

Appeal No. VA02/2/042

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 2001
VALUATION ACT, 2001

Kirchhoff Ireland Ltd.,

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Factory at Map Reference 1Cb Ballyboe Lisnenan, ED: Letterkenny Rural, County Donegal

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

Joseph Murray - Barrister

Member

Patrick Riney - FSCS. MIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF JUNE, 2003

By Notice of Appeal dated the 25th April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €634.87 on the relevant property above described.

The Grounds of Appeal as set out in the said Notice of Appeal are that:

"The valuation is excessive and inequitable and or not valued in accordance with the Valuation Acts and related legislation".

1. This appeal proceeded by way of an oral hearing held in Letterkenny on the 17th of January 2003.
2. At the hearing the appellant was represented by Mr. Patrick McCarroll ARICS FIAVI ASCS IRRV MCI Arb, and the respondent by Mr. Damien Curran MRICS, ASCS, BSc(Surv), a district valuer in the Valuation Office.
3. Prior to the hearing the Valuers exchanged written submissions and valuations which were forwarded to the Tribunal and subsequently received into evidence under oath at the oral hearing.
4. The property the subject of this appeal is purpose built single storey industrial building located on the Ramelton Road about 1 mile north of Letterkenny.

Appellant's Evidence

Mr. Patrick Mc Carroll on behalf of the appellant adopted his précis as his evidence in chief. He said that he considered the most relevant comparison to be the Unifi complex which is located in the immediate area with the following breakdown:

- (a) Offices 3359 sq meters @ €34.17 per sq meter
- (b) Production area 3182 sq meters @ €23.92 per sq meter
- (c) Production area 7985 sq meters @ €20.51 per sq meter

This was the main comparison used by the Valuation Office at the Revision stage, whereas on appeal an additional four comparisons were introduced by the appeal Valuer. Mr. Mc Carroll accepted that Unifi is a totally different premises in terms of scale and agreed that quantum should be a factor in determining a suitable rateable valuation on the subject premises. It was also stated that two thirds of the production area of the Unifi premises were air-conditioned. Mr. Mc Carroll pointed out that comparisons one to three were not appealed and that the production areas in comparison two and three were far smaller than the area in the subject property.

Respondent's Evidence

Mr. Damien Curran, District Valuer, responded on behalf of the Commissioner and adopted his Précis as his evidence in chief. He stated that this property was typical of a many properties in the Letterkenny area and that his comparisons one to four were much closer in size than the Unifi

premises, which in his opinion was not comparable as it was much larger than the subject. He stated that comparisons one to four were revised in 1995.

Mr. Mc Carroll asked as to whether the building in the Pharmacia comparison was a new building and he also put it to Mr. Curran that the other comparisons were either refurbished or renovated to modern standards. Mr. Curran responded stating that the subject property was a purpose built industrial premises and that he had acknowledged in his submission that the original section was developed in the early 1980's, and subsequently extended with a new production area of some 10 metre eaves height and new loading facilities.

Determination

The Tribunal has considered the evidence presented by Mr. Mc Carroll for the appellant and Mr. Curran for the respondent and has noted all of the arguments made at the oral hearing and the evidence submitted. It is considered that the most relevant comparison is the Unifi complex, which is located in the immediate area subject to an appropriate quantum allowance being made for the fact that the subject property is smaller in scale.

Having regard to the foregoing the Tribunal determines the rateable valuation of the subject property to be €30 calculated as set out below:

(1) Offices	218 sq meters	@ €35.00 per sq meter	= €7630.00
(2) Factory(new)	860 sq meters	@ €35.00 per sq meter	= €30100.00
(3) Factory(old)	1961 sq meters	@ €24.00 per sq meter	= €47064.00
(4) Factory(new stores)	505 sq meters	@ €24.00 per sq meter	= €12120.00
(5) Loading	184 sq meters	@ €21.00 per sq meter	= €3864.00
(6) Loading(open)	36.5 sq meters	@ €13.67 per sq meter	= €498.00
(7) Horse Power agreed NAV			= €5078
			Total = €106,354

Say Net annual value €106,000.00 @ .5% = RV €30 .