

5th October 2022

**Tribunal ta' Revizjoni
tal-Ambjent u l-Ippjanar
Floriana**



Nru. ta' l-Applikazzjoni: PA/8837/21

Lokazzjoni: 136, Empire Flats, Triq it-Torri, Sliema

Proposta: Proposed extension to an existing block of apartments including demolition of existing washroom level to construct an additional floor and proposed recessed level above the washrooms and extension of the existing common parts.#

Ref. Taghna:

Ref. Tribunal:

Priscilla Cuschieri

vs

L-Awtorita' ta' l-Ippjanar

Appellant states:-

- I) That in 2021, this application was submitted.
- II) The Authority rejected this application and the decision was published on the 20th September 2022.
- III) The Appellant feels aggrieved by this decision and are submitting this Appeal.

Attached please find:-

- o A copy fo the decision (Dok JA1).
- o Receipt of Payment of the Appeal fee (Dok JA2).

Appellants respectfully submit:

- 1.1 It is quite clear that the decision of the Authority is wrong since it imposes restrictions on the Appellants properties which restrictions allegedly result from Regularisation processes.
- 1.2 Furthermore the first reason of refusal is no longer applicable since the proposal had been endorsed by the SEO as per minute 183.
- 1.3 The Authority did not have any legal basis to assume that the decision of the SEO was issued on the basis of wrong information since the SEO had access to all the documentation of the site in question.
- 1.4 Third parties cannot avail themselves of a Regularisation procedure to limit the development rights of rightful owners, since any such regularisation was issued LIMITEDLY in relation to the illegality of the apartment subject of the said Regularisation, which regularisation would have still been approved even if the current application was approved beforehand.
- 1.5 A regularisation cannot in any manner impinge on the rights of other owners, and any decision to this effect would effectively tantamount to an illegality imposing an illegitimate restriction of legitimate development.
- 1.6 The Authority also failed to indicate how and if any of the Regularisation processes it quoted relates to the actual property of the Applicant.

On the basis of the above, the Appellants request the Tribunal to uphold their appeal and order the Authority to issue the relative permit.

Respectfully,



Av. Ian J. Stafrace
9/4 Britannia House
Old Bakery Street
Valletta

Witnesses:

1. The appellants and the appellee and their consultants to testify on the facts of the case.
2. The authority and its officials to testify on the facts of the case.

A handwritten signature in dark ink, appearing to read 'Av. Ian J. Stafrace', written in a cursive style.

**Av. Ian J. Stafrace
9/4 Britannia House
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