

Appeal No: VA19/5/1941

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

JAMES M. DONOHOE

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 1558467, Office(s) at 442/17 Railway Road, Cavan, County Cavan.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF OCTOBER 2024**

BEFORE

Eamonn Maguire - FRICS, FSCSI, VRS, ARB

Tribunal Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 9th 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 €4,480.

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 incorrect. An identical building on the same terrace was recently leased for 450.00 per month the building next door has been in a state of dereliction for 20 years. Existing valuation is already disproportionately high.”*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €20.

2. RE-VALUATION HISTORY

2.1 On the 15th 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 €4,480.

2.3 A Final Valuation Certificate issued on the 10th day of September 2019 stating a valuation of €4,480.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st day of February 2022.

3. 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 exchanged their respective summaries of evidence and submitted them to the Tribunal.

4. FACTS

The following facts are not in dispute between the parties.

4.1 The Property comprises a two-storey building with dormer attic, with the entire in office use.

4.2 The Property is located on the west side of Railway Road, to the west of Cavan Town Centre.

4.3 Accommodation.

Accommodation measured on a Net Internal Basis (NIA).

Floor Level	Sq. M.
Ground	14.00
First	45.50
Second	20.54
Total	80.04

4.4 The Property is held Freehold.

5. ISSUES

The only issue in dispute is whether the NAV on the List is correct.

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

The Appellant Mr. James M. Donohoe submitted the following in his Notice of Appeal.

7.1 An identical building on the same terrace was recently leased for €450.00 per month.

7.2 The building next door has been in a state of dereliction for 20 years.

7.3 The Existing valuation is already disproportionately high.

7.4. The Appellant contended for a NAV of €20.

8. RESPONDENT'S CASE

8.1 Mr. Kevin O'Doherty for the Respondent submitted a Precis of Evidence to the Valuation Tribunal in response to the Appeal.

8.2 Mr. O'Doherty contended that following a cursory inspection of number 15 and 16 Railway Road, he could find "no evidence whatsoever of any pollution or dereliction".

8.3 Mr. O'Doherty stated that there are 18 separate occupiers on this stretch of road, from no.1 to no.18, nine of which are valued as commercial, one retail and eight as being in office use. The remaining are in domestic use.

8.4 Mr. O'Doherty stated that the offices have similar characteristics, two storeys with the attic converted and are similarly circumstanced in all respects and particularly so in terms of value with the 'Tone of the List', for Cavan County Council.

8.5 Mr. O'Doherty stated that no other commercial offices on this stretch of Railway Road, have been appealed. The neighbouring property is not on the Valuation List and would appear to have been last used for residential purposes.

8.6 Mr. O'Doherty stated that a number of items of market information were available to inform the valuation scheme, developed by the Valuation Office.

8.7 Mr. O'Doherty sets out the following Key Rental Transactions (KRTs), full details of which are supplied in the Appendices (N/A to public).

KRT 1:

Property Number	2192643
Address	Cavan Town
Total Floor Area	133.24 m ²
Lease Commencement	March 2026
Lease Term	4 years
Rent per annum	€11,700
NER @ Valuation Date	€10,629.50
NAV	€7,860.00

Comparative Analysis of Rent and NAV

Description	Size (m ²)	NER per m ²	NAV per m ²
Office (s)	45.84	€110.00	€80
Office (s)	43.90	€77.00	€56
Office (s)	43.50	€53.90	€40
Total	133.24		

KRT 2:

Property Number	5012868
Address	Cavan Town
Total Floor Area	229.32 m ²
Lease Commencement	1 May 2016
Lease Term	10 years
Rent per annum	€39,000
NER @ Valuation Date	€37,830
NAV	€16,710

Comparative Analysis of Rent and NAV

Description	Size (m ²)	NER per m ²	NAV per m ²
Office (s)	161.52	€181.00	€80
Office (s)	67.80	€126.70	€56
Total	229.32		

KRT 3:

Property Number	1557878
Address	Cavan Town
Total Floor Area	148.91 m ²
Lease Commencement	1 April 2015
Lease Term	21 years
Rent per annum	€13,600
NER @ Valuation Date	€13,600
NAV	€8,930

Comparative Analysis of Rent and NAV

Description	Size (m ²)	NER per m ²	NAV per m ²
Office (s)	50.21	€122.00	€80
Office (s)	7.56	€122.00	€56
Office (s)	42.00	€85.40	€56
Office (s)	49.14	€59.78	€40
Total	148.91		

8.8 Mr. O’Doherty submitted the following NAV comparisons, full details of which are supplied in the Appendices (N/A to public). He also stated that none of the following NAV’s, were appealed to the Valuation Tribunal.

NAV Comparison 1:

Property Number	5007615
Address	Cavan Town
Total Floor Area	15.04 m ²
NAV	€1,200

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	14.04	€80
0	Other	1.00	€80
	Total	15.04	€1,200

NAV Comparison 2:

Property Number	1558461
Address	Cavan Town
Total Floor Area	77.61 m ²
NAV	€1,200

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	14.0	€80
1	Kitchen	9.75	€56
1	Office (s)	33.23	€56
2	Office (s)	19.83	€40
	Total	77.61	€4,380

NAV Comparison 3:

Property Number	1558460
Address	Cavan Town
Total Floor Area	89.60 m ²
NAV	€5,260

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	25.50	€80
1	Kitchen	41.35	€56
2	Office (s)	22.75	€40
	Total	89.60	€5,260

NAV Comparison 4:

Property Number	1558487
Address	Cavan Town
Total Floor Area	93.53 m ²
NAV	€5,250

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	22.40	€80
1	Office (s)	38.58	€56
2	Office (s)	32.55	€40
	Total	93.53	€5,250

NAV Comparison 5:

Property Number	1558483
Address	Cavan Town
Total Floor Area	92.60 m ²
NAV	€5,500

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	28.50	€80
1	Office (s)	41.35	€56
2	Office (s)	22.75	€40
	Total	92.60	€5,500

NAV Comparison 6:

Property Number	1558477
Address	Cavan Town
Total Floor Area	121.40 m ²
NAV	€8,250

Floor Level	Description	Size (m ²)	NAV per m ²
0	Office (s)	60.80	€80
1	Office (s)	60.60	€56
	Total	121.40	€8,250

8.9 Mr. O’Doherty submitted his valuation analysis as follows.

Floor Level	Description	Size (m ²)	NAV per m ²	Total NAV per m ²
0	Office (s)	14.00	€80.00	€1,120.00
1	Office (s)	45.50	€56.00	€2,548.00
2	Office (s)	20.54	€40.00	€821.60
	Total			€4,480.00

8.10 The Appellant in response to Respondents’ Precis of Evidence, submitted via letter to the Valuation Tribunal, dated 9th April 2024, that “you will note that none of the comparatives adjoin a derelict dwelling house with rotten mattresses adjoining the boundary”.

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 Cavan County Council.

10.2 The Valuation Tribunal has considered all the evidence submitted to it.

10.3 The Appellant contended for an NAV of €20 and submitted that an identical building on the same terrace was recently leased for €450.00 per month. The Appellant submitted to the Tribunal that the building next door has been in a state of dereliction for 20 years and the existing valuation is already disproportionately high.

10.4 The Respondent submitted three Key Rental Transactions (KRT’s) from Cavan Town, all of which are dated from April 2015 to May 2016, prior to the Valuation date. The Tribunal finds the details of the KRT evidence submitted of assistance.

10.5 The Respondent submitted six NAV comparators for Office(s), from Railway Road, in Cavan Town. The NAV's applied were consistent at €80 per m² for ground floor, €56 per m² for the first floor and €40 per m² for the second floor. The Respondent stated that none of the NAV comparators were appealed to the Valuation Tribunal. The Tribunal finds the details of this evidence submitted of assistance.

10.6 The Tribunal having reviewed all the evidence adduced from the parties, finds that the evidence submitted by the Appellant is unproven, and that the onus was on the Appellant to make their case, with sufficient evidence in respect of the Property, and any comparable evidence, in order to be successful in this Appeal.

The Tribunal finds therefore having regard to the foregoing that the Appellant has not discharged the onus of proof to show that the valuation level of €80/m² for the ground floor, €56/m² for the first floor and €40/m² for the second floor, applied by the Respondent is incorrect.

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.