

Appeal No. VA16/2/007

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

Aeolus International Ltd T/A Aeolus Engine Service

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In Relation to the Issue of Quantum of Valuation in Respect of:

Property No. 5005717, Industrial Uses / Warehouse, Unit 2, 2050 Orchard Avenue, Citywest Business Park, County Dublin.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 23RD DAY OF NOVEMBER, 2016

BEFORE:

Stephen J. Byrne - BL

Deputy Chairperson

Pat Riney – FSCSI, FRICS, FIAVI

Member

Hugh Markey – FSCSI, FRICS

Member

By Notice of Appeal received on the 7th day of April, 2016 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €69,000 on the above described relevant property on the grounds as set out in the Notice of Appeal as attached in Appendix 1.

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence on the 10th day of November, 2016 adduced before us by Mr. Fergal Whelan-Porter, a Director of the Appellant, who contended for a net annual value of €47,500, and Mr. Seamus Costello, Valuer, on behalf of the Respondent to the appeal,

DETERMINES

That the net annual value of the subject property be as set out below:

Floor	Use	Area	Rate psqm	NAV
0	Office	136.50	€160.00	€21,840.00
1	Office	154.50	€160.00	€24,720.00
0	Warehouse	180.18	€125.00	€22,522.50
				<u>€69,082.50</u>

Say: €69,000 (Unchanged)

The reasoning being

The legislative basis for the establishment of a rateable hereditament's Net Annual Value (NAV) is the Valuation Act 2001. This provides (Section 49(1)) that a property's NAV shall be established by reference to that applying to similar properties to the subject and situated within the same rating authority area.

In an appeal to the Tribunal on the basis that a valuation is excessive, the burden of proof lies firmly with the Appellant to demonstrate that the figure placed on the property by the Commissioner was excessive. The Appellant relied on the evidence of the letting of the subject (c. 2014) and adjacent properties (c. 2015) to substantiate his case and appeared not to appreciate that the relevant date for determination of the NAV was, in the case of the South Dublin rating authority, September 2005. He did not bring forward any comparators to assist the Tribunal in its deliberation; rather, the Appellant relied on more recent lettings of the subject and similar adjacent properties. The grounds put forward were not based on an understanding of the legislative basis for rating assessments or a most basic understanding of the 'Tone of the List'. Thus the threshold of proof was not met in this case.

Furthermore, the evidence of the Respondent demonstrated that the rate per sqm applied to the subject was in line with the established 'Tone of The List' as demonstrated by the NAV's of similar properties in Citywest Business Park (property number 5004010, property number 5005718 and property number 5002332).

One of the Appellant's grounds of appeal was that the setting of the NAV at the level proposed would impact on the rent review of the subject, due c2019. The Tribunal did not find this to be a credible ground of appeal, particularly in the absence of any documentation to support the assertion that the rent on review would be linked in some way to the NAV.

And the Tribunal so determines.