

Appeal No. VA93/2/045

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

**John Ronan, Ambiorix Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Offices and Car Park at Map Ref: 38.40 (5th Floor) Lower Grand Canal Street, South Dock  
Ward, County Borough of Dublin  
Quantum

**B E F O R E**  
**Henry Abbott**

**S.C. Chairman**

**Paul Butler**

**S.C.**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 20TH DAY OF DECEMBER, 1993**

By Notice of Appeal dated the 25th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £1,710 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and inequitable having regard to the provisions of the Valuation Acts".

### **The Property**

The property is situated on the north side of Grand Canal Street Lower at its junction with Macken Street, close to Grand Canal Quay and approximately two miles south of the City Centre.

This is a secondary office location with surrounding properties comprising a mixture of terraced housing, modern offices, retail outlets and other commercial buildings interspersed. The premises comprise the fifth floor of a six storey office building which formerly housed Bolands Bakery and which was subsequently converted into an office building. There are 21 car parking spaces with this demise to the rear which are accessed from Macken Street. The premises are occupied by National Treasury Management Agency and the accommodation now comprises partly open plan areas with closed offices interspersed. The main access is via an atrium entrance floor which rises from ground level to roof level and which incorporates an attractive waterfall.

### **Title**

The fifth floor is held under a lease dated 25th June, 1991 between Ambiorix Limited and National Treasury Management Agency for a term of 35 years from the 1st September, 1991 at the initial rent of £333,681 per annum with the lease incorporating rent reviews at 5-yearly intervals. There are break options at the end of 10 years and 25 years respectively, provided one years notice is given. Under the terms of the lease the tenant is responsible for rent, rates, an annual service charge and to refund to the landlord the amount expended by him on insurance. The landlord had to offer certain inducements to the tenant to secure his agreement to take the lease. These included the following:-

An abatement in rent from £333,681 to £315,288 per annum i.e. from £17 per square foot and £1,000 per car space to £16 per square foot and £1,000 per car space.

A break clause at the end of the tenth and twenty-fifth year of the term.

The payment of the V.A.T. on the lease amounting to £344,292.20 by the Landlord instead of the tenant. In normal circumstances this would not arise as most tenants are registered for V.A.T. and therefore can reclaim the V.A.T..

### **Written Submissions**

Both parties delivered the submissions to the Valuation Tribunal which were exchanged and are appended to this judgement.

### **Oral Hearing**

The oral hearing took place on the 21st day of November, 1993. The appellant was represented by Mr. Joseph Bardon A.R.I.C.S. of Spain Courtney Doyle and Mr. Terence Dineen, Valuer appeared on behalf of the Respondent.

From the outset it was agreed by the parties that this appeal would proceed with **VA/93/2/018 - UDT First Southern (Woodchester Credit Lyonnais)**. The judgment in that case also refers to the merits in this case which were debated. There was an additional element in the appeal relating to the subject regarding the effect of V.A.T.. The Tribunal heard the arguments for and against making an allowance for V.A.T. and has indicated that while it would not follow the exact approach of the appellant, some discount would be given in respect of the undertaking by the Landlord to pay the V.A.T. on the lease in circumstances where the tenant was not in a position to reclaim same. The Tribunal in so deciding considers that in all of such cases the actual circumstances of the market should be examined and that a mechanical approach to the ultimate decision should not be taken.

### **Findings**

While the area of the subject premises is less than the UDT First Southern (Woodchester Credit Lyonnais) premises, the element of valuation, by reason of the top floor or penthouse nature of the subject would probably compensate for this in view of the prestigious location with impressive view. Accordingly, the Tribunal finds that the valuation of the subject ought to be £1,500.00 and so finds.