

The Environment and Planning Review Tribunal

Reference: PA/05455/21

Type: Suspension Tribunal

Appellant: Mr. Paul Butigieg, Mr Matthew Aquilina, Mr Lino Mallia

Applicant: Ms Mary Bonavia

Location: 79, Triq il-Flotta c/w, Triq Carlo Manche', Gzira

Date: 28th December 2021

Published Government Gazette: 7th December 2021



Proposal: Change of use from Class 4B to Class 4C and installation of sign

PA Case Officer: REFUSE

Application Requesting Suspension of Execution of Decision.

That contextually with this application the appellants are filing an appeal from the Planning Commission's decision on the application for full development permission (Ref: PA/05455/21), and the appellants are third party registered objectors and interested persons for all intents and purposes at law.

The appellants feel their right to a fair hearing was completely ignored by the commission and that the applicant was given priority over the appellants not once but twice breaching their right to a fair hearing.

Constitution of Malta on the right to secure protection of law.

39 (2) Any court or other adjudicating authority prescribed by law for the determination of the existence or the extent of civil rights or obligations shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

The objectors are being completely ignored and not even put down as present during the sittings. This can be seen in the minutes placed by the commission marking Mr Paul Buttigieg as not present in the first sitting when in fact he was present. The Tribunal can clearly see that objectors are being completely ignored by the Planning Commission to such an extent that they are being marked as not even present when they were present for the sitting and even spoke up in the sitting.

Attached the tribunal can view the affidavit done by Mr Paul Buttigieg showing he was clearly at the sitting although not acknowledged by the commission.

In the second sitting Mr Matthew Aquilina also attended the sitting but the planning commission is again discriminating against the objectors when the architect is not available the planning commission waits till when the time of the next session before taking a vote however in this case the vote was taken prior to the arrival of the objector. The sitting was planned between 9:30 and 10am the objector arrived online at 9:50 to find out that the decision of the planning commission had already been taken without giving the objectors (and now appellants) time to put forward their case. This is becoming a common occurrence in planning commissions sessions where the applicant is given priority and the commission is biased from the start.

The Planning Authority and Planning Commission seem to be using different interpretation of the law as they deem fit going directly against the right of equality of arms in terms of law.

That should the decision not be suspended forthwith; appellants will suffer prejudice in that the necessary regulatory process would have not been observed with the approval of a catering activity which will be detrimental to the residential designation of the area and residents as a whole.

In view of the above the appellants are humbly requesting this honorable tribunal to suspend the decision of the Planning Commission and all its effects and to decree on all matters as it deems fit given the serious lack of equality.

Yours faithfully,

The image shows three handwritten signatures in black ink. The first signature on the left is for Matthew Aquilina, the middle one is for Paul Buttigieg, and the right one is for Lino Mallia. The signatures are fluid and cursive.

Matthew Aquilina, Paul Buttigieg and Lino Mallia