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**With reference to the proposed grant of a 5 Year Lease in Shangan Nursery, Shangan Neighbourhood Centre, Ballymun, Dublin 9.**

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Since September 2014, Ballymun Child and Family Resource Centre Limited has been in occupation of Shangan Nursery, Shangan Neighbourhood Centre, Ballymun, Dublin 9, outlined red and coloured pink on Map Index No. SM-2014-0548. The company provides a number of community services for adults and children in area.

In order to facilitate the continuance of the company's services in the area and to regularise the occupation of the property, it is proposed to grant a 5 Year Lease to the Ballymun Child and Family Resource Centre Limited subject to the following terms and conditions.

1. That the subject property comprises the self-contained Shangan Nursery unit in Shangan Neighbourhood Centre, Ballymun, Dublin 11. The subject premises are shown outlined in red on the attached map Index No. SM-2014-0548.
2. That the Lease shall be for a period of five years commencing on the 27<sup>th</sup> February 2021. The Lessee will have a mutual break option at the end of year three. At least six months' written notice must be given in relation to the break option.
3. That the subject property shall be used solely for community, educational and training purposes.
4. That the market rent is €55,000 (fifty five thousand euro) per annum plus VAT (if applicable) which shall be abated to the following amounts and subject to compliance with the above user clause (no. 3) :
  - i. €3,350 (three thousand, three hundred and fifty euro) plus VAT (if applicable) for Year 1 commencing retrospectively from the 27<sup>th</sup> February 2021.
  - ii. €4,000 (four thousand euro) plus VAT (if applicable) for Year 2
  - iii. €4,500 (four thousand and five hundred euro) plus VAT (if applicable) for Year 3
  - iv. €5,000 (five thousand euro) plus VAT (if applicable) for Year 4 & 5 inclusive.The abated rent is strictly personal to the Ballymun Child and Family Resource Centre Limited.
5. That the abated rent shall be payable monthly in advance.
6. That the Lessee shall not assign or sublet the subject property.
7. That the Lessee shall be responsible for all outgoings associated with its use of the subject property including inter alia rates, taxes, utilities, service charges and any other charges including building insurance cost.

8. That the Lessee shall be responsible for the repair, upkeep and maintenance of the property, including windows, doors and all plate glass. Any necessary structural repairs shall only be undertaken in consultation with, and with the written approval of Dublin City Council.
9. That the Lessee shall indemnify the Council against all claims as a result of their use and occupation of the subject property and shall arrange for insurance cover as follows: Public Liability Insurance (minimum of €6.5 million) and Employers Liability insurance (minimum of €13 million).
10. That the Shangan Nursery is a stand-alone building, it will be separated from the remit of the management company (Shangan NC Management Company CLG) upon the pending Multi Unit Development Act 2011 transfer of the adjoining Shangan Neighbourhood Centre. The transfer is processing, but there is no fixed date for completion. On this point:
  - I. That the Lessee shall continue to be liable for the payment of service charge to the management company up to the date of separation.
  - II. That the building insurance is currently provided by the management company and covered through the service charge.
  - III. That upon the separation, Dublin City Council shall take over the provision of building insurance for the property. From that point, the Lessee shall be liable to reimburse the insurance premium to the Council by way of an insurance rent which shall be charged annually.
11. That in the event Ballymun Child and Family Resource Centre CLG secure planning permission/exempted development for a garden-room/shed structure to the rear of the property (hatched in green on the attached indicative floor plans), the following will apply:
  - I. Ballymun Child and Family Resource Centre CLG will furnish Dublin City Council for their approval full details regarding the proposed structure including the materials and finishes being used. Once Dublin City Council have given landlords approval to the proposed development Ballymun Child and Family Resource Centre CLG will develop the new structure in compliance with all statutory requirements.
  - II. It is agreed that the garden-room/shed structure will not be considered part of the demised premises for property management/insurance purposes. That the Lessee will be responsible for all repairs and maintenance associated with the structure. That the Lessee shall indemnify the Council against all claims as a result of their use and occupation of the subject property and shall arrange for insurance cover as follows: Public Liability Insurance (minimum of €6.5 million) and Employers Liability insurance (minimum of €13 million) as well as the appropriate Building Insurance.
12. That the Lessee shall ensure that its use and occupation of the subject property complies with all statutory consents.
13. That the permitted business hours shall be 8.30am to 9.30pm, Monday to Friday (occasional weekend use permitted).
14. That the Lessee shall not erect any sign or advertisement on the premises.
15. That upon expiry of the Lease, the Lessee shall at its own expense remove all materials not belonging to Dublin City Council and shall leave the property clean and cleared to the satisfaction of the Council.
16. That the Lessee shall sign a Deed of Renunciation to a New Tenancy.
17. That each part shall be responsible for their own fees and costs in this matter.

The property to be leased is comprised within Shangan Neighbourhood Centre which was built on property acquired from the Representatives of Elizabeth Collins (Deceased) in 1977 and from UCD in 1979.

That this Lease will be subject to any other terms and conditions as deemed appropriate by Councils Law Agent.

No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the North West Area Committee at its meeting on the 18<sup>th</sup> April 2023.

This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

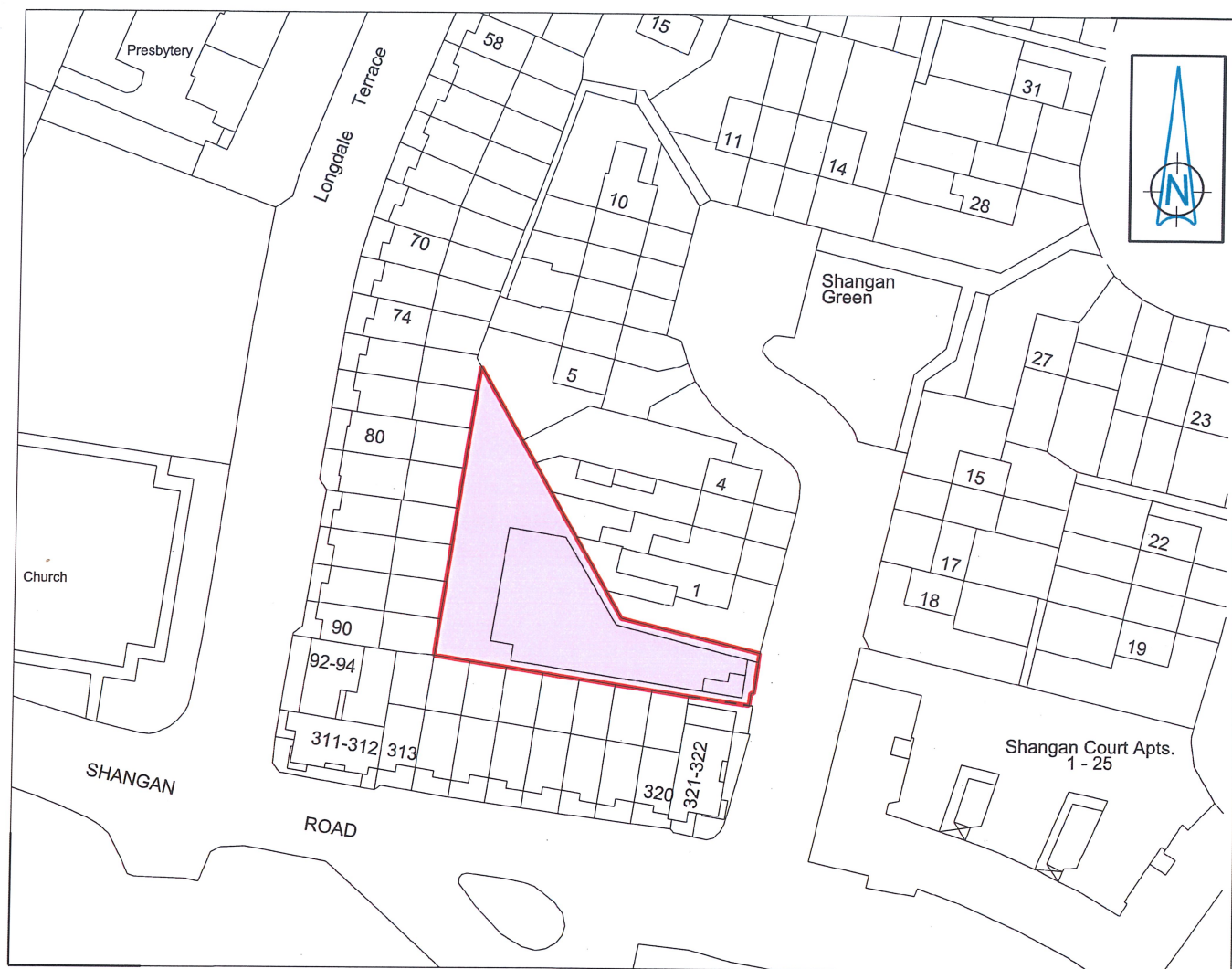
**Resolution:**

That Dublin City Council notes the contents of this report and assents to the proposals outlined therein.

**Máire Igoe**

**A/Executive Manager**

**24<sup>th</sup> April 2023**



## SHANGAN GREEN, BALLYMUN, DUBLIN 11

Dublin City Council to BCFRC CLG

Grant of Lease



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

An Roinn Comhshaoil agus Iompair  
Rannán Suirbhéireachta agus Léarscáilithe  
Environment and Transportation Department  
Survey and Mapping Division

<b>O.S REF</b>	<b>SCALE</b>
3131-15	1-1000
<b>DATE</b>	<b>SURVEYED / PRODUCED BY</b>
18-07-2018 (Rev.C)	PMcGinn

FILE NO	INDEX No	FOLDER No	CODE	DWG No	REV
SM-2014-00548-	0204-	C3	- 001	- C.dgn	

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY  
DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE

SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED  
**THOMAS CURRAN**  
ACTING MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

**Dr JOHN W. FLANAGAN**  
CEng FIEI FICE  
CITY ENGINEER

**INDEX No.**

**SM-2014-0548**