

Appeal No. VA14/4/027

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

Medfit Ltd

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In relation to the issue of Quantum of Valuation in respect of:

Property No. 5003710, Office, Block 4, Ground Floor, Blackrock Business Park, Carysfort Avenue, Blackrock, County Dublin.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24TH OF AUGUST, 2016

B E F O R E:

Rory Lavelle – MA, FRICS, FSCSI, ACI Arb

Chairperson

Brian Larkin – BL

Member

Michael Connellan Jr – Solicitor

Member

By Notice of Appeal received on the 23rd day of December 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €121,000 on the above described relevant property on the grounds as set out in the Notice of Appeal, a copy of which is attached to this judgment at Appendix 1.

The Tribunal having examined the property details; having confirmed the valuation history; having heard and examined both the Appellant's and the Respondent's evidence; having considered the evidence adduced and submissions made at a hearing at the Tribunal offices at Holbrook House, Holles Street, Dublin 2 on the 10th day of April 2015, the 24th day of April 2015, the 20th day of May 2015 and the 20th day of November 2015 by Mr Eamonn Halpin of Eamonn Halpin & Co. Ltd, BSc (Surveying), MRICS, MSCSI, for the Appellant and by Mr John W. O'Brien BSc (Hons) Real Estate Management, ACSI, of the Valuation Office, accompanied by Ms Grainne O'Neill BL, instructed by Mr Michael Collins of the Chief State Solicitor's Office for the Respondent,

DETERMINES

That the net annual value of the subject property as set out below:

€121,000 (One Hundred and Twenty One Thousand) – Unchanged.

The reasons being as follows:

The case put forward by both parties revolved around the use of the property as medical gym and the adaptation works carried out to make it suitable for use for that purpose.

It was agreed between the parties that part of the premises had a concrete floor fitted extending to a total of 31.4 sq.m. immediately adjoining the existing toilet block.

The Appellant's case

Was that the works were substantial, required planning permission, the premises was considerably modified and as a gym the NAV would be lower than applied to office property.

The Appellant included 3 comparisons from the list:

1. Educogym, Main Street, Blackrock Ground floor gymnasium 107.93sq.m. at €240 p.s.m., Mezzanine Kitchenette/Office/Changing Rooms 32.49sq.m. at €120 p.s.m., Mezzanine unfinished store 14.76sq.m. at €48 p.s.m. Rear Main Street, Blackrock, smaller size. Modern building.
2. Rock Fitness, Ashgrove Terrace, Dundrum. Gymnasium 474.3 sq.m. at €220 p.s.m. in an older building.
3. Curves, The Rockfield Centre, Dundrum. Gymnasium 129.04 sq.m. €234 p.s.m. Modern unit next door to Luas stop.

The Respondent's case

Was that the property should be valued as third generation offices not as a gym. The comparisons included in the Appellants case were not appropriate and the case not proven.

It is clearly demonstrated that the property was developed as offices.

The property was advertised as offices when let.

The property is now advertised for sale as offices.

No evidence was produced by the Appellant as to the cost of the works necessary to convert the property back to offices.

Photographs showed that there was no modification to the ceilings, floor boxes and the air-conditioning.

The Respondents refer to the Harcourt Inn Limited case VA00/3/052 and the property was in use as a hostel and more than material modification was required to convert it to offices.

The Appellants had raised an issue regarding access and this was not proven, no copy of the lease was provided nor was any sub-lease or copy of agreements.

The Respondent included 3 comparisons from the list in Blackrock Business Park all offices and all at €300 p.s.m. The fourth comparable is Ben Dunne Gym and the rate applied conformed with 3rd generation offices in Cherrywood Business Park.

Findings & Determination:

1. The Tribunal finds that this particular appeal is not on par with the Harcourt Inn Limited case where significant works were needed to convert the property to office use. In this case suspended ceilings are in place and floor boxes are in the floor with the exception of the concreted area.
2. The Appellant did not produce evidence to prove the cost of the modification works, or of any agreement proving the occupier would not have exclusive use of the property.
3. The Tribunal finds that the comparisons introduced by the Appellant are not of a similar nature to the subject.
4. Accordingly the Tribunal finds that the Appellant has not proven his case and dismisses the Appeal.