

**Appeal No: VA24/2/0021**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**SPEED-TEC MOTORSPORT LIMITED**

**APPELLANT**

**and**

**TAILTE ÉIREANN**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2100974, Retail (Warehouse) at Unit A Lower Rosbercon, New Ross, County Wexford. With the agreement of the parties this appeal was heard and determined at the same time as a contiguous unit occupied by an associated company to the Appellant, being Property No. 10029805, Industrial Showroom at Lower Rosbercon, New Ross, County Wexford. While a separate determination has issued for the appeal of the contiguous property, both determinations should be read in conjunction with the other.

**B E F O R E**

**Barra McCabe – BL, MRICS, MSCSI**

**Deputy Chairperson**

**Fergus Keogh – MSCSI, MRICS**

**Member**

**Allen Morgan – FSCSI, FRICS**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 29<sup>TH</sup> DAY OF APRIL 2026**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 21<sup>st</sup> day of June, 2024 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 €17,500.

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 28(4) of the Act because:

*1. The subject property comprises an industrial showroom and workshop divided into two parts, between Machine Shop Ireland and Speed Tec Motorsport Ltd. 2. As a result of the two different occupancies, the yard is in common between them and hence does not fall to be*

*assessed (as neither occupation is exclusive). Strangely, Tailte Éireann accepted this in their proposed certificates of 25th October 2023, but then appear to have issued a subsequent proposed certificates (27th March 2024) with the yard included. 3. The level applied to the showroom is reflective of a motor showroom. Neither occupier sells cars and hence comparison with motor showrooms is inappropriate. The subject property should be compared with other industrial showrooms in the town and valued at a 20% premium to the agreed industrial level (€37/m<sup>2</sup>).*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €9,990.

## **2. VALUATION HISTORY**

2.1 On the 27<sup>th</sup> day of March, 2024 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 €17,890.

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 €17,500.

2.3 A Final Valuation Certificate issued on the 24<sup>th</sup> day of May, 2024 stating a valuation of €17,500.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 19<sup>th</sup> day of February 2026. At the hearing the Appellant was represented by Mr. Eamonn Halpin, BSc. (Surveying), ASCS, MRICS, MIAVI of Eamonn Halpin & Co., and the Respondent was represented by Jonathan Sharkey Assoc SCSi, B.Sc. (Hons) Property Studies, B. Sc. Real Estate 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 his précis as his evidence-in-chief in addition to giving oral evidence.

#### 4. FACTS

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

4.2 The Property is a single storey structure of concrete clad finish with large display windows and comprises a former car showroom with offices. It is located on the R704/ Thomastown to Waterford Road and backs onto the River Barrow. It is situated on the opposite side of the river to New Ross town centre.

4.3 The agreed accommodation is as follows:

|              | <b>Floor Area (sq. m)</b> |
|--------------|---------------------------|
| Showroom     | 125.81                    |
| Offices      | 29.48                     |
| Workshop     | 89.76                     |
| <b>Total</b> | <b>245.05</b>             |

4.4 The value to be applied of the offices and workshop was not in dispute and both parties agreed a value of €37 per sq. m for these areas.

#### 5. ISSUES

5.1 The issue that arises in this Appeal is that of the quantum pertaining to the showroom and external yard. The Appellant contends for a NAV of €9,900.00 for the Property, while the Respondent is seeking a NAV of €16,390.00.

5.2 The two areas of dispute are the valuing of the Property as a car showroom, which the Appellant claims should be valued as an industrial showroom. The Appellant also argues that the yard area should not be included in the valuation because it is common to more than the subject property and therefore its use is not exclusive to the subject. In this regard, the Respondent is seeking to include yard space of 616 sq.m less a 20% allowance for circulation, which is 492.80 sq.m valued @ €9 per sq.m. This equates to an additional NAV of €4,435.20.

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

6.1 The value of the Property falls to be determined for the purpose of section 28(4) of the Valuation Act, 2001 (as substituted by section 13 of the Valuation (Amendment Act, 2015) in accordance with the provisions of section 49 (1) of the Act which provides:

*“(1) If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28(4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.*

## **7. APPELLANT’S CASE**

7.1 Mr Halpin brought the Tribunal through details about the Property including, description, location, use, the market, principles of measurement and rating along with location map and a number of images of the Property, and the Appellants proposed NAV valuation. He also submitted into evidence and undertook a review of seven NAV comparables, details of which are included at Appendix 1 of this determination (N/A to public).

7.2 The Appellant argued that the appeal is based on several net issues, namely that the Property was no longer in use as a car showroom nor could it be in the future, given the building’s specification compared to newer car showrooms, and its obscured location. On this basis it should be valued as an industrial showroom and not a car showroom. In addition, the Appellant argued that yard was common to more than the subject Property and not exclusive to it. Under one of the core principles of rating valuation, the yard should therefore not be included in the valuation.

7.3 Mr Halpin stated that in the first valuation certificate issued in 2023, the Commissioner had not included the external yard in their valuation, but this position changed and a new certificate was subsequently issued that included the yard in the NAV for the Property.

7.4 He said the Property was built circa 1995, and although it has a substantial amount of showroom glazing, it will likely not function as a car showroom in the future. The reason for this Mr Halpin said is that it could never have met the specifications required for a new car main dealership and that it was built for the purpose of selling second hand cars only.

- 7.5 In conjunction with his arguments on the use, location, condition and specification of the Property, and arguments on the omission of the yard on the basis that it was common to two properties, Mr Halpin relied on the details of seven NAV comparables in the same rating area details of which are included at Appendix 1 (N/A to public), to argue for NAV of €9,900 for the Property.
- 7.6 Under cross-examination Mr Halpin said that the Property, when it was built, had a reasonable view from the main road, but subsequently large residential tower blocks were built on a site located close by just before the property market collapse in the 2000's, and after that, the Property became largely obscured.
- 7.7 Mr. Halpin said the Property had showroom glazing, but that the building's type and physical structure is completely different to the modern main car dealerships that are built around the country. He said this was a modest showroom at the best of times and while it did have showroom glazing so did some of the other industrial showrooms in New Ross that the Appellant had submitted as evidence and this is a feature of industrial showrooms.
- 7.8 Mr Halpin said that from the internal photographs of the Property that it was a basic showroom. He accepted there was a floor-to-ceiling height of 3.7 meters and confirmed that the subject was previously in use as a motor showroom by the Appellant, but that this business ceased more than ten years previously, to the best of his knowledge. The only tenant on the same site is Machine Shop Ireland, and the lease terms were agreed verbally commencing since around 2020 or 2021.
- 7.9 In terms of his understanding of s.49 of the 2001 Act, Mr Halpin said he thought that the equity and uniformity were the secondary factors with the requirement for correctness of value being the first factor. He also said that while he thought the valuation may be uniform, he did not believe it was equitable, given the circumstances of the type and nature of the building and its location.
- 7.10 Mr Halpin said the yard area was previously in use as a display yard for the purpose of a motor showroom, but that when the property operated as a car sales business, the yard was used exclusively for that purpose, which it no longer is. He said the Property was essentially one part of three units, two of which are occupied by machine shop, and one of which is occupied by Speed-Tec Motorsport, and this demonstrated that the Property was no longer in exclusive use.
- 7.11 In respect of the yard/ car park Mr Halpin said he did not believe it falls to be valued, because there was no way of defining it. The only section of the yard that is defined is the 100 square metre section that is not currently under appeal and that is walled

7.12 Mr Halpin said he did not have a single best comparable, but the comparable properties he submitted that are located around Woodbine Business Park onto the Ring Road were superior in terms type of property and location

7.13 In response to questions from the Division, Mr Halpin said in respect of the yard there was no allocation of spaces and that it was a complete 'free for all' in terms of parking. He said that there was no barrier across the car park entrance during the day, but that there was a gate that was closed in the evening. He said that the users of the crèche across the road from the Property park their cars in the Property yard when dropping children off. There were also no marked spaces so essentially, Machine Shop could come in and park ten or twenty cars in the yard. He said the yard / car park was located at the back of the Property and identified where a section of it was walled and secured for the end unit, which was not currently under appeal. He also said there was a vintage car in the showroom, but it was not for sale to his knowledge.

7.14 In summary, Mr Halpin said it is really down to the net point about the appropriate value for the showroom given the actual location and the physical specification of the property. He said he had provided good examples of superior showroom properties around the Ring Road and in town of New Ross. In summary, Mr Halpin said it was really down to the net point on the appropriate value for the showroom given the actual location and the physical condition and specification of the Property. He said good examples of superior showroom properties around the Ring Road and the town of New Ross had been submitted and they are assessed at between €38 and €48 per sq.m, and that a rent of €60 per sq.m for the subject Property was wrong and did not fit on the valuation list. He said the revised NAV valuation for the subject Property had to fit into the list of comparable properties and it was not whether the Respondent called it a car showroom, but it was the physical specification and the location that gives it its value, and he asked that the Tribunal take this into account. In relation to the valuing of the external yard, he said the key tenets of rateable occupation in Ireland was that there had to be actual occupation and it had to have exclusive possession. He said there was no exclusive possession in the yard and Machine Shop Ireland occupies the separately assessed part that was not under appeal, and they had to cross the yard to get to that property. If anybody else was in it, they too would have to cross the yard so there were effectively three parties sharing the yard. There was no exclusivity of use and no division of the yard. He said that if the Respondent had found there were three occupiers, the yard would not be valued, but he came to it when it was in a single occupation and now the Respondent was wedded to that idea. This he claimed was obvious

when the Respondent issued proposed certs in 2023 with no valuation for the external yard which had been correctly deleted but then changed their mind and decided to put the yard back into the valuation.

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

- 8.1 Mr Sharkey opened his adopted précis and brought the Tribunal through details on the relevant legislation, rating principles and those of the property including, description, location, use, the market for such a property, principles of measurement and rating along with location map and a number of images of the Property. He also submitted into evidence and undertook a review of five NAV comparables, a summary of which are included at Appendix 2 of this determination (N/A to public).
- 8.2 The Respondent argued that the Property was a car showroom and should be valued as such. Mr. Sharkey also argued that the yard should be included in the valuation of the Property because the Occupier occupied two contiguous units made up of the subject Property and the other property under appeal occupied by an associated / co-owned company, Machine Shop Ireland Limited. The two properties were divided internally by a temporary and movable internal wall system. He said that as there was a singly occupied structure, the yard was effectively in exclusive use to that occupier, and it should therefore be included in the valuation of the Property.
- 8.3 In conjunction with his arguments on the use, location, condition and specification of the Property, and arguments on the inclusion of the yard, Mr Sharkey relied on the details of seven NAV comparators in the same rating area details of which are included at Appendix 2 (N/A to public), to argue for NAV of €16,930 for the Property.
- 8.4 Under cross examination Mr Sharkey accepted that the first two key tenants of rateable occupation in Ireland were that there had to be actual occupation and is that it had to be in exclusive occupation but also submitted that the Property was valued on a vacant and to let basis at the statutory valuation date. Mr Sharkey also accepted the rating hypothesis, of *rebus sic stantibus*, which loosely translated means that one must take a property as one finds it on the statutory valuation date. On inspection of the Property, he found that there were three occupiers on site that were all related / associated companies, and two of these properties including the subject Property were currently under appeal.
- 8.5 The parties agreed on the level of €37 per sq.m as an appropriate value for the workshop and office elements of the Property. The parties were not in agreement on two things, one

being the proposed value of the showroom element of the Property and the other is whether the yard can be assessed.

8.6 In regard to the valuation of the external yard, Mr. Sharkey explained that he applied a 20% circulation allowance when valuing the external yard because he thought it was fair to do so. He said that the Respondent had decided to apportion the 800 sq.m yard between the occupier of the subject Property and that of the contiguous property at the Revision valuation based on what both he, Mr. Halpin, had been told by the Occupier and what Mr. Sharkey was told when he inspected the Property. He said the Occupier had told him at the inspection that the yard area was apportioned between these two units and that while they did not use the yard for display purposes, they did use it for parking. Mr. Sharkey confirmed that there was no physical division of the car park between the two units, either verbally or physically. He said that Speed-Tec Motorsport obviously used most of the yard, which would have been the information that he was told by the Occupiers at the time of Revision. When asked by Mr. Halpin how the Respondent mathematically came to apportion the common yard of 800 sq.m into 616 sq.m and 184 sq.m between the two units, Mr. Sharkey replied that the measurement of 616 sq.m came from the fact that that particular tenant, being Speed-Tec Motorsport, was using that amount of yard space at the time of the Revision. When pressed on this issue, on the basis that the images only showed two or three cars parked in the yard, Mr. Sharkey said he spoke to the Revision Valuer and looked at the yard from an aerial image and that Speed-Tec Motorsport said that they were using the majority of the yard. He said the Revision request came from the Appellant and was lodged on the 02 of June 2022, stating that the property was an existing property which had been divided into two or more separate properties. When Mr Halpin put it to him that both in the Appellant's Revision request and in subsequent Representations made to the Respondent, that the Appellant submitted the yard was in common use, and that the Respondent in their 2023 valuation had therefore omitted the yard from the valuation, Mr. Sharkey said the first 2023 Revision valuation had been issued in error and the amended proposed valuation certificate was issued in March 2024. He confirmed that the proposed valuation certificates were issued in error by the Respondent in October 2023, which did not include a valuation for the external yard.

8.7 As he continued his cross examination of Mr Sharkey, Mr Halpin then turned his attention to the Respondent's NAV COMPARISON 1 (see APPENDIX 2, N/A to public). In respect of the yard area in this property, it was noted that of the extensive yard of 2,500 sq.m that had frontage to the ring road and to the old Dublin Road, only 1,000 square meters was valued. Mr Halpin also put it to the Respondent that this property probably had the highest profile site of any site in Enniscorthy due to its location at the beginning of the Ring Road and its extensive frontage. Mr Sharkey said he did not know why the Respondent had valued the yard area of this property in this way but noted that no allowance had been made for circulation in the valuation. He said that to his knowledge, this property had a car motor showroom element, and it has a display yard area valued at €3.7 per sq.m because its non-display yard and the remainder is valued at €9 per sq.m because that section of the frontage is visible from the road. Mr. Sharkey continued that while he did not measure the yard, this property is on the valuation list and in the same rating authority area as the subject Property, it was deemed to have a display yard of 425 square meters, valued at €9 per square meter, which was the same as the subject, and then a non-display yard area of 595 sq.m valued at €3.70 per sq.m. He said as to why that non-display yard area was deemed non-display, he was not certain, but he believed the evidence was there.

8.8 In respect of the Respondent's NAV Comparison 3, Mr Sharkey accepted that it was located at the next roundabout to the Respondent's NAV Comparison and was the second highest profile in Enniscorthy closer to the town with three showrooms on the one side selling BMW, Skoda and one other car make. Mr Sharkey did not believe that this property had incredibly high specification buildings of the absolute utmost modern standard, but acknowledged they had a high level of glazing, and was of the view that it was not too different to the subject Property. He said he did not know exactly what the floor-to-ceiling height was of this property, but that the subject Property had a floor-to-ceiling height of 3.9 meters. Mr Sharkey did not agree with the proposition put to him that no BMW main dealer could be appointed to the subject Property because of its type and nature and location. In contrast to Mr. Halpin's view, he said that the subject Property could comply with the specifications required for a main dealership, subject to some internal modernisation internally, to achieve a hypothetical letting.

8.9 Mr Sharkey acknowledged that the Respondent had included details at NAV Comparison 4, for a prior valuation of the subject Property when it had been in different use as a car showroom and the yard had been included in the valuation but was no longer in the list. He said he had included it to show that the subject property, hypothetically, could be used as a

car showroom and he directed the Tribunal to the photograph he had included of the subject Property showing cars for sale in the yard area and in the car showroom of the subject Property. He qualified by saying the photograph had been taken prior to the 2023 Revision.

8.10 Mr Halpin then turned the Tribunal's attention to the Appellant's NAV Comparison 1 (Appendix 1, N/A to public), which Mr. Sharkey confirmed was correct and on the list. He distinguished Appellant's NAV Comparison 2 from the subject Property because it was an industrial showroom and not a car showroom, there was little glazing and therefore and not directly similar. Notwithstanding that the Respondent had valued it as a showroom and that cars were being sold from this property, Mr. Sharkey said it was primarily a car and tyre repair centre with some staff parking in the yard. He also did not agree that this property was better located because it fronted the main principal Waterford Road and maintained that the subject Property fronts directly on to the main Thomastown and Waterford Road, and both areas were quite similar. When put to him that this property had profile to the main road, whereas the subject Property was surrounded by residential development and not visible from the main road, Mr. Sharkey acknowledged that there is a residential development directly beside the subject, but there are commercial units directly across the road also, a couple of which have visibility and are not only in use for local amenity purposes, for residents. When asked again if this comparable had better profile on the main Waterford Road, Mr. Sharkey maintained that both properties were on the same level. He also confirmed that there was no additional valuation for the yard in this comparable property.

8.11 Mr. Sharkey made the same distinction about Appellant's NAV Comparable 3 where the yard was also not included, on the basis that it was an industrial showroom and not a car showroom. He said it had not got the same level of glazing as the subject Property, nor did it have high visibility. He said the subject Property was not fenced off and was located set-back from the road, as this property was and the subject Property was located directly on the road with glazing and it was not fenced back and notwithstanding car spaces were marked on the ground, it differed from the subject Property, albeit the yard was fenced off.

8.12 In respect of the Appellant's NAV Comparisons 5 and 6, Mr Sharkey said they were located in more of a business park location than the subject Property and accepted the location of these properties on the main ring road, close to the primary retail park and many other business properties would have a benefit to business. However, he also believed that the subject Property was also located in a very central area, on a very busy road. When put to him that the subject Property was actually located on a small side road off the Waterford

Road where there was no real traffic on it, apart from local residents, he maintained his position that the subject Property was located on the main Thomastown / Waterford Road. When put to him again that the subject Property was not located on the Waterford Road, Mr. Sharkey said the road on which the subject Property is situate was listed as the R704 Thomastown / Waterford Road. After a review of the location map contained in the Respondent's précis, Mr. Sharkey said the main road to Waterford Road was via an adjacent road which proceeds into New Ross via the Ohan Bridge and that this road was 300 meters away, which was not far, and that while the subject Property had frontage directly onto the R704 road that led onto the Waterford Road it did not have frontage directly onto the main Waterford Road. While the R704 was arguably an internal road serving the residential development, Mr. Sharkey said it was not only serving the residential development. In terms of the specification of these two comparable properties and notwithstanding their adjacency to a premier retail park and other business units, he said this was different and he would not see any car dealer trading from these types of properties due to the glazing and the internal layout.

8.13 In relation to the Appellant's NAV Comparison 6 in particular, Mr. Sharkey said that notwithstanding substantial showroom glazing in this property it was an industrial showroom and not a purpose-built motor showroom like the subject Property.

8.14 Where the valuation method is concerned, Mr. Sharkey said it was not the description that the Respondent put on a property but the physical building, and the attributes of that building, and its location that were considered. He accepted that it did not matter whether a property was labelled an industrial showroom or whether a property was described as a car showroom, it was the building and its location that gave the value. He said the Respondent's proposed rent of €60 per sq.m and not €48 per sq.m was in line with other purpose-built car motor showrooms in the same rating authority area. When it was put to him by Mr. Halpin that he had just clarified that it was not the designation that the Respondent puts on a property in the list that gave it the value, but the building, it was the physical building and its location that gave it the value, he replied that it is the physical building, and he thought that the physical specification of the Appellant's NAV Comparison 6 was more of an industrial showroom.

8.15 Mr Halpin clarified for the Tribunal that the statutory valuation date for the subject Property was 2017. He also identified the location of a series of multi-storey apartment buildings between the subject Property, and the Waterford Road were located using a satellite map of the subject Property at page 10 of the Respondent's précis. Mr Halpin also

clarified that the subject Property that he believed they used to sell second hand cars and he did not believe it would be the specification requirements for a new car dealership. He said he is familiar with all aspects of this case having been through all the revaluation processes and representations he thought that nearly every main dealership across Ireland and the specification of those buildings was different to what he saw in in the subject Property.

8.16 In his summary, Mr. Sharkey said the onus of proof rests with the Appellant, and this has been decided and approved repeatedly by the Tribunal. The Appellant, in his opinion, had failed to prove that the valuation of the subject Property is excessive from an equity perspective. He submitted that it was his professional opinion that the valuation of each of the subject properties should be amended to reflect the application of a 20% circulation allowance to the yard area.

## **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 properties on the valuation list of County Wexford rating authority area there being no comparable properties in existence on that valuation list.

10.2 The Tribunal relies upon and decides on appeals based on the evidence placed before it. It is a well-established principle that the onus rests with the Appellant to prove his / her case and provide evidence to the Tribunal that the Respondent's valuation of the property in question is incorrect and should be amended. It follows that the Tribunal must consider the nature of the evidence submitted to determine whether it supports the argument advanced on behalf of the Appellant

10.3 The précis, appendices, commentaries and oral evidence adduced by Mr. Halpin and by Mr. Sharkey have all been considered by the Tribunal in arriving at this Determination, which can only set out a summary of the evidence placed before the Tribunal. The fact that

the Tribunal does not make specific reference to any particular document, argument, submission or piece of evidence does not indicate that it has not been into considered.

10.4 The Tribunal finds, based on the evidence submitted by the parties, that while the Property is not now used as a car showroom, in its current form, it is capable of being used as a car showroom and indeed was so used at one point in time. It is also clear that the Property is not located at a high profile / high visibility location on the main Waterford Road and that its current specification and location is not capable of accommodating a new car dealership but could possibly be occupied as a second-hand car dealership.

10.5 The Tribunal is not convinced that the Property has exclusive use and occupation of the external yard. Notwithstanding that the Property is occupied by closely associated / affiliated company and that the dividing internal walls appear not to be designed for permanent division of the units, the fact that the Respondent has assigned two different property numbers and issued two valuation certificates indicates that there are in fact two different properties using the yard in common. As such the Tribunal concludes that the yard is common and will therefore not be included in the valuation.

10.6 In considering the appropriate value to assign to the showroom space of the subject Property, the Tribunal is not convinced that the Appellant's NAV comparables provide adequate evidence, based on location and / or physical specification, to reduce the rent for from that proposed by the Respondent. While it is clear that some of the Appellant's comparables may be in a better location than the subject Property and are ideal for industrial showroom use, it is not clear that those properties as they stand, could be used as a car showroom for new or for second hand cars.

10.7 The Tribunal is restricted by section 49(1) of the Act to consider only *"the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property"*. In this regard, no evidence has been provided to the Tribunal of a lower NAV for a similar type of property to that of the subject Property, based on a similar physical specification, and / or location, and /or use. The Tribunal is therefore unable to find an evidential basis on which to reduce the Respondent's proposed rent for the showroom space.

## **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property as stated in the valuation certificate to **€11,960.00**, calculated as follows:

|              | <b>Floor Area (sq.m)</b> | <b>€ per sq.m</b> | <b>NAV (€)</b> |
|--------------|--------------------------|-------------------|----------------|
| Showroom     | 125.81                   | €60               | 7,549          |
| Offices      | 29.48                    | €37               | 1,091          |
| Workshop     | 89.76                    | €37               | 3,321          |
| <b>Total</b> | 245.05                   |                   | €11,961        |
|              |                          | NAV say,          | €11,960        |

## **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.