

Appeal No. VA02/2/107

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

Frank Ward & Co.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Office(s) at Map Reference 16 (Ground, Third & Fourth Floors and Basement Stores),
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 the 25 April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £145 (€84.11) on the relevant property described above.

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

"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 rents in the subject building, its use as offices 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.

Property Location

The property under appeal comprises the basement, ground, third and fourth floor in a four storey over basement office building built in the late eighties.

Valuation History

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

Tenure

Freehold

Determination

The oral hearing in the above appeal was held contemporaneously with that of VA02/2/038 – John Rochford & Co. The written submissions, oral evidence and arguments adduced at the hearing

were substantially the same as that in the John Rochford & Co. appeal and are not recited here. The only issue to be determined is the rateable valuation on the subject property.

The Tribunal therefore, having regard to the factors set out in the judgment VA02/2/038 - John Rochford and having noted that when the revision was carried out in 1990, the ground floor was occupied as an office and showroom but has since reverted to office use, which complies with the planning permission which was granted for office use, determines the rateable valuation on the subject property as follows:

Ground Floor 55.10 square metres @ €123 per sqm. = €6,777.3

Third Floor 57.15 square metres @ €123 per sqm. = €7,029.45

Fourth Floor 40.70 square metres @ €123 per sqm = €5,006.10

Basement 54.30 square metres @ €34 per sqm = €1,846.20

Net Annual Value = €20,659.05

Rateable Valuation @ 0.63 % = €130.15 SAY €130

Accordingly the Tribunal determines the RV of the subject property to be €130. The appeal of the appellant is allowed to this extent and the determination of the Commissioner of Valuation is varied accordingly.