

**Appeal No: VA19/5/1021**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015  
VALUATION ACTS, 2001 - 2015**

**Besant Holdings Ltd**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

**In relation to the valuation of  
Property No. 1832898, Hospitality at 1 Incl.2.3 North Road, Monaghan, County Monaghan.**

**B E F O R E**

**Dairine McFadden - Solicitor**

**Deputy Chairperson**

**Sarah Reid - BL**

**Member**

**Eamonn Maguire - FRICS, FSCSI, VRS, ARB**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 17<sup>th</sup> DAY OF NOVEMBER, 2022**

**1. THE APPEAL**

- 1.1 By Notice of Appeal received on the 11<sup>th</sup> day of October 2019 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 €106,200.
- 1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because:

*“1. The Commissioner has misinterpreted the subject’s data. The Drink sales and the food sales are the wrong way round – that is to say the Commissioner has valued drink as food and vice versa. This substantially alters the Commissioner’s own valuation.*

*2. The subject property is significantly overtrading. The subject property is 55% food, 45% drink, which is an unsustainable level for a pub to be trading at. The occupier has extraordinary business acumen which cannot be taxed.*

*3. The restaurant is at 1st and 2nd floor levels and is structurally separate from the bar. Cognisance must be given to the value of this area on a rate per m2 basis. The subject property’s upper floors could not exceed €25,000 and hence this illustrates the level of overtrading in food here.*

*4. The suggested NAV at €106,200 would make the subject property amongst the most valuable pubs in all of Monaghan by a significant margin. Even if this is true, there is no market evidence to suggest that this NAV is remotely achievable in terms of rent.”*

1.3 In the Notice of Appeal, the Appellant considered that the valuation of the Property ought to have been determined in the sum of €54,000.

## **2. REVALUATION HISTORY**

2.1 On the 29<sup>th</sup> day of March 2019 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €106,200.

2.2 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation. Following consideration of those representations, the valuation manager did not consider it appropriate to provide for a lower valuation.

2.3 A Final Valuation Certificate issued on the 10<sup>th</sup> day of September 2019 stating a valuation of €106,200.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 15<sup>th</sup> day of September 2017.

### 3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 16<sup>th</sup> day of September 2022. At the hearing the Appellant was represented by Mr. Eamonn Halpin B.Sc. (Surveying), MRICS, MSCSI of Eamonn Halpin & Co. Ltd. and the Respondent was represented by Mr. Herbert Mulligan MSCIS, MRICS of the Valuation Office.

3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having taken the oath, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

### 4. FACTS

From the evidence adduced by the parties, the Tribunal finds the following facts.

4.1 The Property is located in the centre of Monaghan Town, on the corner of Mill Street and North Road. The N54 road which runs through the town, connects with the N2 motorway northeast of the town, and the N3, the former connecting Dublin with Derry and the latter, the Dublin to Cavan route. The population census for 2016 derived a figure of 7,678 persons.

4.2 The Property comprises a three-storey building with ground floor public house and beer garden and the upper floors are in restaurant use.

4.3 The agreed floor areas are:

Description	Floor Level	Sq. m.
Bar Trading Area	0	180
Restaurant	1	118.84
Restaurant	2	69.13
Kitchen	2	51.5

4.4 The tenure of the Property is freehold.

## **5. ISSUES**

- 5.1 The only issue in this appeal is the quantum of the valuation. The Appellant contended for an NAV of €62,000 whereas the Respondent requested the Tribunal to reaffirm the Valuation Certificate value of €106,200.

## **6. RELEVANT STATUTORY PROVISIONS:**

- 6.1 The net annual value of the Property has to 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.”*

- 6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account 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 be expected to let from year to year, on the assumption that the probable 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.”*

## **7. APPELLANT’S CASE**

- 7.1 Mr. Halpin stated that there were nineteen public houses in the centre of Monaghan town, all located within 1 km of the Property.
- 7.2 Mr. Halpin stated that the Commissioner has confused the drink and food turnovers. This was pointed out at representation stage but ignored.

- 7.3 Mr. Halpin submitted the business is being driven by the food and not the drink. Without the food, the pub would likely have a trade of circa €500,000 in on-sales and would hence have a valuation much more in line with the tone of the list.
- 7.4 Mr. Halpin stated that the question under the statute is what a hypothetical occupier might be able to achieve, not what the actual occupier is achieving. In the subject's case, the over-trading is down to one single factor; the fact that the occupier is third generation and personally manages the restaurant and therefore has very significant personalised skill that could not be transferred to the hypothetical tenant and therefore, food trade is artificially increased. Given that the food is driving the drink and not the other way around, the hypothetical tenant is likely to be a restaurateur rather than a publican. In this regard, consideration should be given to café/restaurant properties in the town such that the food element is not over-assessed owing to goodwill (comparisons 8-10). This puts a maximum value of €16,745 NAV on the restaurant element and a minimum of just €12,180 NAV. The Commissioner is assessing €32,250 NAV currently and if he corrects his mistake (reversing food and drink), this rises to €41,250 NAV. This very clearly indicates the distortion of valuing the subject's restaurant on turnover but comparable restaurants on a rate per metre basis.
- 7.5 Mr. Halpin gave evidence of ten NAV comparisons as follows:

NAV 1: PN 1832808, premises in Monaghan with an estimated trading area of 300 m<sup>2</sup>, situated 290 metres from the Property. The estimated Fair Maintainable Trade (FMT) was unknown, and the list valuation was €60,000. Mr. Halpin stated that this comparison was a gastropub over two floors and due to the presence of food and drink, the NAV cannot be broken back to achieve FMT.

NAV 2: PN 1832581, premises in Monaghan with an estimated trading area of 160 m<sup>2</sup>, situated 180 metres from the Property. The estimated FMT was unknown, and the list valuation was €24,400. Mr. Halpin stated that comparable was an average sized public house, with a kitchen and food trade, half the size of the Property, and yet the NAV of the Property was 4.7 times greater.

NAV 3: PN 1832781, premises in Monaghan with an estimated trading area of 410 m<sup>2</sup>, situated 160 metres from the Property. The estimated FMT was unknown and the valuation on the list was €103,000. Mr. Halpin stated that comparable was the best comparable to the Property, being a large gastro pub over three floors, with two commercial kitchens, though arguably better located in the town than the Property.

NAV 4: PN 1832555, premises in Monaghan with an estimated trading area of 150 m<sup>2</sup>, situated 130 metres from the Property. The estimated FMT was unknown and the valuation on the list was €37,400. Mr. Halpin stated that comparable had a extensive ground floor bar and he was unclear whether a number of trading elements were valued in deriving the NAV.

NAV 5: PN 1832626, premises in Monaghan with an estimated trading area of 80 m<sup>2</sup>, situated 50 metres from the Property. The estimated FMT was unknown and the valuation on the list was €25,000. Mr. Halpin stated that comparable was significantly smaller than the Property and it would appear that the NAV was estimated.

NAV 6: PN 1832882, premises in Monaghan with an estimated trading area of 180 m<sup>2</sup>, situated 100 metres from the Property. The estimated FMT was unknown and the valuation on the list was €9,990. Mr. Halpin stated that comparable was in a prominent location in the town. The NAV covered both the pub and auctioneers' offices overhead.

NAV 7: PN 1832793, premises in Monaghan with an estimated trading area of 100 m<sup>2</sup>, situated 300 metres from the Property. The estimated FMT is set out in the appendix (N/A to public). The valuation on the list was €16,400. Mr. Halpin stated that comparable gave a reasonable estimate for what an average pub in the town might let, at €300/400 per week, compared to the list valuation of the Property, which equates to €2,000 per week.

NAV 8: PN 2176058, premises in Monaghan comprising first floor restaurant of 83 m<sup>2</sup> and kitchen of 25 m<sup>2</sup>, assessed at €80 psm on the restaurant and €60 psm on the kitchen.

NAV 9: PN 2197836, premises in Monaghan comprising first floor cold stores of 9.28 m<sup>2</sup> with an NAV of €96 psm, kitchen of 23.40 m<sup>2</sup> with an NAV of €80 psm, restaurant

of 64.51 m<sup>2</sup> with an NAV of €80 psm and at second floor level, kitchen of 6.67 m<sup>2</sup> with an NAV of €32 psm, and a store of 34.88 m<sup>2</sup> with an NAV of €32 psm.

NAV 10: PN 1832857, premises in Monaghan comprising as follows: ground floor retail Zone A of €108.33 m<sup>2</sup> with an NAV of €340 psm, Zone A allowance -1 m<sup>2</sup> with an NAV of €5,008.54 psm, Zone B of 65.54 m<sup>2</sup> with an NAV of €170 psm, Zone C of 24.84 m<sup>2</sup> with an NAV of €85 psm, store of 58.63 m<sup>2</sup> with an NAV of €34 psm and at first floor level, kitchen of 25.08 m<sup>2</sup> with an NAV of €50 psm, restaurant of 157.267 m<sup>2</sup> with an NAV of €70 psm and second floor store of 74.46 m<sup>2</sup> with an NAV of €32 psm.

7.6 Mr. Halpin submitted his opinion of the NAV in respect of the subject property as of 15<sup>th</sup> September 2017 as follows:

Drink Sales €500,000 @ 8% = €40,000  
Food Sales €900,000  
- less 40% for exceptional skill = - €540,000  
- less 1st €100,000 = - €100,000  
€440,000 @ 5% = €22,000  
Total NAV €62,000

7.7 In cross examination Mr. Halpin was asked whether he accepted that the Property had a lift access to the upper floors and whether any of the other comparisons had a lift; Mr. Halpin stated that he did and was not aware whether others had.

7.8 Mr. Halpin was asked if he accepted that the Property is in a heavily commercialised part of the town, adjacent to Fleming's department store, close to the Court House, Paddy Powers and Boyle Sports bookmakers and the Property was accessible from two sides. Mr. Halpin stated that the locations of the comparable properties were similar in nature and so no distinct advantage arose to the subject in that regard.

7.9 Mr. Halpin was asked what the drink sales were prior to the restaurant opening, and why was it greater than the FMT that which he was proposing. Mr. Halpin confirmed the figure.

- 7.10 He was asked whether he had looked at the LP1 form submitted by the Appellant's accountant. Mr. Halpin replied that he had looked at them in the Mr. Mulligans précis but that the full accounts are more intuitive.
- 7.11 Mr. Halpin was asked why he was contending for an FMT on drink sales that was less than the recorded trade turnover in 2014. He replied that it was his opinion of what a hypothetical tenant might be capable of producing and taking into account that the operator was a third-generation operator of licensed premises. He argued that in looking at the accounts of PN1832781 (NAV 3), one could see that the operator of the Property was doing double the turnover in food sales, which pointed to an exceptional operator.
- 7.12 Mr. Halpin was asked by the Tribunal whether the two interconnecting three storey buildings in the photograph in his précis comprised the entire of comparable PN 1832781 (NAV 3), Mr. Halpin stated that it was though he could not confirm whether the floors between the interconnecting buildings were on the same level as he had not been in the building himself.
- 7.13 In terms of the Property, Mr. Halpin was asked whether the first-floor balcony evidenced by the photograph in the précis, was used for food, he stated that it was only used occasionally.

## **8. RESPONDENT'S CASE**

- 8.1 Mr. Mulligan stated that the Appellant was not contesting the scheme but had a different opinion on the FMT. No evidence had been provided to prove that the Appellant was an exceptional operator, and that a hypothetical tenant could not generate similar revenues. Mr. Mulligan argued that Mr. Halpin had relied upon uncertified Trial Balance sheets for the period 2015-2018 in arriving at his assessment of FMT and these only provided details of total turnover of "Restaurant Sales" and "Bar Sales".
- 8.2 Mr. Mulligan argued that the interpretation that restaurant sales are food sales is contradicted by trading information provided in the certified LP1 form provided on



behalf of the Appellant and which was prepared by a chartered accountant. Mr. Mulligan further noted that the Appellant had not included a copy of this certified LP1 form in their précis. In the circumstances, the turnovers stated as 'restaurant sales' in the Trial Balance are considered to be inclusive of drink sales within the restaurant and the certified LP1 form is considered correct.

- 8.3 Mr. Mulligan stated that while turnover does not equate to FMT, it would be the first point of reference for a hypothetical tenant and landlord. To adopt an FMT that was significantly below the actual turnover requires evidence, hearsay is not sufficient.
- 8.4 Mr. Mulligan contended that the trading area of the property was extended since 2014 and the property's layout is designed to cater for both the food and drink trade as stated in the LP1 form. The premises traded as a drinks only pub (on-sales and off-sales) prior to the opening of the restaurant on the first and second floor, which the witness understands to have opened around November 2015. The food trade is generated on foot of the premises from which it trades. Mr. Halpin is contending for a drink FMT of €500,000, which does not reflect the drink on-sales figure in 2014, at which point the Property did not benefit from the restaurant turnover (drink sales turnover figure in the appendix – N/A to public). The ground floor bar trade is still only drink on-sales. The turnover figures provided in the year end accounts for 2016 and 2017, after the building works were completed, were consistent.
- 8.5 Mr. Mulligan noted that the Property provides a bar, extensive restaurant, and a beer garden, the latter measuring 110 m<sup>2</sup>. The entire Property benefits from the same seven-day licence. The established method of valuation for a licenced premises is by the application of a percentage to the FMT. The Appellant accepts the percentage applied to the drink and food sales.
- 8.6 Commenting on Mr. Halpin's NAV comparisons, which were different to his own, Mr. Mulligan stated that in the case of NAV 1, PN 1832808, it was trading as a Gastro Pub, that no trading information was submitted, or representation received, and that the valuation has been appealed to the Tribunal and therefore was not a reliable comparison. In respect of NAV 4, PN 1832555, this was not comparable as it comprised a ground floor bar, was situated in an inferior location, and was a mixed-use building

containing an optician, dentist and post office. In NAV 6, PN 1832882 this was also not comparable to the Property in terms of size and configuration. NAV 7 PN 1832793 was similarly not comparable, as it was a ground floor bar only in an inferior location in the town, without the benefit of first and second floor restaurant facilities, served by a lift. Finally, the Appellant's retail/office (over the shop) comparisons being NAVs 8-10, do not operate or hold a seven-day licences and are therefore not comparable to the Property.

8.7 Based on the analysis the Commissioner adopted the shortened method of valuation. The shortened method ensures each property is valued by reference to Section 48 and correctness, equity and uniformity for all ratepayers is achieved as prescribed by Section 19(5).

8.8 The relevant percentages deemed appropriate to apply to the Drink sales FMT for each property in the Monaghan Town wherein the Property is located is 8% and 9% depending on gross profit margin. Mr. Mulligan noted that an entertainment allowance can be applied where entertainment costs are above 5% of total drink sales. If deemed appropriate an allowance of 1% is applied to total drink sales. The Drinks Sales FMT of the Property is now valued at 9% of FMT. A 1% allowance is applied to total drink sales as entertainment expenses above 5% of total drink sales. Food sales FMT (less the first €100,000) is valued at 5%. This approach is in line with that suggested by the Appellant.

8.9 Some 8 properties out of a total of 107 licensed premises (7.47%) were subject to appeals to the Valuation Tribunal, meaning the occupiers of 99 licensed premises (92.52%) have accepted their valuations on the list. These are deemed correct in accordance with Section 63 of the Valuation Acts 2001, as amended.

8.10 Mr. Mulligan gave evidence of three NAV comparisons as follows:

NAV 1: PN 1832781 (Appellant's NAV 3), licensed premises in Monaghan with an estimated trading area of 413 m<sup>2</sup>, situated 125 metres from the Property. The FMT is contained in the appendix (N/A to public) and the ratio of beverage to food is 1:0.47 (food FMT taken before €100,000 deduction). The NAV on the list is €103,000,

representing a percentage of FMT, contained in the appendix (N/A to public). The NAV on the drink's element is €85,500, and on the food is €17,500. Mr. Mulligan stated that the premises comprised ground floor bar, first floor restaurant and second floor function room. The premises does not have the benefit of a passenger lift, unlike the Property. In terms of layout and location in the town, Mr. Mulligan stated that it was the best comparison to the Property.

NAV 2: PN 1832581 (Appellant's NAV 2), licensed premises in Monaghan with an estimated trading area of 148.80 m<sup>2</sup>, situated 180 metres from the Property. The FMT is contained in the appendix (N/A to public) and the ratio of beverage to food is 1:2.92 (food FMT taken before €100,000 deduction). The NAV on the list is €24,400, representing a percentage of FMT, contained in the appendix (N/A to public). The NAV on the drink's element is €10,400, and on the food is €14,000. Mr. Mulligan stated that the premises comprised ground floor bar and first floor restaurant. The premises has both an inferior layout and location, compared to the Property.

NAV 3: PN 1832555 (Appellant's NAV 4), licensed premises in Monaghan with an estimated trading area of 166.2 m<sup>2</sup>, situated 130 metres from the Property. The FMT is contained in the appendix (N/A to public). The NAV on the list is €37,400, representing a percentage of FMT, contained in the appendix (N/A to public). The NAV on the drink's element is €42,800, and there is an NAV entertainment allowance of -€5,350. Mr. Mulligan stated that the premises comprised ground floor bar, does not have a commercial kitchen and has both an inferior layout and location, compared to the Property.

- 8.11 In cross examination Mr. Mulligan was asked whether the shortened method of valuation was simply a tool to make the Commissioners life easy. Mr. Mulligan replied that it was the established method of valuation for licensed premises as per the findings in the Tribunal judgement VA.17/5/579.
- 8.12 Mr. Mulligan was asked how many KRT's were used to devise the Commissioner's scheme of valuation for licensed premises and how many were in Monaghan town. Mr. Mulligan did not have that detail. Mr. Halpin made the point that rural pubs were not comparable hence the question.

- 8.13 Mr. Mulligan was asked at what point would he consider that a pub was doing an exceptional trade. Mr Mulligan replied that where you had a proprietor who was a famous sports personality, a draw for customers, was one example.
- 8.14 Mr. Halpin put it to Mr. Mulligan that the fact that the Property was doing four times the average turnover of other licensed premises in the town pointed to exceptional trade. Mr. Mulligan replied that PN 18322781 (being Appellant's NAV 3 and Respondent NAV 1) was a strong comparable, Mr. Halpin remarked that it was the only one. Mr. Mulligan said that the valuation was based on accounts received and that it was a of a similar size and configuration. Mr. Halpin stated that there were four significant pubs in Monaghan town, yet the reason for the appeal, was that the Appellant supplied their accounts to the Commissioner. Mr. Mulligan said that Mr. Halpin's remark was speculative and that other pubs provided trading figures to the Commissioner.
- 8.15 Mr. Halpin stated that if you valued the upper floors of the subject property separate to the ground floor bar, the value of the upper floors as a restaurant would surely be no more than €16,000, and the bar at €36,000, far less than the valuation list combined figure. Mr. Mulligan stated that the Property had the benefit of a seven-day license and that both parties had valued the Property using the same method but that they differed in their opinion of FMT, and the value of the Property is in line with PN 18322781.
- 8.16 Mr. Halpin stated that the accounts submitted to the Revenue and which they had tried to get the Commissioner to accept at representation stage, sought to correct any error in the LPI return, showing the breakdown between food sales and drink sales. Mr. Mulligan replied that the evidence submitted did not reference the Revenue Commissioners documentation, and that the LP1 form returns were certified by a chartered accountant and were the only financial information that gave a breakdown between drink on sales, drink off sales and food sales.
- 8.17 Mr. Mulligan was asked by the Tribunal whether he was familiar with the interior of the comparable PN 18322781, he replied that he was not, but had relied on the records of the Valuation Office and local authority planning records. He was asked what open areas were there in the comparable property. He replied that other than licensed street

furniture there was none, it was a densely developed site and whilst he was aware that there was a very small smoking area, it was not designated as such.

8.18 In summary Mr. Mulligan stated that the onus of proof was on the Appellant who had not proven their case. No evidence was produced to prove that the Appellant was an exceptional operator. Despite trial balance sheets being submitted, the LPI forms remained the only certified trading figures that gave the full breakdown between drink on sales, drink off sales and food sales. Mr. Halpin did not reject the scheme, the parties just differed on their opinion of FMT. The revenue turnover in the Property was not exceptional and the list valuation of the Property and comparable PN 18322781, were in line with each other, demonstrating evidence of equity and uniformity.

8.19 In conclusion, Mr. Mulligan requested that a valuation of €106,200 be entered in the Valuation List as representing the Net Annual Value for the subject property in accordance with Section 48 of the Valuation Act 2001 and the requirements of section 19(5).

## **9. SUBMISSIONS**

9.1 There were no legal submissions.

## **10. FINDINGS AND CONCLUSIONS**

10.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Monaghan County Council.

10.2 The Tribunal has examined the details of the Property and considered both the Précis of Evidence and the oral evidence submitted by both Mr Halpin who contended for a revised NAV of €62,000 and by Mr Mulligan who was defending the NAV of €106,200, as being both fair and equitable in the circumstances.

- 10.3 The Tribunal finds that in the case of the comparables submitted by Mr. Halpin, (numbered in his précis, 2, 4, 5, 6 and 7) there are no trading figures submitted and that the estimated FMT in each case is stated as unknown. In the case of the latter two comparables, as with comparables 8, 9 and 10, the Tribunal finds that they are not comparable properties in terms of the overall use, size and location in the town. The Tribunal therefore finds these comparables to be of little assistance.
- 10.4 The Tribunal finds that the most comparable properties in Monaghan town to the Property in terms of size and trade submitted by Mr. Halpin are PN 1832781 (NAV 3) and PN 1832808 (NAV 1). However, in the case of the latter as it is under appeal to the Tribunal, it cannot be relied upon.
- 10.5 PN 1832781 is a common comparator between the parties. The evidence submitted has persuaded the Tribunal that the Property is superior to that of PN 1832781 (Appellants NAV 3), in terms of configuration, specification and open space, including a beer garden and having lift access to the upper floors.
- 10.6 The Tribunal is persuaded by Mr. Mulligan's argument that the figures submitted in the LP1 form by the Appellants' chartered accountant and which give a breakdown of drink on sales, drink off sales and food sales are the ones that should be relied upon. The Tribunal also finds the evidence submitted concerning drink sales prior to the opening of the restaurant did not support Mr. Halpin's submitted figure for FMT.
- 10.7 Based on the evidence before it, the Tribunal does not accept that the Appellant operator carries on an exceptional trade in the property that could not be replicated by a hypothetical tenant notwithstanding his position as a third-generation operator of the premises. In addition, the Tribunal notes that the use of upper floor restaurant element of the property only commenced in 2015, being two years prior to the effective valuation date, and was not therefore a longstanding element of the trade being done in the property.

**DETERMINATION:**

Accordingly, for the findings herein, the Tribunal disallows the appeal and reaffirms the NAV of the Property as stated in the valuation certificate at €106,200 (One Hundred and Six Thousand, Two Hundred Euro).