

Appeal No. VA93/2/030

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Bord Gais Eireann

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices, Stores and Yard at Map Reference: 4 (includes No. 70a Sir John Rogersons Quay),
Townland: Hanover Quay, Ward: South Dock, County Borough of Dublin
Quantum

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Veronica Gates

Barrister

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF FEBRUARY, 1994

By Notice of Appeal dated the 24th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £130 on the above described hereditament.

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

"The valuation is excessive, inequitable and bad in law."

As the hereditaments in this appeal and VA93/2/029 together comprise the same premises it was agreed that both appeals be heard together and that, while two separate judgments will be delivered, each judgment will deal with both appeals.

Mr. Desmond Killen of Messrs. Donal O'Buachalla & Company Limited provided a single written submission dealing with both appeals on the 8th December, 1993. Mr. Terence Dineen provided a written submission in each case dated the 6th December, 1993. These submissions are attached to this judgment as Appendices A & B.

Oral Hearing:

The oral hearing of both appeals took place in Dublin on the 10th December, 1993. Mr. Desmond Killen appeared on behalf of the appellant and Mr. Terence Dineen appeared on behalf of the respondent.

Mr. Killen indicated to the Tribunal that since he prepared his written submission he received the Commissioner's breakdown in respect of the Bord Gais comparison which he offered in his precis. He further indicated that he agreed the said breakdown as follows:-

| | |
|----------------|------------------------------|
| Portocabin | 12,672 sq.ft. @ £2.00 p.s.f. |
| Carpenter Shop | 3,369 sq.ft. @ £1.50 p.s.f. |
| Canteen | 2,422 sq.ft. @ £1.50 p.s.f. |
| Stores | 1,378 sq.ft. @ £1.50 p.s.f. |
| Stores (Poor) | 16,739 sq.ft. @ £1.50 p.s.f. |
| Offices | 4,360 sq.ft. @ £3.00 p.s.f. |

Mr. Killen also indicated that there are 18 car spaces in that comparative premises.

Having received the said breakdown Mr. Killen indicated that he wished to amend the figures given in his precis and he agreed that the layout given, at Page 3, should be adopted. He gave the figures for which he contended.

The Tribunal, therefore, sets out hereunder the figures given on behalf of the respondent in those two pages with, in brackets, the figures for which the appellant is contending.

Appeal No: VA93/2/029

Main Block:

| | |
|--------------------|-------------------------------|
| Customer Services: | 3,272 sq.ft. @ £8.00 (£5.00) |
| Stores/Meter Shop: | 46,128 sq.ft. @ £2.65 (£1.50) |

Mezzanine: 936 sq.ft. @ £2.00 (£2.00)

Outside:

Prefab - Lockers: 1,475 sq.ft. @ £2.00 (£2.00)

Security: 232 sq.ft. @ £3.00 (£2.00)

Lean - to Store 258 sq.ft. @ £1.00 (£1.00)

Ex Gas Conversion:

Offices: First Floor: 3,422 sq.ft. @ £4.00 (£4.00)

Ground Floor: 4,344 sq.ft. @ £2.00 (£2.00)

Pipe Storage: 11,236 sq.ft. @ £0.40 (£0.20)

Car Park: 172 spaces @ £150 (£100)

Appeal No: VA93/2/030

First Floor Offices: 1,938 sq.ft. @ £4.00 (£4.00)

Ground Floor Offices: 1,938 sq.ft. @ £1.00 (£1.00)

Store: 488 sq.ft. @ £2.00 (£2.00)

Car Spaces: 14 @ £150 (£100)

Yard Compound: 20,500 sq.ft @ £0.40 (£0.20)

Mr. Killen urged on the Tribunal that the best comparison available was the one that he offered, namely the Bord Gais premises at Pearse Street.

Mr. Dineen argued that regard should be had for the range of comparisons. In the case of An Post he told the Tribunal that An Post paid £2.6 million for that property which with a yield of 12% would give a Net Annual Value at £312,000. Mr. Killen did not accept that An Post was a valid comparison as we had no rateable valuation figure in respect thereof.

The Tribunal has taken all of the evidence and submissions into consideration and finds, in the first place, that the figures given in respect of the An Post premises are not useful because the methods of valuation adopted by both sides in the instant cases did not include the capital value of the property.

From the foregoing it emerges that the differences between the parties have been narrowed down to five areas, namely; Customer Services, Stores/Meter Shop, Security, Pipe Storage and Carpark. The Tribunal, using the respondent's layout, resolves these differences as follows:-

| | | |
|--------------------|-------|-----------------|
| Customer Services: | £6 | per square foot |
| Stores/Meter Shop: | £2 | per square foot |
| Security: | £3 | per square foot |
| Pipe Storage: | £0.20 | per square foot |
| Carpark: | £125 | per space |

Having made the foregoing findings of fact in relation to the figures, the appropriate net annual value is £16,516 giving a rateable valuation of £104.

The Tribunal determines £104 as the appropriate rateable valuation for the premises which is the subject matter of this appeal.