

Appeal No: VA23/5/1094 & VA23/5/1095

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

SILVERFERN PROPERTIES LTD

APPELLANT

and

TAILTE ÉIREANN

RESPONDENT

In relation to the valuation of

Property No. 5024687, Office(s) at 1st Floor Supervalu, Donegal Road, & Property No. 5024336, Office(s) at 2nd Floor, Donegal Road, Killybegs, County Donegal.

B E F O R E

Mr Donal Madigan - MRICS, MSCSI

Deputy Chairperson

Ms Orla Coyne - Solicitor

Member

Mr Raymond Finlay- FIPAV, MMII, ACI Arb, TRV, MCEPI, PC

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 4TH DAY OF DECEMBER , 2025

1. THE APPEAL

1.1 By Notices of Appeal received on the 17th day of October 2023, the Appellant appealed against the determination of the Respondent pursuant to which the net annual value (the 'NAV') of the above two relevant Properties were fixed in the sum of **€14,600 (PN 5024687) & €28,600 (PN 5024336)**.

1.2 The grounds of appeal as set out in each Notice of Appeal are identical and are:

1. The subject property's valuation is incorrect owing to its actual rental value. The subject property has been vacant for a prolonged period with no possibility of securing a tenant. As a fundamental, there is virtually no demand for offices in Killybegs. 2. In an effort to resolve the value, in the absence of a letting, the appellants suggest valuing at the same rate as if it was part of the supermarket's take i.e. 50% of the appropriate ground floor level (€27.50/m2)."

1.3 The Appellant considered, in the Notices of Appeal, that the valuation of the Properties ought to have been determined in the sum of **€4,460** for **PN 5024687** & **€8,740** for **PN 5024336**.

2. REVALUATION HISTORY

2.1 This is a Revaluation appeal arising from the Donegal County Council revaluation which was undertaken as a result of the Donegal County Council Valuation Order 2022 that was signed by the Commissioner of Valuation on 6th September, 2022 and is for the Valuation List published on 22nd September 2023.

2.2 The functions of the Commissioner of Valuation are now performed under the authority of Tailte Éireann with effect from the 1st March, 2023 (S.I. No.58/2023 - Tailte Act 2022 (Commencement) Order 2023).

2.3 On the 23rd day of September, 2022 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 Properties was sent to the Appellant indicating a valuation of **€14,600 (PN 5024687)** & **€28,600 (PN 5024336)**.

2.4 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation for **PN 5024336**. The valuation manager did not consider it appropriate to provide for a lower valuation.

2.5 Final Valuation Certificates issued on the 15th day of September, 2023 stating a valuation of **€14,600 (PN 5024687)** and **€28,600 (PN 5024336)**.

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

3. THE HEARING

3.1 The Appeals proceeded by way of an oral hearing held remotely by Zoom, on the 10th day of February, 2025. At the hearing the Appellant was represented by Mr. Eamonn S. Halpin, B.Sc.(Surveying) MRICS. MSCSI of Eamonn Halpin & Co. Ltd. and the Respondent was represented by Ms Triona Mc Partlan, MRICS SCSi, Executive Valuer of Tailte Éireann.

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 their précis as their evidence-in-chief in addition to giving oral evidence.

3.3 Both Valuers submitted written précis containing the Standard Declaration and Statement of Truth in accordance with Rule 41 of the Valuation Tribunal (Appeals) Rules 2019.

4. FACTS

From the evidence adduced by the parties, the Tribunal finds the following as agreed or undisputed facts, some of which were clarified by the parties' Valuers subsequent to the hearing by email, as set out below:

4.1 The building containing the two relevant Properties is located to the north of the town of Killybegs (population: 1,258 persons Census 2022) on Shore Road which is over a SuperValu supermarket.

4.2 The relevant Properties comprise the first floor (**PN 5024687**) and the second floor (**PN 5024336**) of a four storey building, which was erected in 2006. There is a separate entrance to the upper floors on one side of the building, which gives access to a passenger lift and staircase. The ground floor of the main part of the building comprises a supermarket operated by SuperValu. The top floor contains a residential apartment which shares access, via lift and staircase, with the other two upper floors.

4.3 The first floor unit was previously a restaurant/café and comprises 162.24m² and this closed in or before 30th April, 2022.

4.4 The second floor unit was previously in use as a medical clinic and comprises 317.87m² and this closed in or before 27th March, 2018.

4.5 The floor areas are agreed at first floor: 162.24m² and second floor at: 317.87m².

4.6 The car park at the side of the building is shared between the various occupiers and supermarket customers.

4.7 Both units, which were vacant at the date of the hearing, are held freehold.

4.8 The relevant valuation date in these two appeals, being combined here for administrative purposes, is 1st February, 2022.

4.9 The Appellants are the owner occupiers of the two relevant Properties.

5. ISSUES

The only issues between the parties are as to the amount of the valuation in each appeal with the Appellant contending for a valuation of € 8,920 for **PN 5024687 (VA.23.5.1094)** and a valuation of € 17,400 for **PN 5024336 (VA.23.5.1095)** with the Respondent contending for a valuation of € 14,600 for **PN 5024687 (VA.23.5.1094)** and for a valuation of € 28,600 for **PN 5024336 (VA.23.5.1095)**. In each case the difference is the unit value rate per square metre being applied, with the Appellant contending for € 55.00 per m² for each floor and the Respondent contending for € 90.00 per m² for each floor correspondingly.

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 statutes.

6.2 In **Revaluation** type appeals, as in these appeals, sec. 37 of the Act provides that the Valuation Tribunal must reach a determination having regard to the provisions of section 19(5) inserted by section 7 of the of the Valuation (Amendment) Act 2015 as follows:

“The valuation list as referred to in this section shall 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 concerned, and 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 (the NAV) of the Property must be determined in accordance with the provisions of section 48 (1) of the Act, as amended, 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 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.”

7. APPELLANT’S CASE

7.1 Mr. Eamonn Halpin, Valuer for the Appellant, provided a detailed précis of evidence to the Tribunal in which he provided valuations for the two properties as at 1st February, 2022 as follows:

PN 5024687

First Floor Office 162.24m² @ € 55.00 per m² 8,923 say, NAV € 8,920

PN 5024336

Second Floor Office 317.87m² @ € 55.00 per m² 17,483 say, NAV € 17,400

7.2 In support of his opinion, Mr. Halpin relied on the following comparables, brief details of which are outlined hereunder:

(a) Comparable Number 1

PN 5015414

Kellys Quay, Shore Road, Killybegs

This is a modern retail and office property of total 297.35m² located close to the harbour which is valued at the NAV of € 22,200 which analyses at € 140 per m² Zone A on the retail, and €50.00 per m² on first floor offices with the stores valued at €50.00 & € 20.00 per m².

(b) Comparable Number 2

PN 5015863

D P Barry, Shore Road, Killybegs

This property is located adjacent to Comparable Number 1 and is a modern type property that was redeveloped in 2011 and comprises a two storey building of total 271.95m² and this is valued at the NAV of € 21,200 which reflects unit value rates of € 90.00 per m² on the ground floor and € 65.00 per m² on the first floor.

(c) Comparable Number 3

PN 2214851

Main Street, Dungloe. Co. Donegal

This comprises the first floor offices over The Cope Foodstore in Dungloe and it is 735.20m² which is valued at the NAV of € 44,100 reflecting a unit value rate of € 60.00 per m².

[Post hearing clarification: This property does have a lift and is valued as Own Door in which category properties are valued at € 60.00 per m² regardless of floor level.]

(d) Comparable Number 4

PN 2172009

Public Services Centre, Dungloe, Co. Donegal

This comprises the first floor of a modern office building that was built in 2007 and comprises a net area of 120.84m² which is valued at the NAV of € 6,640 that reflects a unit value rate of € 55.00 per m².

[Post hearing clarification: The Respondent contacted the local rate collector to confirm if the building has a lift and the rate collector confirmed that the building does in fact have a lift. The Valuer at the valuation stage in Tailte Éireann was not aware of this fact and the building was valued in line with properties that did not have a lift. It was therefore valued as if it did not have a lift.]

7.3 In his oral testimony, Mr. Halpin made the following points, in summary, inter alia, as set out here:

- (a) that, whilst accepting that the Commissioner of Valuation (Tailte Éireann/TE) will use a valuation scheme to value properties, the problem is that the classification of the property for the correct implementation of that scheme, in each case, is important and he makes the overall point that the classification, per se, does not change the value because this process of classification is not a factor in the real world;
- (b) the two properties are located on Shore Road north of the town of Killybegs and are essentially part of the first and second floors of the Supervalu building but having their own entrance from the car park which is shared with each other floor and a third floor apartment;
- (c) although classified by TE as own door offices they are not in that category, in his view, as they share access and do not have an exclusive door to the street
- (d) the first floor was formerly a café and the second floor was formerly a medical centre and floor areas are agreed and both benefit from the use of shared car park;
- (e) they were built in 2006 as part of the supermarket development and are some distance from the town centre, both having been vacant before and currently so too
- (f) that there is almost no market for this kind of space in each case as his Clients have tried to let them but found no demand and in his view constitute what are best described as offices over a supermarket rather than own door offices
- (g) that the standard scheme in Killybegs is to assess offices is basement/ground at € 90.00, first floor at € 65.00 and second floor at € 50.00, per m² but that if classed as offices over the shop they would be valued at € 50-55.00 per m²
- (h) and so it all comes down to what they are classified at, in the view of the Commissioner of Valuation (TE) but that this does not reflect their value in the “real world”
- (i) that where the properties have a lift and are own door offices the scheme values them as if all are the same as the ground floor, in this case € 90.00 per m² but that in these two cases they do not have any ground floor space
- (j) he outlined the comparables set out under section 7.2 above

7.4 Under cross examination by the Respondent, he clarified, in summary, as follows:

- (a) that separate access is provided from the car park to a ground floor lobby which has a staircase and lift to the upper floors and that one does not have to enter the supermarket to access the offices
- (b) that the building serving the two relevant properties has a lift
- (c) he did not accept that the standard of finish of the two properties was better than the typical older over the shop type offices

(d) he did not accept that the Respondent's comparables were as suitable as his own to value both subject properties

(e) that, although he accepts that the first floor subject property has a commercial kitchen, that in fact it is only being used for dead end storage until it can be relet, as it being valued as an office

7.5 In taking questions from the Tribunal he confirmed:

(a) periods of vacancy [clarified since the hearing-see Facts above];

(b) he has no photograph of the lift but did not use the lift himself at the time of inspection;

(c) the third floor apartment also has use of the lift;

(d) that with regard to a valuation scheme as deployed by the Commissioner (TE) the application of this can be quite rigid, in that it depends mainly on how each property is classified for the appropriate application of the scheme, but the problem is that, irrespective of size, the Commissioner will apply the same unit rate per square metre, which he states does not follow with how the office rental market works;

(e) that, in general, a premium to the unit value per square metre is applied where there is a lift [contrasted to staircase only properties];

(f) in regard to the apartment, that it was not occupied at the time of his inspection;

(g) that when it was built occupiers were found for the units but there was difficulty in finding tenants subsequently

(h) that the upper floor would not be suitable for use as a takeaway;

(i) that he could not find rental evidence to support his case;

(j) he agreed to confirm details of vacancies [subsequently clarified];

(k) that he had looked at the Commercial Lease Register but could not find anything useful;

(l) although his Clients are the owners with information on the original rents from 2006 he did not have those rents nor indeed rents achieved since then, before the re-letting as café / medical centre;

(m) that the population of Killybegs is agreed at 1,258 persons and that of Dungloe is 1,247 persons and Letterkenny is 22,549, all as per the 2022 Census

(n) that the car park is shared

(o) that breakdown of Supervalu NAV can be provided [subsequently clarified as not being possible by the Respondent as no actual breakdown agreed, only an overall figure]

8. RESPONDENT'S CASE

8.1 Ms Triona McPartlan, Valuer for the Respondent, provided a detailed précis of evidence to the Tribunal in which she provided valuations for the two properties as at 1st February, 2022 as follows:

PN 5024687

First Floor Office 162.24m² @ € 90.00 per m² 14,601.60 say, NAV € 14,600

PN 5024336

Second Floor Office 317.87m² @ € 90.00 per m² 28,608.30 say, NAV € 28,600

8.2 In support of her opinion, Ms McPartlan relied on the following comparables, brief details of which are outlined hereunder:

Key Rental Transaction (part including PN identity redacted)

Letterkenny, Co. Donegal

This comprises a second floor office of 28.94m² which was let on a 25 year lease from January, 2019 at the rent of € 5,196 per annum, equivalent to a net effective rent of € 4,928 per annum.

The net effective rent analyses at € 170.28 per m². The property is valued at the NAV of € 3,180 which reflects a unit value of € 110.00 per m².

This assessment was not subject to representations or appeal.

(a) Comparable Number 1.

PN 2005349

Old Chapel Road, Killybegs

This comprises an own door office building, a converted house, over basement, ground and two upper floors with a total net area of 383.34m² that is valued at the NAV of € 34,500 which reflects a unit value rate of € 90.00 overall.

This assessment was not subject to representations or appeal.

(b) Comparable Number 2.

PN 1894452

Killybegs

This comprises the ground floor of an end terrace older building with a net floor area of 35.27m² which is valued at the NAV of € 3,170 that reflects a unit value rate of € 90.00 per m².

This assessment was not subject to representations or appeal.

(c) Comparable Number 3.

PN 2200276

Killybegs

This comprises ground floor offices of 105.43m² located in an industrial setting in Killybegs and it is valued at the NAV of € 9,480 which reflects a unit value rate of € 90.00 per m².

This assessment was not subject to representations or appeal.

(d) Comparable Number 4.

PN 2005303

Bridge Street, Killybegs

This comprises own door offices at ground floor of 46.70m² which is valued at the NAV of € 4,200 which reflects a unit value rate of € 90.00 per m².

This assessment was not subject to representations or appeal.

8.3 In her oral testimony, Ms McPartlan made the following points, in summary, inter alia, as set out here:

- (a) she set out location and description of the properties and stated that both suites are high quality specification offices equipped with a lift;
- (b) by reference to her photographs she was able also to show how the units appeared when last occupied, but that both properties are currently vacant;
- (c) she outlined from her precis the grounds of appeal, the representations report and commentary on the Appellant's comparables, none of which she considered as suitable;
- (d) that offices of this type in Killybegs are consistently valued at € 90.00 per m² and that the absence of ground floor space does not affect the applied unit value rate adopted;
- (e) that the properties are own door offices having their own separate entrance from the shop with a lift
- (f) she accepts there was a difficulty finding rental evidence but that efforts were made by TE including a search of the Commercial Lease Register
- (g) she outlined her comparables as set out under 8.2 above

8.4 Under cross examination by the Appellant, Ms McPartlan confirmed that:

(a) she accepts that in regard to the Appellant's two comparables in Dungloe that the population is similar to Killybegs but does not consider that Dungloe is a similar location, she feels that Killybegs is superior to it;

(b) it is not distance alone (45 kilometres) that might rule Dungloe out as a comparable but in TE they would group towns together for ease of comparison for valuation purposes and that, under this approach, Killybegs having the fishing element and being more widely known, would be considered a better location;

(c) that her rental comparison in Letterkenny is 75 kilometres away from Killybegs and is under 30m² and although the rent does not support the NAV it nonetheless is an example of a letting and, in her view, is not an outlier because it is a second floor over a shop with a lift that is valued at € 110.00 per square metre;

(d) that in respect of the Appellant's comparables she agreed to clarify what properties had a lift [later clarified];

(e) that the properties are not "offices over a Supervalu" but have their own entrance;

(f) that with regard to the Appellant's Number 1 comparable (which is zoned) that, although the overall ground floor rate is equivalent to € 62.50 (as contended by the Appellant) she does not agree to make that comparison with the subject properties because it is a different type of property, being on the ground floor and being retail as distinct from offices;

(g) that, in respect of the valuation scheme for Killybegs, that if the category of the two subject properties was changed, to "offices over the shop" she said that those in that category in Killybegs would not have a lift and would be valued at € 70.00, € 50.00 and € 35.00 per m² respectively and that it would not be unusual for those offices to have own door access;

(h) that, if the categorisation was "office park" the unit value rate per square metre would drop to € 80.00 per m² to mainly reflect an out of town industrial type of location;

(i) that an office with a lift is what is being valued in each case here, not an office over a shop as they have their own entrance and there is no need to go through the shop to access them, being in her view excellent office space

(j) she accepts that if the space was on the ground floor that it would also be valued at € 90.00 per m² but does not consider there is any discount or allowance for the fact of them being on upper floors

8.5 In taking questions from the Tribunal she confirmed, in summary, as follows:

- (a) she said, with reference to the photographs showing the extensive signage and branding for Supervalu that this does not detract from the appeal of the offices as it could be considered a benefit in some instances;
- (b) in regard to having a lift, she did not personally use the lift at the building but noted it was working at the time of her inspection;
- (c) that notwithstanding the expense of the lift, that it is considered as a benefit, whether paid by the service charge or otherwise;
- (d) she did not have planning information in regard to the apparent change of use of the two suites from offices but both are valued as offices;
- (e) that in regard to the rental comparable, being in Letterkenny, that it needs to be considered notwithstanding its size or the disparity between rent and the NAV;
- (f) that in respect of her Comparable Number 2 and 4 that, although both small, provides a context to the exercise in her opinion;
- (g) that with regard to the categorisation applying here (that being “Own Door”) she considers that the properties do still fall into the own door category
- (h) she agreed that each floor shared access with each other as well as the apartment via the ground floor lobby, lift and staircase;
- (i) with reference to the valuation scheme set out on page 13 of the Appellant’s precis she said there are different schemes for each type of office property, that is not the only one;
- (j) she agreed to provide clarity on the presence or otherwise of a lift in two of the Appellant’s comparables;
- (k) that none of her NAV comparables were challenged/tested;
- (l) that ratepayers are primarily concerned with amount of rates payable rather than the niceties of valuations but she has to rely on any assessment appearing on the List to be correct;
- (m) she is not aware of any agreements for offices that could have been submitted;
- (n) that there is a difficulty matching up information displayed on the Commercial Lease Register with actual lettings and that section 46 returns were very few in number;

9. SUBMISSIONS

There were no legal submissions in these two appeals.

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 Donegal County Council.

10.2 In these two appeals only one rental transaction was advanced, that being the KRT relied upon by the Respondent, thus leaving the exercise to being one of undertaking the valuation primarily by reference to the net annual values appearing on the Valuation List of comparable properties.

10.3 It was established from examination at the hearing and then clarified by the parties' Valuers subsequently by email to the Tribunal, that the units had been vacant for some time prior to the issue of the final Valuation Certificates in September, 2023. These dates are incorporated in the section on Facts above.

10.4 Information regarding the current marketing (attempts to let) was not forthcoming to guide the Tribunal although it is appreciated that the Respondent did make efforts try to ascertain those details.

10.5 As the floor areas were agreed, the dispute between the Valuers rests entirely on the appropriate unit value rate that should be applied to value each floor. Both Valuers adopted the same unit value rate for each floor based, primarily, on the existence of a lift in the building (i.e. making no distinction for different elevations, one being first floor, the other being second floor), the Appellant applying € 55.00 per m² across both floors and the Respondent applying € 90.00 per m² across both floors. The Tribunal finds no reason or evidence to depart from this approach of applying the same single unit value to each floor as taken by the Valuers.

10.6 The Tribunal is surprised that only one rental transaction was proffered in evidence, particularly because the Commercial Lease Register operated by the PSRA indicated several leases having been transacted in Killybegs leading up to the valuation date. The one key rental transaction submitted by the Respondent can only provide a vague contextual background as it

is not pertinent to these appeals because of (a) small relative size, (b) location in a larger urban area and (c) disparity of rent level with actual NAV (i.e. rent € 4,928 net effective versus the NAV of € 3,180).

10.7 Much dialogue at the hearing centred on the relevance of having the facility of a lift and the disputed facts relating to the presence of a lift in two of the comparables were clarified by both Valuers subsequent to the hearing, and now appear in the relevant sections of this Determination above.

10.8 Questions at the hearing arose too over the relevance or otherwise of the recently agreed NAV for the Supervalu unit forming the main part of this building, especially in regard to the treatment of that property's upper floor ancillary areas, but it appears that the agreed NAV on that property was not agreed on a component by component basis, or on a Trading FMT, or on a floor unit value rate per m² but was simply agreed at an overall figure. Consequently, that can be dismissed as offering no guidance, accordingly.

10.9 The evidence thus presenting itself are the opinions of the Valuers as supported by their comparable properties and on how these comparables, making adequate adjustment, act to guide the valuation of each of these office suites. The fact that each suite, when last let, was for café/restaurant and medical clinic could be indicative of the difficulty of letting these as offices but no issue appears to arise from actual user, in each case, as both Valuers value them as offices, the distinction between the Valuers, being whether these constitute "own door offices" (per the Respondent) as opposed to "offices over a shop" (per the Appellant) which, according to the valuation scheme adopted for Killybegs, by Tailte Éireann, would dictate different levels of unit value rates being applied per square metre. Such an outcome depends on which of the two alternatives within the valuation scheme could be applied, without further adjustment or consideration being contemplated.

10.10 (a) The Tribunal believes that the evidence can be further distilled by outlining, firstly, the least compelling comparable evidence, being those properties not being examined for further consideration are:

Respondent KRT (Letterkenny) not of prime importance for reasons enumerated above in section 10.3 of this Determination

Appellant Comparable Number 1 This is essentially a retail property with ancillary office and

thus is not, in the true sense, an office property per se

Appellant Comparable Number 4 Information provided post hearing shows that this property has a lift but was valued in error by Talite Éireann as if it did not and to rely upon a mistake would be improper as that would lead to the Tribunal compounding that error, which would go against its mandate in section 37 of the Valuation Act 2001 to ensure a correct valuation as per section 19(5).

Respondent Comparable 2 This is very small relative to either appeal property, being only 35.27m² and lacks any direct comparable characteristics.

Respondent Comparable Number 3 This presents as the ground floor of an unusual building that bears no resemblance to either appeal property.

Respondent Comparable Number 4 This is a very small property relative to either appeal property, being only 46.70m².

(b) This leaves the following as ranking for further consideration to guide the Tribunal:

Appellant Comparable Number 2 PN 5015863 D P Barry, Shore Road, Killybegs

This property is located on Shore Road in Killybegs and is a modern type property that was redeveloped in 2011 and comprises a two storey building of total 271.95m² and it is valued at the NAV of € 21,200 which reflects unit value rates of € 90.00 per m² on the ground floor and € 65.00 per m² on the first floor. This building does not have a lift apparently. If it had a lift the testimony pointed to it being valued at € 90.00 per m² overall. That implies that the first floor of this property, in that event, would increase in unit value rate being applied from € 65.00 to € 90.00 for the presence of that facility. This indicates an increase of 38.46% for a lift.

Appellant Comparable Number 3 PN 2214851 Main Street, Dungloe. Co. Donegal

This comprises the first floor offices over The Cope Foodstore in Dungloe and it is 735.20m² which is valued at the NAV of € 44,100 reflecting a unit value rate of € 60.00 per m².

The post hearing clarification stated that this property does have a lift and is valued as “Own Door” in which category properties are valued at € 60.00 per m² regardless of floor level.

Dungloe has a population of 1,247 persons (Census 2022) as compared to Killybegs at 1,258 persons (Census 2022) being some 45 kilometres apart. This comparable exhibits many similar characteristics to the subject properties although larger than either but comparable in specification, having a lift or building type.

Respondent Comparable Number 1. PN 2005349 Old Chapel Road, Killybegs

This comprises an own door office building, a converted house, over basement, ground and two upper floors with a total net area of 383.34m² that is valued at the NAV of € 34,500 which reflects a unit value rate of € 90.00 overall. This valuation assessment was not subject to representations or appeal. Although a converted house, it falls to be considered because of relative size and the fact of having a lift, and therefore displays some comparable characteristics to the properties under appeal.

10.11 The Tribunal considers that, taking account of all the evidence, the testimony of the Valuers and the various clarifications received, that the appropriate unit value rate per square metre to apply, to each floor, in these appeals is € 75.00 per m² because:

(a) the characteristics of the properties are that they are suites of modern offices in the upper floors of a building, being on the outskirts of a small town, with shared ground floor entrance, shared lift and staircase;

(b) they do not represent the ideal attributes of what might be termed an own door type office but neither are they typical “over the shop” type offices, by any means, being slightly better than that latter typical category;

(c) the task of the Tribunal is not restricted to consider only what classification the properties under appeal fall into, in the context of the different valuation schemes for offices in Killybegs, but must stand back and consider how each might be valued in accordance with the statutory mandate to reflect the rent postulated by section 48(3) and the requirements of section 19(5) of the Valuation Act 2001;

(d) although modern in specification, having the benefit of a lift, they occupy a position that is dominated by a retail tenant (branding and signage at the building) and might therefore not be attractive to a number of hypothetical tenants seeking to lease office areas of the size of either 162.24m² or 317.87m²;

(e) they are located in a reasonably small town (population 1,258) but share characteristics, location wise with Dungloe (population 1,247), having a similar size of population but with greater emphasis on, for instance, sea fishing than that town, but in the absence of more comparable evidence, can usefully be compared to that;

(f) the absence of relevant comparable rental evidence or other NAV assessments that have been agreed between professional Valuers, both to ground the tone of the Valuation List and to guide this process of valuation, makes the task that much more difficult to achieve an unimpeachable level of accuracy but, notwithstanding that, the Tribunal, working from the

information before it, believes this determination complies with the requirements of section 19(5) of the Valuation Act 2001 to ensure a correct, equitable and uniform result, in so far as is reasonably practicable.

DETERMINATION

Accordingly, for the above reasons, the Tribunal allows the appeals and decreases the valuations of the Properties as stated in the valuation certificate to:

VA.23.5.1094

PN 5024687 € 12,170

VA.23.5.1095

PN 5024336 € 23,840

These valuations are calculated as follows:

PN 5024687

First Floor Office 162.24m² @ € 75.00 per m² 12,168 say, NAV € 12,170

PN 5024336

Second Floor Office 317.87m² @ € 75.00 per m² 23,840.35 say, NAV € 23,840

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 receipt of such notice.