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12 July 2021

The Secretary
Environment and Planning Review Tribunal
Block B, St Francis Ditch,
Floriana

Dear Sir/Madame,

Re **PA/02812/21**
56, San Anton Court, Triq il-Papa Gwanni XXIII, Birkirkara

We write on behalf of Roberto Costa [ID 0174619 A] residing at 58, San Anton Court, Triq il-Papa Gwanni XXIII, Birkirkara and refer to the above captioned case and humbly submit this appeal.

We submit the following grounds of appeal as per submitted plans for your consideration:

1. The planned apartment on the third floor and the penthouse on the fourth floor are not receding as they should be in accordance with planning laws;
2. The planned apartment on the third floor and the penthouse on the fourth floor overlook the terrace of our client. A servitude will be created and this is in breach of Cap 16 of the Laws of Malta, inter alia contrary to :

Founded by Farrugia Sacco Advocates and Gauci Maistre & Gauci Maistre Advocates

Partners Dr. David Farrugia Sacco B.A., M.A.(Fin.Serv.), LL.D. Dr. Austin Gauci Maistre LL.B, M.A.(Fin. Serv.), LL.D.
 Dr. Robert Gauci Maistre LL.B, M.A.(Fin. Serv.), LL.D. Dr. Steven Farrugia Sacco B.A., LL.D.

Associates Dr. Rebecca Mercieca LL.B. (Hons) M.Adv (Melit.) Dr. Jean-Carl Abela LL.B. (Hons) M.Adv (Melit.)

Art 401 *Easements are created either by law or by act of man.*

Art 424 *Where a common wall or a house is reconstructed, any active or passive easement shall be maintained also with regard to the new wall or house, provided such easement is not rendered more burdensome, and such reconstruction is made before prescription has been acquired.*

Art 425 *It shall not be lawful for one of the neighbours without the consent of the other to make in the party-wall any window or other opening.*

3. The common parts are going to serve the new apartment on the third floor and the penthouse on the fourth floor. There will be more noise and more wear and tear with more persons using the staircase. This is against the law if the consent of the current co-owners is not obtained. This consent has never been granted. It is respectfully brought to your attention that the applicant claims to have obtained the consent of the objector - this is a lie, and this submission is malicious. It is humbly submitted that this abusive action should be taken into account and that the Board should seriously consider sending a clear message that this behavior should not only be reprimanded but also subjected to a penalty since the applicant misleads the Board by stating that he obtained consent when he did not;
4. The development will also see air restrictions to the utility service shaft, (light well), whereby there will be reduced fresh air and reduced light to the two bathrooms and utility room windows;
5. The system of water drains serves the existing tenements. The new proposed buildings do not have a right **and will not be allowed to use the existing system**. They will therefore be without a drain system and naturally be constructed against the law;

6. The proposed plans include the installation of a lift apartment for the second and the proposed apartment on the third floor and the penthouse on the fourth floor. There is no mention or identification of the lift pit. This will be contrary to the *inter alia* Act XXVII of 2000 Occupational Health and Service Authority Act, Product Safety Act No 5 of 2001 and Inspection of Lifts Regulation LN 231 of 2007;

In the light of the above mentioned we hereby submit the objection and consequent appeal of our client for your perusal.

We remain at your disposal should you require further information.

We thank you for your time and attention.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dr. David Farrugia Sacco', written over a faint circular stamp or watermark.

Dr. David Farrugia Sacco