with two cellular offices to the side and a walk-through store leading to the rear door and toilet area. At first floor there are three individual offices to the front and a central circulation area leading to the rear toilet. The office area has an excellent finish, with air conditioning. There is a separate toilet on each level.

Situation/Location

4. The property is located in Leitrim village on the River Shannon, some 8 km from Carrick-on-Shannon, on the R280 Leitrim to Drumshanbo Road. The surrounding area is mainly residential in character, comprising original housing stock with more recent infill residential scheme properties. Adjoining commercial developments include a local post office and public house.

Accommodation

5. The accommodation has been agreed by the parties as follows:

Ground Floor	75.56 sq. metres
Toilet Floor	76.42 sq. metres

Total: 151.98 sq. metres

Tenure

6. The subject property is held in Fee Simple or equivalent title.

Valuation History

7. A rateable valuation of €41 was assessed on the property and a proposed Valuation Certificate was issued to Momentum Creative Marketing Services on the 18th November, 2009. No representations were made on the property and a final Valuation Certificate with an RV of €41 was issued on the 18th December, 2009. An appeal was lodged with the Commissioner of Valuation on the 26th January, 2010 and following consideration of this appeal a Valuation Certificate of €41 was issued on the 23rd July, 2010. The valuation is now the subject of an appeal to the Valuation Tribunal.

Appellant's Evidence

8. Mr. Conor O'Cléirigh for the appellant maintained that:

- The subject property was flooded arising from the nearby River Shannon bursting its banks at several points. The River Shannon burst its banks at Leitrim village on the weekend of the 20th November 2009 with flood waters in excess of the recorded ten year high levels.
- As a consequence of the flooding, Leitrim village was closed to traffic and the subject property was vacated on the 23rd November 2009 in its entirety. Mr. Ó Cléirigh's clients were unable to move back into the property until May 2010, following renovations.

- As a result of this a hypothetical tenant in the market place would quite rightly have to factor into his rental bid the possibility that the property may well be subject to flooding again, with a consequence impact that the property may well be subject to flooding again with a consequent impact on his continuing business operations.
- If the hypothetical tenant were to proceed with a letting on this basis, a 20% allowance would not seem unreasonable.

Regarding the above, it is in the appellant's contention that the valuation on the subject property should be €28 calculated as follows:

Ground Floor Office	75.56 sq. metres @	€46.24 per sq. metre	= €3,493
First Floor Office	76.42 sq. metres @	€28.56 per sq. metre	= <u>€2,182</u>
		Total	= €5,675
RV @ 0.5% = €28.37			
RV say €28			

Mr. Conor O'Cleirigh put forward the following comparable evidence:

Comparison 1

Donal Neary & Co, Leitrim Village. Property No. 2181460.

Ground Floor: 66 sq. metres @ €68.34 per sq. metre

First Floor: 45 sq. metres @ €41.00 per sq. metre

Comparison 2

Western Bookkeeping Services, Leitrim Village. Property No. 2189404.

Ground Floor: 66 sq. metres @ €68.34 per sq. metre

First Floor: 45 sq. metres @ €41.00 per sq. metre

Respondent's Evidence

9. Mr. Patrick Murphy, for the respondent, contended for a valuation of €41, calculated as follows:

Office Ground Floor	75.56 sq. metres @	€68.34 per sq. metres =	€5,163.77
Office First Floor	76.42 sq. metres @	€41.00 per sq. metre =	<u>€3,133.22</u>
		Total:	€8,296.99

RV @ 0.5% = €41.48

RV say €41

Mr. Murphy maintained that the subject property has a larger frontage than the appellant's comparison properties. He stated further that the flooding would also affect the comparison properties. He said that regard must be had to the tone of the list and that the valuation should remain at €41.00.

Mr. Patrick Murphy in his evidence gave three comparisons in support of his submission.

Comparison 1.

Donal Neary & Co., Leitrim Village. Property No. 2181460 (2005 revision).

Ground Floor: 66 sq. metres @ €68.34 per sq. metre

First Floor: 45 sq. metres @ €41.00 per sq. metre

RV €32.00

Comparison 2.

Western Bookkeeping Services Ltd, Leitrim Village. Property No. 2181460 (2007 revision).

Ground Floor: 66 sq. metres @ €68.34 per sq. metre

First Floor: 45 sq. metres @ €41.00 per sq. metre

RV €32.00

Comparison 3

Stephen Reynolds, Drumshambo, County Leitrim. Property No. 2189647 (2007 revision)

Ground Floor 69.72 sq. metres @ €75.17 per sq. metre

RV €26.00

Findings

The Tribunal has carefully considered all the evidence and arguments adduced by the parties and finds that Section 49 of the Valuation Act, 2001 must be complied with, having regard to the tone of the list.

Determination

Having regard to the foregoing, the Tribunal affirms the rateable valuation of €41.00.

And the Tribunal so determines.