

Appeal No. VA12/3/028

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

Albert Quinlan & Co. Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 190194, Workshop at Lot No. 13B 14A 15A / Unit 3, Sunbeam Ind. Est.,
Commons, Commons, Commons, County Borough of Cork.

B E F O R E

Maurice Ahern - Valuer, IPAV

Deputy Chairperson

Michael F Lyng - Valuer

Member

Veronica Gates - Barrister-at-Law

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 19TH DAY OF FEBRUARY, 2013

By Notice of Appeal received on the 21st day of August, 2012 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €8 on the above described property.

The grounds of appeal as set out in the notice of appeal are:

"Valuation is excessive and bad in law."

The appeal proceeded by way of an oral hearing, which took place in the offices of the Valuation Tribunal on the third floor of Holbrook House, Holles Street, Dublin 2, on the 23rd day of October, 2012. The appellant was represented by Mr. Gerard O'Callaghan, BSc (Surv), Dip Property Economics, MSCSI, agent of RE/MAX Cork & County, and the respondent was represented by Mr. Don Donovan, BSc Property Management & Valuation Surveying, Dip FM, a Valuer at the Valuation Office.

In accordance with the Rules of the Tribunal, the parties had exchanged their respective précis of evidence prior to the commencement of the hearing and submitted 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 given either directly or via cross-examination. From the evidence so tendered, the following emerged as being the facts relevant and material to this appeal.

At Issue

Quantum.

The Property

The property is a workshop/storage unit.

Location

The subject property is one of a number of workshop type units located in Sunbeam Industrial Estate, also known as Millfield Industrial Estate, Commons Road, Co. Cork. These units were created circa 1990 when the former Sunbeam factory was subdivided.

Floor Area

335 sq. metres.

Valuation History

- The property was listed for revision in 2011 following a request by Cork City Council.
- Following an inspection of the property a Draft Certificate issued at RV €8 in November 2011.

- No representations were made and a Final Certificate issued in December 2011.
- An appeal was lodged by Mr. O'Callaghan on behalf of the occupier in January 2012.
- The valuation remained unchanged and a Valuation Certificate to this effect issued in July 2012.
- This decision of the Commissioner of Valuation has now been appealed to the Valuation Tribunal.

Appellant's Case

Mr. O'Callaghan queried why units 2 and 4 are valued less than the subject as he said they were all in the same development. He also stated that an allowance should be made for general deterioration of the building, low eaves, susceptibility to flooding of the units and poor access due to badly maintained roadways and ramping. He was of the view that all the units should be valued in their present condition and not as they were in 1990.

Valuation by the Appellant

Mr. O'Callaghan contended for a rateable valuation of €50 for the subject property, calculated as follows:

335 sq. metres @ €23.70 per sq. metre = €7,939.50 per annum x 0.63% = €50.

Appellant's Comparison Properties

In support of his opinion of rateable valuation, Mr. O'Callaghan put forward a list of four comparison properties, as follows:

Comparison no. 1, property no. 190196

Unit 2, Millfield Industrial Estate, Commons Road, Cork.

Comment: This property is situated next door to the subject property and is valued at a NAV of €21.82 per sq. metre. This unit is very similar to the subject property.

Comparison no. 2, property no. 190193

Unit 4, Millfield Industrial Estate, Commons Road, Cork.

Comment: This property is situated next door to the subject property and is valued jointly with a unit to the rear. Estimated NAV €21 per sq. metre. This unit is very similar to the subject property.

Comparison no. 3, property no. 190198

Unit 9, Millfield Industrial Estate, Commons Road, Cork.

Comment: This unit faces the Blackpool Retail Park and has more car parking spaces adjoining nearby. The unit is very bright with extensive glazing and is a superior unit to the subject property. This unit has a NAV of €24.60 per sq. metre.

Comparison no. 4, property no. 1441691

Unit 5, Northpoint Business Park, Commons Road, Cork.

Comment: This unit comprises a modern light industrial warehouse/showroom with floor area of 205 sq. metres with eaves height of 6.5 metres. Estimated NAV €33.00 per square metre.

Cross-examination of the Appellant

Mr. O'Callaghan agreed that flooding and roadways were the same for all the units in the development.

Respondent's Case

Mr. Don Donovan in his evidence stated that the subject property was valued in accordance with section 49(1) of the Valuation Act which states that *“if the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28 (4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property”*. He supplied the Tribunal with a list of all the properties in the development which, he stated, were all similar in construction. He also stated that no unit had a high profile to the Commons Road because the block within which the units are situated is at a lower level than the road.

Valuation by the Respondent

Mr. Donovan contended for a rateable valuation of €8 for the subject property, calculated as follows:

$$335 \text{ sq. metres @ } \text{€}7.33 \text{ per sq. metre} = \text{€}9,155.55$$

$$\text{€}9,155.55 \times 0.0063 = \text{€}7.67$$

Say, €8

Respondent's Comparison Properties

In support of his opinion of rateable valuation, Mr. Donovan put forward a list of 19 properties in the Sunbeam Industrial Estate of similar construction and condition as follows:

Unit 1b	77.7 sq. metres @	€7.33 per sq. metre
Unit 1a	279 sq. metres @	€7.33 per q. metre
Unit 2	659 sq. metres @	€2.54 per q. metre
Unit 3	335 sq. metres @	€7.33 per sq. metre (subject)
Unit 4	445 sq. metres @	€4.60 per sq. metre
Unit 12a	544 sq. metres @	€0.50 per sq. metre
Unit 5	799 sq. metres @	€7.33 per sq. metre
Unit 6a	251 sq. metres @	€7.33 per sq. metre
Unit 6b	227 sq. metres @	€7.33 per sq. metre
Unit 7 & 8	650 sq. metres @	€7.33 per sq. metre
Unit 9	225 sq. metres @	€4.60 per sq. metre
Unit 10	Exempt. (previously valued at €7.33 per sq. metre)	
Unit 11	494 sq. metres @	€7.33 per sq. metre
Unit 12	245 sq. metres @	€7.33 per sq. metre
Unit 14	311 sq. metres @	€7.33 per sq. metre
Unit 15	Exempt. 358 sq. metres (previously valued at €7.33 per sq. metre)	
Unit 16	325 sq. metres @	€7.33 per sq. metre
Unit 17	325 sq. metres @	€7.33 per sq. metre
Unit 18	488 sq. metres @	€7.33 per sq. metre
Unit 19	172 sq. metres @	€30.75 per sq. metre

Cross-examination of the Respondent

Mr. Donovan stated that there was a well established 'tone of the list' for the units in this industrial estate. This tone has been routinely applied to this block of units over a number of revisions since the former Sunbeam factory was divided into units about 1990.

Findings

The Valuation Tribunal thanks the parties for their efforts, their written submissions, arguments and contributions at hearing, and finds as follows:

1. The statutory basis for valuing property on foot of a request for a revision is contained in Section 49 of the Valuation Act, 2001 which states as follows: "*– (1) If the value of a relevant property (in subsection (2) referred to as the "first-mentioned property") falls to be determined for the purpose of section 28 (4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.*"
2. The Tribunal has taken into consideration the comparisons adduced by both parties and notes the list provided by the respondent setting out the valuations of all the properties in the subject estate. It is clear from the comparisons that there is a well established 'tone of the list'.
3. The appellant's case is that a reduction in the RV on the subject property is warranted by reason of the poor condition of the subject premises, its susceptibility to flooding, the difficulty in accessing the premises by way of a ramp and the poor condition of the roadways in the estate. However, it was clear from the evidence that the drawbacks relied upon by the appellant are drawbacks common to all units in the estate and are not specific to the subject property.

Determination

Having considered all the evidence and arguments adduced by both parties and having regard to the above findings, the Tribunal upholds the valuation and affirms the rateable valuation of the property concerned at €58.

And the Tribunal so determines.