

Appeal No. VA14/5/288

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

**Martha O Byrne and Ray Martin**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

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

Property No. 2166752, Office(s) AT Floor 3, 3 Francis Street, County Borough of Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 3<sup>RD</sup> DAY OF APRIL, 2017**

BEFORE:

**Barry Smyth – FRICS, FSCSI, MCI Arb**

**Deputy Chairperson**

**James Browne - BL**

**Member**

**Thomas Collins – PC, FIPAV, NAEA, MCEI, CFO**

**Member**

By Notice of Appeal received on the 28<sup>th</sup> day of August, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €27,100 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"Valuation is excessive and greater than the market rental value.*

*Valuation is excessive and inequitable."*

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 22<sup>nd</sup> day of April, 2015 adduced before us by Mr. Frank O'Grady on behalf of the Appellant, who contended for a net annual value of €18,531, and Mr. John Plunkett on behalf of the Respondent to the appeal, who contended for a net annual value of €38,600 at hearing, the Valuation Certificate from the Valuation Office having issued on 30<sup>th</sup> July 2014 with a valuation of €27,100.

## **DETERMINED**

On the 11<sup>th</sup> September 2015 at the post appeal meeting that the net annual value of the subject property be as set out below:

297 sq. metres @ €90 per sq. metre = € 26,730

Say €26,750 (reduced from €27,100)

### **The reasoning being**

This appeal is against the valuation on the valuation list of €27,100.

When preparing his precis of evidence for the appeal before this Tribunal the Respondent has sought to increase the valuation of the subject property to €38,600.

The Tribunal is satisfied and has previously determined that the Commissioner of Valuation is not entitled to contend for a higher valuation at Tribunal stage as what is on the valuation list is deemed to be correct until deemed otherwise. Section 63 (1) of the Valuation Act, 2001 states *“The statement of the value of property as appearing on a valuation list shall be deemed to be a correct statement of that value until it has been altered in accordance with the provisions of the Act.”*

The subject property is located in an inferior location on a very narrow street off the main thoroughfare, Francis Street.

The Respondent's comparisons, although within the same Dublin 8 area, are generally better located than the subject property.

And the Tribunal so determines.