Appeal No: VA17/5/920

AN BINSE LUACHÁLA
VALUATION TRIBUNAL

N tACHTANNA LUACHÁLA, 2001 to 2015
VALUATION ACTS, 2001 to 2015

HURLEY PROPERTY ICAV **APPELLANT**

AND

COMMISSIONER OF VALUATION **RESPONDENT**

In relation to the valuation of
Property No. 2195147, Retail (Shop) Unit 34/35 Athlone Town Centre, Mardyke Street, Athlone, County Westmeath.

B E F O R E

Carol O'Farrell - BL	**Chairperson**
Michael Brennan - BL, MSCSI	**Member**
Fergus Keogh – MRICS, MSCSI	**Member**

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 28TH DAY OF JANUARY 2020

1. THE APPEAL

1.1 By Notice of Appeal received on the 12th day of October 2017 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value '(the NAV') of the above relevant Property was fixed in the sum of €99,900.00.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the Property's value is not a determination that accords with that required to be achieved by section 19 (5) of the Valuation Act, 2015 as amended by the Valuation (Amendment) Act 2015 because it is

(i) excessive, and

(ii) not in accordance with the definition of net annual value in section 48 of the Valuation Act, 2001 as amended and by reference to the values of comparable properties published on the valuation list in accordance with section 19(5) and by reference to the actual passing rent of the subject property and other market evidence.

1.3 It was stated in the Notice of Appeal that the Appellant considers that the valuation of the Property ought to have been determined in the sum of €74,400.00.

2. REVALUATION HISTORY

2.1 On the 12th January 2017 a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 in relation to the Property was sent to the Appellant indicating a valuation of €99,900.00. Being dissatisfied with the valuation proposed, representations were made to the valuation manager and following consideration of those representations, the valuation manager did not consider it appropriate to reduce the valuation.

2.2 A Final Valuation Certificate issued on the 7th day of September 2017 stating a valuation of €99,900.00.

2.3. The date by reference to which the value of the Property is to be determined is the 30th day of October 2015.

3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal at Holbrook House, Holles Street, Dublin 2, on the 8th August 2019. At the hearing Mr. John Algar BSc (Surv), MRICS, a Divisional Director with GVA Donal O Buachalla represented the Appellant and Ms. Tríona McPartlan B. Sc (Hons) Estate Management of the Valuation Office represented the Respondent.

3.2 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 them to the Tribunal.

4. ISSUE

4.1 The appeal raised the sole issue as to whether the NAV of the Property as determined by the Respondent is excessive.

5. RELEVANT STATUTORY PROVISIONS:

5.1 The NAV of the Property must be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

> "The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value."

5.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be considered in calculating the net annual value:

> "Subject to Section 50, for the purposes of this Act, "net annual value" means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably expected to let from year to year, on the assumption that the probable average annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant."

5.3 Section 19(5) of the Act inserted by section 7 of the Valuation (Amendment) Act 2015 requires the valuation list to be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates and to achieve both (insofar as is reasonably practicable) (i) correctness of value, and (ii) equity and uniformity of value between properties on the list and so that the value of each property on the list is relative to the value of other properties comparable to that property on the list

or, if no such comparable properties exist, is relative to the value of other properties on the list in that rating authority area.

6. THE APPELLANT'S EVIDENCE

6.1 Mr. Algar, having taken the oath, adopted his Précis as his evidence-in-chief in addition to giving oral evidence.

6.2 Mr. Algar clarified that upon letting the unit was subdivided and each unit is held under a separate lease.

6.3 Mr. Algar contended that there was no settled 'tone of the list' as 21 retail units in Athlone Town Centre ('the Centre') had been appealed to the Valuation Tribunal. In that regard he referred to paragraph 10.5 of the Tribunal's decision of the 4th June 2019 in VA17/5/1083 *Warehouse Fashion Limited v Commissioner of Valuation ('Warehouse')* which concerned a ground floor unit in the Centre. He considered that it was not appropriate for units within the Centre that have not been appealed to the Tribunal to be put forward as comparable evidence to support an opinion of value.

6.4 Mr. Algar said that the Centre opened in 2007 and the occupiers of the longstanding units had leases dating back to the 1st November 2007 which meant that the analysis of rents within the Centre varied considerably due to different lease commencement dates. He provided rental information relating to 59 units but specifically highlighted eight open market rental transactions in respect of standard internal units which had been agreed close to the 30 October 2015 which he considered gave a good indication of the rental market for retail space in and around Athlone Town in 2015. Those transactions were as follows:

RT 1 - a ground floor unit measuring 190.1 m², held under a 10-year lease from February 2015 with a base rent of €30,000 or 7.5% of turnover, which is higher, rent review at year 5; net effective rent of €23,000 per annum. In his expert report Mr. Algar analysed this rent at €265.34 per m² ITZA (in terms of Zone A).

RT 2 - a ground floor unit measuring 152.10 m², held under a 15-year lease from November 2015 with a rent review at year 5 and year 10; rent abated by €2,500 for the first two years; net effective rent of €46,500 per annum. Mr. Algar analysed this rent at €559.23 per m² ITZA.

RT 3 - a level 1 unit measuring 53.9 m², held under a 5-year lease from August 2015; rent abated by €5,000.00 for the first two years; net effective rent of €18,000 per annum. Mr. Algar analysed this rent at €359.50 per m² ITZA.

RT 4 - a ground floor unit measuring 48.6 m², held under a 5-year lease from January 2015; stepped rent; net effective rent of €17,100 per annum. Mr. Algar analysed this rent at €427.50 per m² ITZA.

RT 5 - a ground floor unit measuring 60.1 m², held under a 2-year licence from November 2015; net effective licence fee of €20,000 per annum. Mr. Algar analysed this licence fee at €363.64 per m² ITZA.

RT 6 - a ground floor unit measuring 105.4 m², held under a 10-year lease from September 2013 with a base rent of €34,037 or 8% of turnover, which is higher; net effective rent of €25,527.74 per annum. Mr. Algar analysed this rent at €348.50 per m² ITZA.

RT 7- two ground floor units measuring 190.01 m², held under a 10-year lease from October 2016 at a net effective rent of €54,000.00 per annum; 15 months rent free. Mr. Algar analysed this rent at €386.16 per m² ITZA.

RT 8 - a first floor unit measuring 196.82 m², held under a 10-year lease from February 2013; stepped rent; 15 months' rent free; net effective rent of €42,500.00 per annum. Mr. Algar analysed this rent at €481.04 per m² ITZA

From this analysis of rents, Mr. Algar derived an average ITZA of €398.42 per m² and for the purpose of valuing the Property rounded that to €400.00 per m².

6.4 Mr. Algar's valuation, using a base figure of €400.00 per m² ITZA produced a value of €72,700.00 (rounded) devalued as follows:

Ground Floor Zone A 95.20 m² x €400.00 per m² €38,080.00
Ground Floor Zone B 95.50 m² x €200.00 per m² €19,100.00 Ground Floor Zone C 95.30 m² x €100.00 per m² €9,530.00

Retail Remainder 119.70 m² x €50.00 per m² €5,985.00

Total €72,695.00 Rounded €72,700.00

Mr. Algar advised the Tribunal that he had put forward the same 8 comparators before the Tribunal which had heard the *Warehouse appeal* and he drew our attention to paragraph 10.5 of the Tribunal's decision of the 4th June 2019 wherein the Tribunal stated that it had not disregarded the RT1 and RT6 comparisons by reason of the turnover rents noting that the turnover had not exceeded the base rents but had disregarded the rent in respect of the RT8 unit for being too remote from the valuation date.

6.5 Mr. Algar said that the Centre went through a more difficult period during the economic downturn than the nearby Golden Island Shopping Centre which is anchored by Tesco and in close proximity to Dunnes Stores, from which it still has not fully recovered due to the absence of a substantial anchor tenant such as Tesco or other large supermarket and as a result is more a fashion led centre. In terms of the rental information provided generally in respect of the Centre, he said a lot of agreements were highly incentivised to entice occupiers into the Centre, deeds of variation were agreed with some occupiers to lower rents to keep units open and the proportion of turnover rents agreed also evidenced a decline in rental values in deteriorating market conditions.

6.6 Under cross-examination Mr Algar accepted that the rent of RT1 unit is a base rent or 7.5% of gross turnover, whichever is higher; that the rent payable in respect of RT2 unit is supportive of the Respondent's valuation; that the RT4 unit is vacant as of August 2019; that the RT5 unit is occupied on foot of a licence agreement; that the rent of the RT6 unit is a base rent or 8% of turnover, whichever is the higher. Mr Algar confirmed that

the occupier of RT6 had not exceeded the base rent in terms of turnover in 2017; that the occupier of RT7 had not appealed to the Valuation Tribunal; and that the rent of the RT8 unit is calculated as a proportion of the annual turnover of the lessee's business. When it was put to Mr. Algar that the Tribunal had affirmed €550.00 per m² ITZA in its determination of *VA17/5/387 Bushgrove Limited T/A Eurogiant v Commissioner of Valuation,* (‘*Eurogiant’*) he responded that the appeal had been heard around the same time as the *Warehouse* and that he did not know what evidence had been put forward by the appellant on that appeal.

6.7 In response to question from the Tribunal Mr. Algar confirmed that 5 of the 21 appeals to the Tribunal related to larger units within the Centre which had not been valued using the zonal method of valuation and that 8 appeals remained outstanding. The appellant in the *Warehouse* secured a reduction on the €550.00 per m² ITZA while the appellant in *Eurogiant* did not. He confirmed no premium is paid for any particular location within the Centre though a higher rent is paid for unit 5 which has both internal and external frontage. He said that no one mall could be considered better than another as all three entrances commanded a good level of footfall. To the best of his knowledge other than an incentivised deed of variation only eight rental transactions reflective of the market were concluded in or around the valuation date in respect of internal units within the Centre. He has unable to confirm the vacancy rate at the valuation date but confirmed unit 5 was vacant at that time.

7. THE RESPONDENT’S EVIDENCE

7.1 Ms. McPartlan, having taken the oath, adopted her Précis as her evidence-in-chief in addition to giving oral evidence. She pointed out two errors concerning the rent of KRT2 unit and deleted property number 2195142 from the Table of Key Rental Transactions and requested the Tribunal to substitute therefor the KRT2 unit. She described the Centre as unusual due to the absence of a main supermarket or anchor tenant. The arrival of TK Maxx had necessitated one of the occupiers moving to a different unit so that adjacent units could be amalgamated to provide a bigger unit in order to make the Centre more attractive for the larger retailer.

7.2 Ms. McPartlan stated that the Centre had opened in 2007 and that the vast majority of lease agreements made in 2007 contained upwards only rent review clauses rents. There was little open market rental evidence available. She relied upon the following key rental transactions to inform the estimate of the NAV of the Property:

KRT 1 - a ground level unit on the same mall opposite the appeal Property measuring 196.6 m², held under a 10-year lease from March 2016 at a net effective rent of €75,000.00 per annum.

KRT 2 - a ground level unit close to the appeal Property measuring 83.1 m², held under a 10-year lease from July 2016 at a net effective rent of €40,000.00 per annum.

KRT 3 - two ground level units on a different mall measuring 381.15 m², held under a 10-year lease from March 2013 at a net effective rent of €88,279.00 per annum.

Ms. McPartlan acknowledged that she was unaware until informed on the morning of the appeal hearing by Mr. Algar that the rent of KRT 2 is a turnover rent. The position is that the base rent is €40,000 or 8% of turnover, whichever is higher.

7.3 Ms. McPartlan confirmed that the occupier of the KRT 1 unit had not been appealed to the Tribunal. She pointed out that the valuation of KRT 3 had been appealed to the Tribunal and that the valuation had been affirmed based on the Zone A rate of €550 per m².

7.4 Ms. McPartlan stated to the best of her recollection 40 retail units in the Centre had been valued at €550 per m² ITZA and that the appeal Property was one of 16 units that had appealed their valuations to the Tribunal. She agreed to review the figures and revert to the Tribunal following that review. She referred the Tribunal to the Ground Floor Plans in her Précis and explained that the units hatched in black had not been valued using the zonal method, that appeals had not been lodged in respect of those units shown bounded by the colour pink and that the valuations of the units marked 'VT' had been appealed to the Tribunal. Ms. McPartlan advised that two appeals to the Tribunal had been settled in light of the Tribunal's decision in respect of Eurogiant unit. The valuation remained unchanged in respect of one those units and a frontage to depth allowance was agreed in respect of the other unit, but the zone A rate remained unchanged at €550 per m².

7.5 Ms. McPartlan relied upon units 11, 15 and 53 of the Centre as comparable properties, all of which were valued at the Zone A rate of €550 per m² and had not appealed to the Tribunal. Ms. McPartlan's view was that the rate of €550 per m² remained appropriate.

7.6 Under cross-examination Ms. McPartlan explained that she did not rely on any of the eight units relied upon by Mr Algar as key rental transactions as she considered that the majority of rent agreed at the valuation date were turnover rents and in her view turnover rents do not give a true reflection of what can be achieved in a shopping centre given that one occupier might be a very good shopkeeper and another not so or one shopkeeper could be selling low value products while another could be selling high value goods such as jewellery. She did, however, accept that turnover rents are becoming more prevalent in the retail sector. When asked about the effects of the recession on the Centre at the valuation date, Ms. McPartlan stated that the vacancy level in the Centre was quite low but that the Centre has not suffered to the same extent as other shopping centres. Unit 5 and the external units 2 and 3 had lain vacant for some time but the Centre had an occupancy rate of 95%. She said the Centre had a good mix of retailer occupiers and that the landlord has worked hard to keep tenants in occupation and occupiers in the Centre had not struggled to remain in business to the same extent as other retailers had in other shopping centres. In her view, no disadvantage accrued to the Property by being situated nearer to the Civic Square entrance than one of other entrances as all three entrances had good footfall. She described the Property as being a standard unit with good frontage. She said the rent payable in respect of the Property at the valuation date was pursuant to the side agreement and the turnover rents of some of the comparable units were difficult to analyse.

7.7 In response to questions from the Tribunal Ms. McPartlan expressed the view that turnover rents do not reflect a rate per square metre on a building. She confirmed the presence of retail units on the streets surrounding the Centre. She explained that Mardyke Street and Sean Costello Street lead down to the Golden Island Shopping Centre which has Penneys and Tesco as anchor tenants. She stated that this unattractive single storey shopping centre with free surface car parking built in the 1970's is exceptionally busy with a good tenant mix. The rents are much higher in this shopping centre and units have been valued at €700

per m² ITZA. Dunnes Store is situated in the area between the Centre and Golden Island shopping centre and retail units in the vicinity are valued at €403.75 per m² ITZA. Retail units on Mardyke Street and Gleeson Street are valued between €375 to €400 per m² ITZA. She confirmed that as one moves further away from the shopping centres the zone A level decreases.

7.8 At the request of the Tribunal Ms. McPartlan submitted the following information after the hearing:

i. 37 units in the Centre were valued at the Zone A rate;
ii. Of those 37 units, 21 occupiers exercised their right to make representations to the valuation manager;
iii. Of those 21 occupiers, 17 were represented by experienced agents; iv. Of the 37 units, 16 occupiers made appeals to the Tribunal; the amalgamation of one of those units with another, resulting in the amalgamated unit being valued on an overall basis.

8. THE PROPERTY

8.1 The parties' valuers were agreed over the physical characteristics and dimensions of the appeal Property and likewise those of the comparable units upon which they each relied. From the evidence therefore, the Tribunal finds the following facts.

8.2 The Property at the valuation date was a single retail unit in the Centre which is situated on the east side of Athlone Town approximately 1 kilometre from the nearest point of access to the M6 motorway. The shopping centre is accessed from Mardyke Street and Gleeson Street. The Centre opened in 2007 and includes a retail area of approximately 14,000 sq. m. over two floors and an underground car park which provides parking spaces for 1,200 vehicles. A hotel also forms part of the development. There are three pedestrian entrances to the shopping centre from Civic Square, Mardyke Street and Gleeson Street. From the underground car park, the Centre can be accessed by stairs and lifts. The tenants of the shopping centre include Marks & Spencer, Next, River Island, H & M, Zara, Tommy Hilfiger, Warehouse, Clarks, Starbucks, Easons and TK Maxx.

8.3 The Property is situated on the first floor nearest to the Mardyke Street entrance. The net internal area of the unit measures 405.7². The adjacent unit is occupied by a sister company trading as 'Jack & Jones' the valuation of which was also appealed to the Tribunal as is the 'Vero Modo' unit which is immediately adjacent to 'Jack & Jones'.

8.4 Prior to the issue of the proposed valuation certificate in January 2017 the Property was as a single unit occupied by 'Monsoon'. The unit was subsequently subdivided by a partition wall and let under two separate 10- year leases made in April 2017. The units are occupied by 'Vila' and 'Selected' but this subdivision of the Property has not yet been addressed by a revised valuation. The trading entities 'Vila', 'Selected', Jack & Jones' and 'Vero Modo' are all owned by same parent company.

8.5 The rent agreed for unit 34 occupied by 'Selected' was €45,000.00. The rent agreed for unit 35 occupied by 'Vila' was €42,500.00.

8.6 The net annual value of the Property's as determined by the Commissioner devalues as follows:

Ground Floor Zone A	95.20 m²	x €550.00 per m²	€52,360.00
Ground Floor Zone B	95.50 m²	x €275.00 per m²	€26,262.50
Ground Floor Zone C	95.30 m²	x €137.50 per m²	€13,103.75
Remainder	119.7 m²	x €68.75 per m²	€8,229.38
Total €99,955.63			Rounded €99,900.00

8.7 No one unit within the Centre is in a stronger retailing position by virtue of being closer to any of the three entrances to the Centre.

8.8 The Tribunal accepts the evidence of Mr. Algar that only the base rents of units RT1, RT6 and RT8 were paid to the landlord in 2015.

9. FINDINGS AND CONCLUSIONS

9.1 On this appeal the Tribunal must determine the value of the Property to achieve, insofar as is reasonably practical, a valuation that is correct and equitable.

9.2 The relevant question on this appeal concerns the amount a hypothetical tenant would pay in rent for a tenancy of the Property on the terms set out in section 48 of the 2001 Act as amended. The rent for which the Property might, in is actual state, be reasonably be expected to let is measured by the rental value on a hypothetical tenancy of the Property on a year on year basis and not by reference to the actual occupier's business or financial means or the rent the occupier actually pays.

9.3 The Property was vacant at the valuation date and not let until 2017. It is rare to find a property with a lease rent that completely satisfies the statutory terms and certain rents ware of little evidential use either because they are not open market rents or because they cannot be made to conform to the rating hypothesis. Rental evidence is rarely ever available at the specific valuation date. When the actual rent of a property is of little or no assistance open market rents of similar properties generally provide the best evidence but care still needs to be taken as a tenant may be desperate to secure space at a particular location or a landlord may need to secure immediate income. Some open market rents though not conforming with the terms of the rating hypothesis can be adjusted to conform. Once these rents are ascertained they can then be analysed and reduced to a comparative basis such as €/m² ITZA for retail properties. Evidence of rent agreed within a year prior to the valuation date and of rent agreed within 12 months after the valuation date is worth analysing and adjusting (provided the market has remained stable and confirm the trend) but rents agreed 12 months or more after the valuation date are less helpful because at the valuation date the hypothetical tenant could not have known of these later transactions.

9.4 In recent years varying forms of rental incentives have become common place including rent free periods, stepped rents, fit out contributions, break clause and reverse premiums to encourage tenants to sign leases. These changes have made it harder to interpret some market transactions and to determine exactly what the deal equates to, in rental terms. Furthermore, turnover rents in shopping centre leases are becoming a more attractive option and analysing turnover rental provisions in a lease also presents challenges given the different type of turnover arrangements that can be made.

9.5 On behalf of the Appellant Mr. Algar has relied on the rents of eights units in the Centre and the Tribunal's decision in *Warehouse* in support of his proposed Zone A rate of €400.00 per m^2. The Tribunal has to interpret and decide what weight should be given to this evidence. The rents of RT1, RT2, RT3 and RT4 were all agreed in 2015. The rent of RT7 was agreed within a year post valuation date. In respect of these five units the Zone A rate ranges between €265.34 per m² and €559.23 per $m^{2.}$ All of these units are smaller than the appeal Property, especially RT3 and RT4. RT5 is unreliable as a comparable as it is occupied under a licence agreement the terms of which are not compatible with the terms of the hypothetical tenancy as outlined above. The rent of RT6 was agreed 26 months prior to the valuation date and that of RT8 32 months prior to the valuation date. RT1, RT2, RT3, RT4 and RT7, considered together, show an average zone

A rate of €400 per m^2. If the rents of RT6 and RT8 were considered with those 5 units, the average Zone A rate would increase to €404.

9.6 On behalf of the Respondent Ms. McPartlan considered the rents on three different units in the Centre and the Tribunal's decision in *Eurogiant* supported the adopted Zone A rate of €550.00 per m^2. The KRT1 and KRT 2 rents were agreed approximately nine months after the valuation date and the KRT3 rent was agreed 31 months prior to the valuation date.

9.7 Of the 11 rental transactions, 7 relate to rents agreed a year either side of the valuation date. This evidence shows a disparity between rental levels in the Centre. In the Tribunal's view the hypothetical tenant would be guided by rents which had been agreed closer to the valuation date and agree a rent level somewhere between the extremes. Rental transactions were agreed in respect of the RT1, RT3 and RT4 units in 2015 prior to the valuation date, and a fourth rental transaction was agreed 3 days after the valuation date in respect of the RT2 unit which has a Zone A rent equivalent of €559.23 per m^2. The passing rent of KRT1 is well in excess of all the other 10 units and the passing rent of KRT 2 is 10% higher than RT2 which has the highest rent of the 2015 open market transactions. The passing rent of RT1 is well below the others 10 units.

9.8 The Tribunal does not accept that evidence of rent in respect of a letting in the open market of a unit in the Centre which comprises a base rent plus percental of turnover should be disregarded or rejected out of hand particularly when such rents are becoming a more common feature in the retail property market. All available evidence should be looked at. Rents with turnover elements may have evidential value in either confirming or casting doubt upon rents levels.

9.9 It is necessary to consider all of the evidence in the round. The rental evidence, on any basis, provided a very mixed picture. The Tribunal considers that the key evidence of the rate to be applied to the ground floor retail space is market transactions of rents agreed twelve months prior to the valuation date and rents for a period of less than 12 months after the valuation date provides they are consistent with the state of the market at the valuation date. The Tribunal attached little weight to the evidence relating to RT5 (a unit held pursuant to a licence agreement, RT6 (rent agreed 2 years prior to the valuation date)

and RT8 rent agreed 2½ years prior to the valuation date). The annual rents RT1 and KRT1 should in the Tribunal's view be classified as low and high outliers as far as other Centre rents are concerned (i.e. atypical rents to be excluded from consideration). RT4 has also been excluded from consideration due to its size and the fact it is more an external unit than an internal one. That leaves four key rental transactions. An analysis of the passing rent of the ground floor retail space of units RT2, RT3, RT7 and KRT2 indicates a zone

A level of €480.00 per m^2.

9.10 The Appellant relied upon the Tribunal's decision in *Warehouse* and the Respondent relied upon the Tribunals' decision in *Eurogiant.* It is no part of this Tribunal's task to review the correctness of the decisions of other Tribunals. Those earlier decisions, like all other Tribunal decisions, are based on the evidence before the Tribunal and cannot be binding if different evidence is adduced on another occasion. The duty of the Tribunal in each appeal is to consider the evidence adduced and the arguments advanced and to arrive at a determination in accordance with section 48 of the 2001 Act as amended. The Tribunal strives for consistency in decision-making, but, as a general rule, previous decisions on questions of fact and opinion will not be regarded as

evidence of value in later cases. Such decisions do not establish precedents. However, a decision of the Tribunal setting out general guidance on valuation principles may be applied or referred to in subsequent appeals.

10. DETERMINATION:

Accordingly, the Tribunal allows the appeal and decreases the net annual value of the Property as stated in the valuation certificate to €87,200.00 as follows:

Floor Use	Area per m^2	NAV (€ per m^2)	NAV €
Retail Zone A	95.20	€480.00	45,696.00
Retail Zone B	95.50	€240.00	22,920.00
Retail Zone C	95.30	€120.00	11,436.00
Store	119.70	€60.00	7,182.00
			€87,234.00

SAY €87,200

And so the Tribunal determines.