

Appeal No: VA19/5/0696

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

**Colin Kettle T/A/Kettles Country House
Hotel**

APPELLANT

and

Commissioner of Valuation

RESPONDENT

**In relation to the valuation of
Property No. 2188744, Hospitality at Lispopple (Swords) Dublin, County Dublin.**

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2nd DAY OF JUNE 2023**

BEFORE

John Stewart

Deputy Chairperson

1.0 THE APPEAL

1.1 By Notice of Appeal received on the 11th 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 €296,000.

1.2 The Grounds of Appeal are fully set out in the Notice of Appeal. Briefly stated they are as follows: *"Valuation is excessive and inequitable"*.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €150,000.

2.0 RE-VALUATION HISTORY

2.1 On the 29th 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 €408,000.

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 of the Property was reduced to €296,000.

2.3 A Final Valuation Certificate issued on the 10th day of September 2019 stating a valuation of €296,000.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is the 15th day of September 2017.

3.0 DOCUMENT BASED APPEAL

3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.

3.2 In accordance with the Tribunal's directions, the parties were invited to exchange their respective summaries of evidence and submit them to the Tribunal. A summary of evidence was submitted by the Appellants.

4.0 FACTS

4.1 The only precis of evidence adduced was provided by the Appellant and consequently the Tribunal has accepted its description of the subject property. The property is described as a four-star hotel situated 5 minutes from Swords. The hotel is a family-owned business and is in the same local authority as the main comparisons PN 274346, PN 359211, PN 2111846, PN 436734 and PN 2165783. No other descriptions of the premises or the floor areas were provided and no floor plans or site areas or photographs were included in the precis. The precis included an overall site location plan.

4.2 The precis also included the Valuation Report extract prepared by the Valuation Office which determined the NAV of €296,000 which is in dispute.

5.0 ISSUES

5.1 The Appellants claim that the Valuation as assessed is excessive and inequitable.

6.0 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.”

7.0 APPELLANT’S CASE

7.1 The Appellant confirmed the definition of net annual value as “*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 cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that stage, and all rates and other tax in respect of the property are borne by the tenant.”

7.2 The Appellant confirmed that the relevant valuation date was the 15th of September 2017 and that the valuation had been added to the list on the 17th of September 2019. The Appellant noted that the proposed valuation certificate issued on the 19th of March 2019 indicated a valuation of €408,000. Following representations on the 3rd of May 2019 the valuation was reduced to €296,000. On the 10th of September 2019 a Final Valuation Certificate was issued confirming the valuation of €296,000 and an appeal was lodged to the Valuation Tribunal thereafter.

7.3 The Appellants also included a copy of the valuation report provided by the Valuation Office which confirmed the final valuation NAV of €296,000 and it is set out below.

Floor level	Floor use	Area M₂	NAV €/ M₂	NAV €
	Additional items	Units	NAV€/unit	Total NAV €
	Drink sales	1,000,000	0.1000	100,000
	Food sales	1,300,000	0.0700	91,000
	Room sales	700,000	0.1500	105,000
			Total NAV	€296,000

7.4 The Appellant included a number of comparisons which he has investigated which he claimed supported a reduction in the NAV. The schedule is as follows:

Property No.	Description/use	Address	Valuation	VA Reference
274346	Hotel	Bracken Court Hotel Balbriggan	€460,000	
359211	Hotel	Roganstown Golf & Country Club, Naul Road, Roganstown Swords	€865,000	VA 10/5/072
2111846	Hotel	Carlton Hotel, Old Airport Road, Cloghran, Dublin	€865,000	VA 10/2/073
436743	Hotel	Highview Inns Hotel, Skerries, Dublin	€87,000	VA/10/5/079
2165783	Hotel	Carnegie Court Hotel Main street Swords, Dublin.	€455,000	VA 19/5/0170

He stated that he provided copies of the judgements for these comparisons in appendix 4 (n/a to public).

7.5 He stated that he wished to apply the same methodology as had been applied to his comparisons which is an analysis of the accounts known as the Receipts and Expenditure

method noting that the main comparisons are in the same local authority area and in close proximity to the subject property.

7.6 He concluded his precis of evidence by having regard the foregoing and set out his opinion of value at €150,000.

7.7 Additional information provided included Trading accounts for the subject property Rolestown House Hotel Limited (Company No. 406539) Y/E 31/07/2015/2016/2017/2018. A copy of the Valuation Certificate and the Revaluation Appeal Notice were also provided. The judgements regarding the comparisons referred to Nethercross Ltd t/a Roganstown Golf & Country Club Notice of Appeal 25th August 2010 and hearing date 11th February 2011; Carlton Hotel Dublin Airport Limited Notice of Appeal 25th August 2010 and hearing date 17th February 2011 and Highview Inns Hotel Ltd (Michael Carroll) Notice of Appeal 25th August 2010 and hearing date 26th January 2011. The Carnegie Court Hotel, Main Street Swords, Dublin appeal case was not included in the precis.

8.0 RESPONDENT'S CASE

8.1 The Respondents did not provide any precis of evidence or submission to the Tribunal.

9.0 SUBMISSIONS

9.1 None.

10.0 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 Fingal County Council.

10.2 The Appellants have provided very limited information in relation to the subject property. They have not provided a detailed description of the property or the number of rooms or any information in relation to the accommodation its layout or uses.

10.3 They have provided details of accounts for the subject property for four years from 2015 to 2018 however they have provided no analysis or calculations nor drawn any conclusions from these accounts.

10.4 They have not confirmed the methodology adopted by the Valuation Office when determining the NAV of €296,000 and have sought to rely on previous Valuation Tribunal judgments from 2011 from a previous revaluation. However, they have not correlated the arguments therein and how they might relate to the subject property. They did not include the Carnegie Court Hotel, Main Street Swords, Dublin case VA 19/5/0170.

10.5 The Appellants have not provided any calculation as to how they arrived at their claimed valuation of €150,000 and consequently the Tribunal has no alternative but to reject their claim and confirm the valuation at €296,000. It is well established case law that the onus of proof is on the Appellants.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent as stated in the valuation certificate at €296,000.

Floor level	Floor use	Area M₂	NAV €/ M₂	NAV €
	Additional items	Units	NAV€/unit	Total NAV €
	Drink sales	1,000,000	0.1000	100,000
	Food sales	1,300,000	0.0700	91,000
	Room sales	700,000	0.1500	105,000
			Total NAV	€296,000

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.