159

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Our Ref. **Your Ref. ECF 447/07** **June 27, 2016**

The Secretary,
EPRT
St. Francis Ravellin
Floriana

ECF	**447/07**
Location:	**Site at Alley 4, Triq Il-Karmnu, Luqa**
Development:	**Appeal against fine imposed on enforcement notice**

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
RECEIVED
28 JUN 2016
ST. FRANCIS DITCH FLORIANA

Dear Sir,

I refer to the enforcement notice updated on 2nd June 2016 regarding pending enforcement EC 447/07.

Frankie Zahra informed me that all works mentioned in the updated enforcement notice related to additional works presumably carried out after 24th November 2012 have been carried out in August-October 2012.

The only structure built after built after November 2012 is a timber pigeon loft and concrete flooring.

I will be presenting fiscal receipts and other legal evidence confirming that structures have been erected pre 24th November 2012.

The pigeon loft will be removed in the coming days.

The rest of the structures, although we acknowledge that they are illegal, are not subject to a daily fine since no proof was provided by MEPA that the infringements have been carried out after November 2012, whilst my client has legal evidence that structures have been built prior to November 24th 2012.

On the above facts, I kindly request the EPRT to declare null the imposition of the fine since the fine imposed goes against LN 276/12 which clearly states the following:

3. (1) Where the Authority gives notice in writing to a person in accordance with article 86 or article 88 of the Act in relation to an infringement carried out after the date of coming into force of these regulations, it shall also notify such a person that he shall be liable to a fine for every day after 16 days from the date of notification of the notice as established and set out in accordance with the provisions of the Schedule to these regulations.

The legal notice clearly states that the infringement must have been carried out after the 24th November 2012 as stated in same LN.

I will also be submitting declarations from contractors involved in the construction and delivery of works confirming that works have been carried out prior to that date (24th Nov.2012).

We reserve the right to provide further evidence to prove that property was always used as a restaurant.

On the above, I kindly request the EPRT to withdraw the fine imposed on site at **Site at Alley 4, Triq Il-Karmnu, Luqa** subject to ECF 447/07. The illegalities will be regularized through a full development application once appeal against fine is cleared.

Yours Truly

Tancred Mifsud A&C.E.

Appell.

BORD TA' L-APPELL DWAR L-IPPJANAR
PLANNING APPEALS BOARD

PLANNING APPEALS BOARD
P.O.BOX 172
VALLETTA CMR 01
FAX: 21223596
TEL: 21222278

№ 003971

PAYMENT TO THE PLANNING APPEALS BOARD

PA ______ / ______

ECF 447 / 07.

Name/Address of Applicant

Frankie Zahra

Development	Location
Appeals against fine imposed on EC 447/07	Site @ Alley 4 Triq il-Karmnu Luqa.

☐ Appeal from Refusal/Condition

☑ Appeal from Enforcement Notice

☐ Third Party Appeal

☐ Payment of Fine

☐ Others

Total Fee Submitted	Amount
PAYMENT	~~Lm~~ €200-
☐ Bank of Valletta Ltd., A/C 186 0307 2236	BANK OF VALLETTA p.l.c. LUQA 28 JUN 2016 9
☐ H.S.B.C., A/C 089-037246-050	
Total	~~Lm~~ €200-

White: This form should be submitted on the Secretary, Planning Appeals Board, duly stamped by the Bank
Green: PAB Accounts
Yellow: Customer's Copy

PLANNING AUTHORITY

Avviż Dwar Multi għal Kull Ġurnata Skont L-Avviż Legali 276 ta' l-2012
(Regolamenti ta' l-2012 dwar Multi għal Kull Ġurnata)

Mr Frankie Zahra
Fleur d'Amour
Triq Qasam Sperimentali
Ħal Luqa

Maħruġ fi : 2 ta' Ġunju 2016
Rif. Tagħna : EC/00447/07

Jidher li għall-Awtorità tal-Ippjanar kien hemm ksur tal-ordni biex tieqaf mogħtija fl-Avviż biex Tieqaf u tat-Twettiq EC/00447/07 fuq is-sit Site at Alley 4, Triq Il-Karmnu, Luqa (skont is-*site plan* annessa), maħruġ bis-saħħa tas-setgħat mogħtija lill-Awtorità bl-Artikoli 95, 97 u 99 ta' l-Att VII tal-2016. Dan l-Avviż jgħid:

Għandek żvilupp mingħajr permess li jikkonsisti minn bini ta' kmamar f'għalqa.

F'dan l-Avviż, l-Awtorità tal-Ippjanar kienet esiġiet li jieqaf immedjatament l-iżvilupp hawn fuq imsemmi u kull żvilupp ieħor fuq is-sit in kwistjoni, u ma kellu jinbeda l-ebda żvilupp ieħor fuq l-istess sit.

Minkejja din l-Ordni, l-Awtorità jirriżultalha li iżvilupp illegali reġa' beda/ tkompla billi:

- Ġiet installata xatba
- Sar pavimentar bil-konkos fl-entratura tas-sit
- Inbdew ħitan tas-sejjieħ madwar is-sit
- Inbena ħajt ta' 11-il-filata u ħajt ieħor quddiemu ta' 3 filati li iservi ukoll bħala 'planter'
- Inkesa ħajt tal-franka ta' madwar 5 filati bis-sejjieħ u li fih ġew iffurmati niċċeċ.
- Inbnew tlett gaġġeġ bil-ġebel tal-franka, u gaġġeġ oħra ta' l-injam u ħadid, għaż-żamma ta' l-għasafar
- Ġew iffurmati 'planters', vaska u 'landscaping' madwar is-sit.

Għandek ukoll strutturi oħrajn li saru wara l-24 ta' Novembru, 2012, u għaldaqstant huma suġġetti għall-multi kuljum , li jikkonsistu f':

- Bini ta' struttura ta' l-injam li qed isservi bħala gaġġa għall-għasafar, mibnija fuq sodda tal-konkos
- Tisqif tal-vaska b'tinda ta' l-injam
- Bini ta' forn, kamra u strutturi oħra bil-ġebel tal-franka,
- Tqegħid ta' żewġt iħwat tal-ġebel b'tinda fuqhom.

Għaldaqstant qed tiġi avżat li dan l-ksur tal-ordni mogħtija lilek jikkwalifika għal multa għal kull ġurnata hekk kif stabbilit f'Regolament 3 tal-Avviż Legali 276 tal-2012. Tali multa taqa' fil-Kategorija tal-Avviż Legali speċifikata hawn taħt, u tiġi applikata hekk:-

Skeda ta' Multi għal kull Ġurnata					
	DATA TAN-NOTIFIKA +				
	0-16-il ġurnata	17-50 ġurnata	51-180 ġurnata	181-365 ġurnata	366 ġurnata jew aktar
Kategorija Ċ	xejn	EUR 10 kull jum	EUR 20 kull jum	EUR 40 kull jum	EUR 50 kull jum

Infakkrek li l-penali ser ikomplu jiddekorru kif elenkat hawn fuq sa massimu ta' EUR50,000 jew sakemm l-iżvilupp illegali kopert b'din il-multa jitneħħa. Tali multa qed tiġi imposta bla ħsara għal xi multa oħra jew ammont ieħor dovut lill-Awtorità taħt id-dispo\izzjonijiet tal-Att VII tal-2016.