

Appeal No. VA02/2/038

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

John Rochford & Co.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Office(s) at Map Reference 16, Second Floor, Ormond Quay Upper, Ward: North City, County Borough of Dublin

B E F O R E

Tim Cotter - Valuer

Deputy Chairperson

Michael F. Lyng - Valuer

Member

Maurice Ahern - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 16TH DAY OF DECEMBER, 2002

By Notice of Appeal dated 25 April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £38 (€48.25) on the relevant property described above.

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

"The rateable valuation is excessive having regard to the tone of the list for the rate paying occupiers in this location, the pattern of open market rent payable on the subject property and the fact that the offices no longer enjoy rates remission".

The appeal proceeded by way of an oral hearing which took place in the Arbitration Centre, Distillery Building, Church Street, Dublin on the 2nd October 2002. The Appellant was represented by Mr. Conor O Cleirigh, MIAVI., MRICS., and member of the Society of Chartered Surveyors in the Republic of Ireland. The Respondent was represented by Mr. Colman Forkin Bsc(Surveying) MRICS, ASCS, MIAVI, valuer in the Valuation Office.

In accordance with the Rules of the Tribunal, the parties had, prior to the commencement of the hearing, exchanged their précis of evidence and submitted the same to this Tribunal.

At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence in chief. This evidence was supplemented by additional evidence obtained either directly or via the cross-examination process. From the evidence so tendered the following relevant facts either agreed or so found emerged as being material to this appeal:

Property Location

The property under appeal is a second floor office in a four storey over basement office building built in the late eighties located at Ormond Quay Upper, at the junction with Arran Street East, Dublin.

Valuation History

No. 16, Ormond Quay Upper was revalued in the November 2001 revision, this revision was appealed and the result issued in March 2002 making no change.

Tenure

Leasehold-9 years and 9 months from the 1st of February 1995 at a rent of €13,030 per annum. Current rent is €7,934.

Appellant's Evidence:

Mr. Conor O'Cleirigh, in his evidence adopted his written precis as being his evidence in chief. He told the Tribunal that he was acting on behalf of the three commercial occupants of number 16 Ormond Quay Upper. He stated to the Tribunal that the property is a 4 storey over basement, mid terrace flush pavement property built late 1980s and refurbished later. All the windows are double glazed and a lift serves each floor. The building has three commercial tenants one of whom is John Rochford & Co., Solicitors who occupy the second floor. Number 16 Ormond Quay Upper has a separate RV for each portion of the building. The 1st and 2nd floors are held under one lease by each of the respective occupants. The building interconnects with the building next door, Number 17, Ormond Quay Upper.

Mr. O'Cleirigh said that number 16 Ormond Quay Upper had the benefit of tax designation at the date of the commencement of the lease in 1995 and at the subsequent review, but the double rent allowance and rates remission had expired at the date of the revision in November 2001. Mr O'Cleirigh gave his opinion of the rental value of the subject property at €5 per sq.m. and he said that he applied that on a uniform basis to the 2nd floor offices occupied by John Rochford & Co.. He felt that the first category of comparisons which should be used in assessing this property are those available in Ormond Quay Upper. He also cited the fact that the subject property has no car parking spaces and in his opinion this should also be taken into account. Under cross-examination, Mr. O'Cleirigh stated that he thought there were no appealed settlements on the subject property. Mr. Forkin put it to him that this was not correct as the building was first valued in 1990 and appealed and that no change was made. As a result of that, when number 17 was valued in 1994, the same rates were applied as were used in number 16 in 1990. Mr. O'Cleirigh felt that in using number 17 as a comparison, it should be treated with caution because it still has the benefit of rates remission. Mr. Forkin did not accept this analysis. Mr Forkin, continuing his cross examination, asked Mr. O'Cleirigh if he considered Ormond House, which was one of Mr. O'Cleirigh's comparisons, to be a comparable building to the subject property. Mr O'Cleirigh replied that he considered it comparable from a location point of view. Mr. Forkin stated that the property next door

to Ormond House was vacant for some time which indicated to him that the area was not comparable.

Respondent's Evidence

Mr. Colman Forkin, having taken the oath, adopted his written precis and valuation as being his evidence in chief. Mr. Forkin stated that the Valuation Office Estimate of Rent/NAV for the subject property was £6,000 (€7,618) calculated as follows:

BL6 Office = 34.17 metres squared @ £107.64	=	£3,678
BL7 Office = 22.95 metres squared @£107.64	=	£2470.
Total £6,148.34@ 0.63%	=	£38. (€48.25)

In support of his valuation, Mr Forkin relied on number 17 Ormond Quay Upper which is next door to the subject property and also inter connected to it. He stated that Number 16 Ormond Quay Upper was valued in the 1990 revision and appealed in 1990 with no change. Number 17 Ormond Quay Upper was revised in 1994. The rates used in that revision were the same as were used on number 16 in 1990 with no appeal to that valuation. The rates used in the latest revision in 2001 for number 16, were the same as were used on number 17 in 1994. Mr. Forkin stated that in his opinion he could not get a better comparison than number 17 which adjoins number 16 and the two buildings are also inter-connected.

He did not agree with Mr O'Clerigh's analysis of €95 per sq.m. as a reasonable net annual value for the subject property. He did agree that Mr. O'Cleirigh's first comparison Ormond House was comparable location wise. However, he did not agree that the buildings were comparable from an age point of view as Ormond House was a much older building. With regard to the second comparison, 3, Little Strand Street whose rateable valuation has recently been revised, Mr Forkin said that the location of this property was inferior to the subject property.

Findings and Determination

The Tribunal having carefully considered all the evidence adduced, including that in relation to comparisons, both in the written submissions and given orally at the hearing, makes the following findings:

While the subject property is in a good location, the fact that it has no car parking spaces and has to rely on on-street disc parking has to be considered. The Tribunal, having carefully considered the adjoining property number 17, noted the fact that this property is still subject to rates remission. With regard to the comparisons provided by Mr. O'Cleirigh in the area of Ormond Quay Upper, the relevance to the subject property of both Ormond House and 3, Little Strand Street were also taken into account in the determination of the Tribunal.

The Tribunal therefore, having regard to these factors, determines the rateable valuation on the subject property as follows:

BL6 Office = 34.17 metres squared @ €123 per metres squared. = €4,202.91

BL7 Office = 22.95 metres squared @ €123 per metre squared = €2,822.85

Net Annual Value €7,025.76

Rateable Valuation @ 0.63 % = €44.26 Say €44.

Accordingly the Tribunal determines the RV of the subject property to be €44. The appeal of the appellant is allowed to this extent and the determination of the Commissioner of Valuation is varied accordingly.