

**Appeal No: VA19/5/0871**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**TRIMFOLD LTD**

**APPELLANT**

**and**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of  
Property No. 1554629, Industrial Uses at Eamonn Duggan Industrial Estate, Trim, County Meath**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 6TH DAY OF DECEMBER 2023**

**BEFORE**

**Mr Donal Madigan - MRICS, MSCSI**

**Deputy Chairperson**

**1. THE APPEAL**

- 1.1 By Notice of Appeal made on 11<sup>th</sup> October and received on the 14<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 **€ 170,700**.
- 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: *“The Valuation is excessive”*.
- 1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of **€ 111,332.10**.

## **2. RE-VALUATION HISTORY**

- 2.1 On the 15<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 € **170,700**.
- 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 € **170,700**.
- 2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is **15<sup>th</sup> day of September, 2017**.

## **3. DOCUMENT BASED APPEAL**

- 3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents only, without the need for an oral hearing and, accordingly, the Chairperson assigned the appeal to one member of the Tribunal for determination.
- 3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.
- 3.3 The Appellant, Trimfold Limited, which is the rateable occupier of the Property, is represented by Mr, Tadhg Donnelly, Chartered Valuation Surveyor of Donnelly & Associates of Navan, Co. Meath. He attests to having over 40 years’ experience in the commercial property industry, specialising in rating and valuation, including 4 years spent in the Valuation Office. The Respondent, Tailte Eireann, is represented by M/s Carol Spain, Head of Appeals in the Valuation Division of Tailte Eireann who attests to having over 22 years’ experience in rating valuation appeals.
- 3.4 Both representatives provided a Declaration and Statement of Truth in accordance with rule 41 of the Valuation Tribunal (Appeals) Rules 2019. M/s Spain confirmed in her declaration that she had not inspected the Property but as the basic facts concerning the Property, such as floor areas, are not disputed nothing material turns on that in this particular case.

## **4. FACTS**

From the information provided the following are the background or undisputed facts:

- 4.1 The Property is located on the north west side of Trim in an industrial estate on the Athboy Road (R154).
- 4.2 The Property comprises a standard industrial unit with warehouse and two storey offices.
- 4.3 The business was established in 1971.
- 4.4 The floor areas are agreed as follows:
- |              |           |                            |
|--------------|-----------|----------------------------|
| Ground Floor | Offices   | 256.80m <sup>2</sup>       |
|              | Warehouse | 7,035.74m <sup>2</sup>     |
| First Floor  | Offices   | <u>129.60m<sup>2</sup></u> |
|              |           | 7,422.14m <sup>2</sup>     |
- 4.5 The Property is freehold.

## 5. ISSUES

The sole issue for determination in this appeal is the amount of the valuation.

## 6. RELEVANT STATUTORY PROVISIONS:

- 6.1 All references hereinafter to a particular section of the Valuation Act 2001 ('the Act') refer to that section as amended, extended, modified or re-enacted by the Valuation (Amendment) Act, 2015 and other Acts.
- 6.2 In Revaluation type appeals, as in this appeal, sec. 37 provides that the Valuation Tribunal must reach a determination having regard to the provisions of sec. 19 (5) of the Valuation Act, 2001,  
*that shall achieve both (insofar as is reasonably practicable)—*  
*(a) correctness of value, and*  
*(b) equity and uniformity of value between properties on that valuation list, and so that (as regards the matters referred to in paragraph (b)) the value of each property on that valuation list is relative to the value of other properties comparable to that property on that valuation list in the rating authority area concerned or, if no such comparable properties exist, is relative to the value of other properties on that valuation list in that rating authority area.*
- 6.3 The net annual value (**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.”*

- 6.4 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the basis 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. Tadhg Donnelly, Chartered Surveyor of Donnelly & Associates, Navan, Co. Meath submitted a precis of evidence in which he provided an opinion of the valuation of the Property as follows:

			€
Ground Floor	Offices	256.80m <sup>2</sup> @ € 15.00 per m <sup>2</sup>	3,852.00
	Warehouse	7,035.74m <sup>2</sup> @ € 15.00 per m <sup>2</sup>	105,536.10
First Floor	Offices	<u>129.60m<sup>2</sup> @ € 15.00 per m<sup>2</sup></u>	<u>1,944.00</u>
		7,421.54m <sup>2</sup>	111,332.10

- 7.2 Mr. Donnelly also provided a copy of the final Valuation Certificate and the original notice of Appeal. He confirmed the description of the Property, the title; basis of valuation; the date of valuation for this Revaluation and also the publication date for the Valuation List. There is a section in his Precis labelled Comparisons at item no 11 but the space for any inserted text is blank. Other than that, there is no other narrative, rationale for his opinion, map, photographs or any other item to offer an argument to expand on the ground of appeal that the valuation is excessive.

## 8. RESPONDENT'S CASE

- 8.1 M/s Carol Spain, for the Respondent, submitted a summary of evidence in which she outlined the location, description, and tenure of the Property supplemented by a map, She also outlined the milestones in the history of this appeal and the outcome of representations. She asserted that the Appellant has failed to provide any facts, statistics or comparable properties to support his opinion of value. In support of her contention that this appeal should be dismissed she made reference to the previous decisions of the Tribunal in the following cases: Proundlane Ltd VA 00/2/032, VA09/1/018 O'Sullivan's Marine and VA07/3/054 William Savage Construction. In summary she contends that the Property is a relevant property as specified in Schedule 3 of the Acts and is rateable. She asserts that the agent for the Appellant submits that the correct NAV for the subject property is €111,332.10 but provides no basis for the calculation, no rental evidence nor any comparable evidence upon which he has relied in drawing his conclusions. In her opinion the agent for the Appellant has failed to achieve the threshold of proof required to consider amending the Valuation List and requests that the appeal is disallowed and the entry on the Valuation List left unchanged.
- 8.2 The entry on the Valuation List provides a breakdown of the calculation of the valuation of € 170,700 as follows (but rearranged to coincide with the facts etc above):

Ground Floor	Offices	256.80m <sup>2</sup> @ € 23.00 per m <sup>2</sup>	5,906.40
	Warehouse	7,035.74m <sup>2</sup> @ € 23.00 per m <sup>2</sup>	161,822.02
First Floor	Offices	<u>129.60m<sup>2</sup> @ € 23.00 per m<sup>2</sup></u>	<u>2,980.80</u>
		7,421.54m <sup>2</sup>	170,709.22

Rounded to NAV € 170,700.

## 9. SUBMISSIONS

There are no legal submissions in this appeal.

## 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, equitable and uniform 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 Meath County Council.

- 10.2 The chief authority for the Tribunal in deciding appeals is constrained by the provisions of sec.37 of the Valuation Act, 2001, as amended, and in these appeals the Tribunal can only reach a conclusion based on the evidence set before it. In a Revaluation type appeal, such as in this case, the primary direction is to ensure compliance with the requirements of sec.19(5) on the basis of valuation mandated by sec.48(3) as set out in section 6. of this Determination.
- 10.3 The rules of the Tribunal are clear (especially rules 35 to 43.) in what is to be expected of an Appellant to submit and support their case and further directs what is expected from the Respondent in the reply to any arguments for a changed valuation. However, as is the case here, the framework to properly determine an appeal falls away if insufficient information is provided by the Appellant to challenge the valuation appearing in the Valuation List, as that leaves the Respondent with inadequate information to consider a change to the valuation and denies the Tribunal an opportunity of exploring fairly the case for the Appellant.
- 10.4 The Appellant's agent has (contrary to that argued by the Respondent's Representative) submitted the opinion of value at € 111,332.10 based on adopting a unit value per square metre of € 15.00 per m<sup>2</sup> across each component part of the Property. Although he has given a breakdown of his valuation figure he has not explained why he has applied a lower unit value than that used by the Respondent. The precis of evidence is acutely silent on that. This is in contrast to the valuation appearing in the Valuation List of € 170,700 which is based on the adoption of a unit value rate per square metre of € 23.00 per m<sup>2</sup> applied, like the Appellant's agent, to each component part of the Property.
- 10.5 It is an established principle of this Tribunal and endorsed by sec.35 of the Valuation Act 2001, as amended, that it is for the Appellant to demonstrate that the valuation by the Respondent is incorrect and as the opinion furnished in this case is devoid of sufficient supporting narrative, as well as comparables or other facts, the Appellant's agent has failed to prove his case. He has not offered any rental evidence or referenced any other material upon which to base his case. In the absence of such information the Tribunal must treat the valuation appearing in the valuation List as unchallenged.

#### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent.

**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.