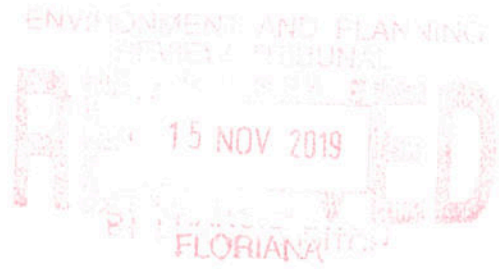


SUSPENSION



Environment and Planning Review Tribunal

Case Number: PA/003477/19
Location of development: 69, Triq Tal-Katidral, Sliema, Malta
Description of works: Proposal to increase the floors by one additional storey and increase number of rooms from 21 to 22 rooms hostel Class 3a as per LN74 of 2014 from that approved in permission PA373/18.
Applicant: Mr. Bernard Sammut
Architect: Perit David Mifsud Parker
Appellants: AS in appeal application

Environment and Planning Review Tribunal

APPLICATION REQUESTING THE SUSPENSION OF EXECUTION OF PERMIT :

Whereas appellants humbly submit and premise as follows:

That appellants are third party registered objectors and interested persons for all intents and purposes at law.

That contextually with this application they are filing i an appeal from the Planning Commission's decision on the application for development permission published in the Government Gazette on the 16th October 2019

That the appellants are hereby requesting the suspension of the execution of the permit for the following reasons:

- 1) That the approved development makes erroneous reference to the granting of permission, which permission has been revoked by Court order – this Court judgment has been arbitrarily and deliberately ignored.
- 2) That the development will impinge upon the amenity and privacy of appellants and this cannot be reversed.
- 3) That during the course of the processing of this application, the appellants have pointed out various breaches of planning laws, policies, sanitary requirements and risks to safety and health – all of which were ignored. That not suspending the execution of the permit will result in an immediate and far greater prejudice to appellants in comparison to that of the applicants if the permit was not immediately suspended. In fact the suspension of the permit does not affect the applicant negatively as the time for the decision of this appeal will be

abbreviated by means of the suspension – which will result in a greater degree of legal certainty for the applicant and shortened decision time spans.

- 4) That the approved application lacks certain requirements necessitated by policies – such as the provision of sufficient parking – which cannot be incorporated without a wholesale change of plans, which holistic revision and amendment is rendered more unlikely unless the execution of the permit - as is - is suspended without delay.
- 5) That the approved application was based on incomplete information and that the appellants should not be prejudiced further because of this shortcoming.
- 6) That the provisions of Chapter 551 of the Laws of Malta require only that *“the prejudice that would be caused would be disproportionate when compared with the prejudice caused by the staying of the actual execution of the permit.”* The legislator has laid down the possibility for appellants to seek a temporary staying of the execution of the permit, without requesting the appellant to show that irreparable harm will be caused if the execution is not granted. In this, the legislator has distinguished this right of action from that pertaining to the right to request a prohibitory injunction in accordance with Civil Law. In the latter, the Courts have consistently held that a prohibitory injunction served to offer protection to a person whose rights would be lost or curtailed **irreparably** without such a warrant. This is not the case with the remedy being availed of under Chapter 551 which only requires a comparison of the potential hardship of appellant and applicant.

In view of the above the appellants humbly request this Honorable Tribunal to suspend the execution of the permit under the terms and conditions as it deems fit.



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