

Appeal No. VA11/3/015

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

Conor O' Neill

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 2207119 at Lot No. 12 (1, 2, attic), Talbot Street, North City, North City 3, County Borough of Dublin.

B E F O R E

Maurice Ahern - Valuer, IPAV

Deputy Chairperson

Patrick Riney - FSCSI, FRICS, ACI Arb

Member

Patricia O'Connor - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 23RD DAY OF JANUARY, 2012

By Notice of Appeal received on the 25th day of July, 2011 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €39 on the above described relevant property.

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

"The valuation is excessive having regard to the nature of the accommodation. The office accommodation is dated and the toilet accommodation is on the top floor."

This appeal proceeded by way of an oral hearing which took place in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 10th day of November 2011. The appellant was represented by Mr. Conor Ó Cléirigh, FSCSI, FRICS, and Ms. Olwen Jones, BSc (Hons) Real Estate Management appeared on behalf of the respondent. Both valuers adopted their written submissions which had previously been exchanged between them and submitted to the Tribunal, as being their evidence-in-chief given under oath.

At Issue

The grounds of the appeal as set out in the Notice of Appeal are on the basis that the NAV as assessed is excessive and inequitable.

Location

The property is located on Talbot Street in the heart of Dublin city centre. It is located approximately 300 metres from O'Connell Street and approximately 400 metres from Connolly Rail Station. Talbot Street is serviced by several Dublin Bus routes and has easy access to the LUAS on Abbey Street Lower.

There are many retail units at ground floor level on Talbot Street, with a mixture of offices, hotels and hostels on the upper floors.

The subject property is located on the north side of Talbot Street, between the junctions with Marlborough Street and Gardiner Street Lower.

Description

The subject property comprises offices on the first, second and attic levels of 12 Talbot Street in Dublin 1. The offices are located above a retail unit (with basement storage) which is valued separately. There is access to the offices from the street. There are four offices on both the first and second floors. A kitchen and WCs are located at attic level. There is reasonable natural light on the first and second floors. There is no natural light to the attic accommodation.

Accommodation

The accommodation, which was agreed by both parties, is as follows:

Level	Block	Use	Area (sq. metres)
First Floor	1 – 5	Office	57.6
Second Floor	7 - 10	Office	57.84
Second Floor	12	Store	1.03
Attic	14	Kitchen	7.54
Total		124.01	

Tenure

We were informed that the tenure is freehold.

Valuation History

Following an appeal to the Commissioner of Valuation, made under Section 30 of the Valuation Act, 2001, a final Valuation Certificate was issued on 27th June, 2011. The property had a valuation of €39. This decision of the Commissioner was appealed to the Valuation Tribunal under Section 34 of the Act on 25th July, 2011.

The Appellant's Case

Mr. Ó Cléirigh adopted his précis as his evidence-in-chief. He clarified that his areas for the second floor store and attic space of the subject property amounted to an overall area of 8.54 sq. metres. He then gave a detailed report about the property wherein he stated that the buildings in Talbot Street are protected structures under the Dublin City Development Plan. The subject property is a period building, the upper floors of which have been converted into offices. He stated that the owners and occupiers on Talbot Street have a legal obligation to make sure that the structure does not become endangered. The office layout is old-fashioned with 27 very steep steps to the first floor. The steps to the attic level, toilets and canteen are also steep and narrow. The ceilings throughout the property are very high. There are no parking spaces available with the property and regard should be had to same if comparing to other office assessments in the area. The designation of this location as an urban regeneration area has encouraged development of a significant amount of modern commercial office space in recent years. Examples include:

- Steel Works, Foley Street, Dublin 1 (approximately 1,854 sq. metres of offices with apartments).

- Bord Gais, Foley Street, Dublin 1 (approximately 3,000 sq. metres).
- Independent House, 27 – 32 Talbot Street, Dublin 1 (approximately 3,700 sq. metres).
- Ulysses House, Foley Street, Dublin 1 (approximately 1,700 sq. metres).
- Other schemes at Amiens Street, James Joyce Street and Portland Row.

Mr. Ó Cléirigh stated that the availability of new purpose-built offices with lifts has affected the demand for the stock of older offices in the locality. He further stated that modern ground floor offices with car parking, located in the nearby Steel Works complex, have been assessed for rating purposes at €82 per sq. metre. He stated that, having regard to the same, he is of the opinion the first floor in the subject property should be assessed at €45 per sq. metre with a rate of half this for the second floor.

Mr. Ó Cléirigh concluded that the subject offices are available to let and have been on the open market for two years with little or no interest.

Mr. Ó Cléirigh then dealt with his comparisons:

Units G1, G2 and G5, The Steelworks, Foley Street, Dublin 1.

- Unit G1 RV €49.00 - 81 sq. metres
- Unit G2 RV €93.00 - 168 sq. metres
- Unit G5 RV €45.00
- Modern purpose built ground floor offices
- Car parking at basement level

These properties were the subject of Valuation Tribunal decisions (viz. **VA09/4/025 – Conor Ó Cléirigh**, **VA09/4/026 – Mr. Val O’Brien** and **VA 09/4/027 – Redleaf Property**) in each which the Tribunal affirmed the decision of the Commissioner of Valuation in fixing a level of €82.00 per sq. metres on the properties the subject of each appeal.

Mr. Ó Cléirigh was of the opinion that the net annual value of the subject property should be in the order of €3,900 per annum, calculated as follows:

First Floor	57.6 sq. metres	x €45.00 per sq. metre	= €2,592.00 per annum
Second Floor	57.84 sq. metres	x €22.50 per sq. metre	= €1,301.40 per annum

Attic Level Nil = Nil
 €3,893.40 per annum

Say NAV €3,900 @ 0.63% = €24.57

RV Say €25

Cross-Examination of the Appellant

When questioned by Ms. Jones, Mr. Ó Cléirigh stated that the subject property and other properties on that street are protected structures but he believes that modern offices in the locality should be taken into account when assessing the RV.

The Respondent's Case

Ms. Jones adopted her précis as evidence-in-chief. She spoke about the description, location and the accommodation of the subject property wherein she stated that with respect to the accommodation in the subject property, block 6 on the first floor and block 11 on the second floor are hallways and that these were not valued. Block 13, which is a WC at attic level, was also not valued. Block 15, which is a narrow hallway at attic level, was also not valued.

Ms. Jones then dealt with her comparisons, as follows:

Comparison 1:

Young Christian Workers, 11 Talbot Street, Dublin 1 (Floors 1 & 2). Property No 856358.

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV
First Floor	Office	59	@	€65	€3,835
Second Floor	Office	56	@	€40	€2,240
				NAV	€6,075

Rateable Valuation = Total NAV €6,075 x 0.63% = €38.27

Say RV €38

Comparison 2:

Cafferty Solicitors, 17 Talbot Street, Dublin 1 (Floor 1). Property No 856368.

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV €
First Floor	Office	83.42	@	€72.45	€6,043.77
				NAV	€6,043.77

Rateable Valuation = Total NAV €6,043.77 x 0.63% = €38.07 (£29.98)

RV €38.09 (£30)

Comparison 3:

KM Kane & Co. Ltd., 19 Talbot Street, Dublin 1 (Floor 1 – Part). Property No 856375.

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV €
First Floor	Office	32	@	€68.35	€2,187.20
				NAV	€2,187.20

Rateable Valuation = Total NAV €2,187.20 x 0.63% = €13.77 (£10.84)

RV €15.24 (£12)

Comparison 4:

Mary Kelly, 4 Talbot Street, Dublin 1 (Floor 1). Property No 856332.

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV €
First Floor	Office	51.83	@	€68.35	€3,542.58
				NAV	€3,542.58

Rateable Valuation = Total NAV €3,542.58 x 0.63% = €22.31 (£17.56)

RV €22.86 (£18)

Comparison 5:

Vacant, 4 Talbot Street, Dublin 1 (Floor 2). Property No 856333

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV €
Second Floor	Office	51.83	@	€47.84	€2,479.54
				NAV	€2,479.54

Ratable Valuation = Total NAV €2,479.54 x 0.63% = €15.62 (£12.30)

RV €15.24 (£12)

Comparison 6:

Vacant, 4 Talbot Street, Dublin 1 (Floor 3). Property No. 856334.

Floor	Use	Sq. Metres		Level €Per Sq. Metre	NAV €
Third Floor	Office	51.83	@	€4.17	€1,771.03
				NAV	€1,771.03

Ratable Valuation = Total NAV €1,771.03 x 0.63% = €11.15 (£8.79)

RV €1.43 (£9)

Valuation of Subject Property

Ms. Jones contended for a rateable valuation of €39 on the subject property, calculated as follows:

Level	Sq. Metres		€Per Sq. Metre	NAV €
First Floor Office	57.6	@	65.00	3,744.00
Second Floor Office	57.84	@	40.00	2,313.60
Second Floor under stair Store	1.03	@	13.67	14.08
Attic Kitchen	7.54	@	13.67	103.07
Total	124.01			€6,174.75

Rateable Valuation = Total NAV €6,174.75 x 0.63% = €38.90

Say RV €39

Cross-Examination of the Respondent

When questioned by Mr. Ó Cléirigh, Ms. Jones accepted that the flights of stairs were very steep but she did not see any disadvantage for the toilets of the offices to be located in the attic. Her best comparison, she stated, was her comparison number one which is located next door to the subject property. She believed the tone of the list was established for the street.

Mr. Ó Cléirigh stated that he accepted the values put on the stairs and the attic by the valuation office.

Findings and Determination

The Tribunal commends both valuers for the professional and courteous manner in which they presented their evidence and conducted themselves generally throughout the course of the hearing. The Tribunal has carefully considered all of the oral and written evidence produced by the parties and the arguments adduced at the hearing and make the following findings which are relevant to the subject property.

1. In the instant case, Section 49 of the Valuation Act, 2001 must be complied with having regard to the tone of the list.
2. There was no dispute between the parties as to the description, locations or the total accommodation of the subject property.
3. The appellant accepted the respondent's valuation of the stairs and attic.
4. In arriving at its decision, the Tribunal was guided by both sets of comparisons. The most relevant comparisons are those cited by the respondent which are located within the same street of the subject property and are directly comparable. All these comparisons are valued at a similar rate as the subject property. The respondent's comparison number 1 (11 Talbot Street, Dublin 1) was of most assistance to the Tribunal.
5. There is therefore a clearly established tone of the list in respect of properties located within Talbot Street area and the respondent valued the subject property in line with that tone.

6. The appellant failed to adduce sufficient evidence as to why the subject property should be valued at a lower rate than other properties within the same street and accordingly failed to discharge the onus of showing that the valuation of the subject property as appearing on the valuation list were incorrect.

Determination

Having regard to all of the foregoing the Tribunal is satisfied that the rateable valuation of €9 as determined by the Commissioner is fair and reasonable. The Tribunal therefore affirms the valuation.

And the Tribunal so determines.