



DeMicoli & Associates
Architects

Postal Address: Spinola Park, Level 0, Triq Mikiel Ang. Borg, St. Julians SPK 1000, Malta
tel: [+356] 21381500 **e-mail:** info@danda.com.mt **web:** www.danda.com.mt
Registration No.: C-8243 **VAT No.:** MT15566534 **VAT Exemption No.:** EXO 1915

Our Ref: F2984 - Ramla Bay Resort Hotel Phase II

Date: 11th October 2022

Application Number: PA/02943/19

Location: Ramla Bay Resort, Triq ir-Ramla tal-Bir, Marfa, Mellieha

Proposal: It is proposed to demolish existing hotel, excavate and construct a new Class 3B hotel having 396 rooms, Class 3C Gym, class 3D diving centre and water sports facilities, Class 4B retail outlets, Class 4D bars, Class 4D restaurants and ancillary facilities including an indoor and an outdoor pool, parking area plus multipurpose halls

Blk B
EPRT
St Francis Ditch
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
11 OCT 2022
ST. FRANCIS DITCH
FLORIANA

Re: Appeal on the Imposition of a fine of €50,000 relative to EC59/19

Dear Sir / Madam,

The Client and Architect received correspondence dated 12th September 2022 in relation to PA2943/19 (DOK-1).

This document states that the executable permit would only be issued upon two conditions: -

- a) Payment of a fine of €50,000 in relation to EC/59/19;
- b) Presentation of a bank Guarantee of €1677.24 in accordance with LN295-2007.

Item (b) has been presented to the Planning Authority (DOK-2).

Item (a) has also been paid by the Client (DOK-3).

This fine is being paid under protest, and we are submitting our appeal against the correspondence dated 12th September 2022 (DOK-1).

It is pertinent to state that the fine was not mentioned in the DPAR of PA2943/19, nor was it discussed during the PA Board sitting. Our Client only obtained knowledge of this fine via letter DOK-1 dated 12th September 2022. Our Client was not given the chance to defend himself against the imposition of this fine. To add insult to injury the executable permit will not be issued until the fine is paid.



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Normally daily fines are suspended on appeal. Appeal 217/19 was submitted within the 30 day time frame from the date of issue of the enforcement notice. Therefore, how is it possible that a maximum fine of €50,000 has been imposed when the decision date of the enforcement appeal is still pending?

The facts are as follows:-

- 1) EC59/19 was issued on 13th May 2019, and was received by D+A on 21st May 2019 (DOK-4);
- 2) Our office submitted an appeal 217/19 against this enforcement;
- 3) On 31st May 2019 (DOK-5), our office replied to a request by the PA Board to submit the required information within the imposed deadline (31st May 2019);
- 4) The Planning Authority replied to letter of the 31st May 2019, via a general letter dated 2nd November 2021 (DOK-6);
- 5) Please refer to DOK-7, being a screenshot from the e-Apps server relative to PA/4649/15, that proves that Client and Architect did not receive any correspondence from the PA in reply to letter dated 31st May 2019, other than that indicated in DOK-6, dated 2nd November 2021;
- 6) DOK-8 is an e-mail from the PA Board Secretary which states that the general letter of the 2nd November 2021 has closed three of the four reasons why EC59/19 was issued and that only the Tri-Partite agreement is pending;
- 7) DOK-9 is a sworn affidavit by the Client's representative, Mr. Edmond Bartolo. DOK-9 forms part of the Appell 217/19. In this affidavit, Mr. Bartolo explains (also via various documents enclosed within the affidavit) that the Client has always been available to sign the Tr-partite agreement since 2019, and the reasons why this agreement was not signed were totally outside his control;
- 8) DOK-10 is another e-mail from the PA Board Secretary which states that the PA Notary is presently preparing a draft contract. This e-mail is dated 29th September 2022.

In view of the above documents we feel that the fine was only valid from the date of arrival at our offices, that is the 21st May 2019, to the date of our submission to Mr Thomas Paris, dated 31st May 2019.

We reserve the right to submit further information as deemed necessary.

List of witnesses:

- | | | |
|-----------------------|---|-----------------------------|
| a) Perit Ray DeMicoli | - | DeMicoli & Associates Ltd., |
| b) Perit Paul Borg | - | DeMicoli & Associates Ltd., |
| c) Perit Frank Cortis | - | DeMicoli & Associates Ltd., |



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d) Mr. Edmond Bartolo - Holden Development Company Ltd.,

Yours Sincerely,

Perit Paul Borg
obo DeMicoli and Associates Ltd.,

cc Client
Dr. Robert Gauci Maistre`

encl DOK-1 to DOK-9