

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
23 FEB 2018
ST. FRANCIS DITCH
FLORIANA

The Chairman
Environment & Planning Review Tribunal
P.O. Box 172
Floriana.

Mr. Chairman

RE: PA/05419/09
Full Development permission

Non Executable Decision Notice Endorsed.

Location: Russel Building, Triq Lewis F. Mizzi, Triq Censu Bugeja, Triq n Naxxar. L'iklin.
Gov. Gazette 24 Jan 2018 No.19,939 Pg. 670

In terms of Reg 14 of Legal Notice 162 of 2016
Right to submit an appeal against the Decision to the
Environment & Planning Review Tribunal Act, 2016.

As a third party appellant and continuous Representation for ongoing process of the Case,
it is being requested a **Suspension of Permit and/or Invoking Article 80, Revocation of Permit**
whichever fits in the circumstances.

The title is Incorrect and should read Russel Building & West Hoe Ville.

Brief:
As proof of ownership in which I had suggested the applicant should have produced rather than
ask for my proof of sale, PC/00031/13 (a misleading case which initiated as building alignment, but
conjoined in an opportunistic manner with PA/05419/09), Doc 31 a mention is made of Documentation
(17) though no access to view, stating that Ms. Helen Borg sold property on the 4th July 1995.

Doc in questioned mentioned by was a private agreement entered into prospective clients and myself,
carried a clause that should the conditions of agreement not be followed I would retain Title of owner.
These were not honoured in the speculated time and therefore the contract fell.
Court proceedings were taken against me in my absence from Malta which 3 company partner buyers
concerned and Mr A Gera de Petri well knew.

In what can be considered as conspiracy, and perverting Course of Justice, and false statements amongst
other irregularities, proceedings kept ongoing and finally Court Ruled " **Is- Sentenza** : Meta ssejhet il
Kawza
ma deher hadd. Il Kawza Giet Deciza."

Sentence : When called no one was present. Case decided.

Throughout I was living abroad and never given witness in itself unlawful as per Rule 6 of Human Rights
Act.

Chance to a Fair trial.

I had a young family then and feeling incapable to fight or defend what had started showing as
unlawful manoeuvres I made a hard decision and did not return to Malta for more than a decade.

Whilst we forgive yet not forget on at least two occasions Mr A Gera de Petri showed act of force, namely
once

when having just built the swimming-pool one morning around 5:00am the dividing wall in the garden
which ran all

along my habitual property, had been pulled down by his builder on his order to facilitate the building
adjacent to

his. It had been very distressing to say the least since I was pregnant at the time.

I reported this to the Police but no further action taken.

On another occasion at Profs Micallef 's office when I had attended to request redeeming perpetual lease of
the

said garden/land, he had told me that a clause that was included would still hold, in spite of redeeming,
to which I had said to name a price for this to be removed.

At the time I had said that may I would want to build for my children.
His answer had been a definite no and why not rather I sold to him?

At that point I mentioned that then I would have to make use of a card I had in hand that being keeping him reliable to unlawful building in connection with a garage that was at the time built by Mr Lyttleton the original owner, who had agreed to build not give in the same garden pertaining to Lyttleton Ville later West Hoe Ville. Mr Lyttleton had sold on a gentleman 's agreement and this was unique as not many can go through on such basis but both parties stuck to the agreement for which I always prided in. God bless him he had said that he had done this act of goodwill to use if and when he wanted to build in the said land. he had advised that it still belonged to us and especially the aria.

Eventually this had been knocked down/renovated and turned into showroom as was then known Orienta. At the time I was going through a very bad patch and could not follow up to take action. Anyhow on the mention of the above Mr A Gera de Petri had got up furiously shouting at me and I was told by Profs Micallef that it was better that I left which I did.

For over a decade, as accepted Representation, I have defended on the grounds that I am still legal owner of the said property, which was never contested by the applicant, in case PA/05419/09 and PC/00031/13.

In both cases mistakes, untruths and irregularities exist and in an unorthodox manoeuvre PC/00031/13 took priority with Granted result 19/09/2014.

I was in oblivion to what was going on, since I had been told by Mepa in a letter dated 24 Oct 13 that I would be informed should any development to the case occur as per Article 68(4) of the Environment and Development Planning Act (Act X of 2010), Article 68(6) and Article 73(3) of the Environment and Development Planning Act 2010. This did not happen as promised and I was never informed.

In my reply to Mr Stanley Cauchi 20 Nov 2013 to his request I had said "those involved in the application should forward documents of the proposed and asked for permits" I did state that I was abroad and did not have documents with me but **should more details be needed** I would attend to when in Malta.

This not as said in **10.4 Comments on representation: PC/00031/13.**

20th November 2013 An e-mail received by Ms. Helen Borg informing that she was abroad and that she will

give more details on her return to Malta.

No further correspondence received by Ms. Helen Borg till the writing of this report.

Of course this because as already stated I was not informed.

Premeditated or not, that is the question?

I only found out about the outcome of PC/00031/13 Granted recently when I got news of the sitting of the 15 Jan 2018 PA/05419/09 which I defended and yet again logged my Representation which was accepted.

My intention is not to dwell on permit contents especially if not belonging to me I just want to have the opportunity to A Fair Trial. European Court of Human Rights, Article 6 of the Convention- Right to a fair trial.

There is a lot of damaging untruths and actions taken against me in my absence and these have to be rectified in Court.

I have suffered injustice for fear of repercussions and chose survival above anything else for me and my family

who are now grown and self sufficient and I am ready to take action to see Justice prevails and accept the outcome whatever.

So as to be informed and allow my request for putting on hold permits allowing reasonable time for me to have this chance.

I am at present abroad and I ask the Tribunal to consider this in their decision.

H. Borg