

Rent Regulation Board

Magistrate Dr Josette Demicoli LL.D

Joseph Bezzina (ID no 0251971M)

Vs

Abdul Addurahane Richard (ID no 81027A)

Application Number: 58/17

Today 8th June, 2017

The Board,

Having seen the sworn application of Joseph Bezzina (ID no 021971M) which reads:

DECLARATION OF FACTS AND REASONS BEHIND THE CLAIM:

- 1) That by virtue of a private writing dated the twenty-first (21st) of December of the year two thousand and sixteen (2016) (Doc. JBI), the applicant gave and granted by title of lease in favour of the respondent who accepted by the same title of lease, the apartment internally numbered ten (10), forming part of a block of apartments named 'Joann Flats', in Tourist Street, Qawra and this in accordance with the terms and conditions listed in the same private writing, including:
 - (a) that the lease period was stipulated for two (2) months commencable from the twenty-first (21st) of December of the year two thousand and sixteen (2016) till the twenty-first (21st) of February of the year two thousand and seventeen (2017);

(b) that the respondent bound himself to pay the applicant the rent in the sum of five hundred and fifty Euro (€550) per month;

(c) that the respondent bound himself to pay the afore-mentioned rent every month in advance;

- 2) Therefore the period for which the applicant granted the afore-mentioned apartment to the respondent, has expired and therefore the lease has terminated;
- 3) That the respondent defaulted in the payment of rent, for the period from the twenty-first (21st) of January 2017 till the twenty-first (21st) of February 2017;
- 4) That notwithstanding the fact that the respondent was duly called upon, by means of a legal letter dated the twentieth (20th) of March of the year two thousand and seventeen (2017) (Doc. JB2), to vacate the apartment in question and to pay the applicant the amount owed for arrears in rent, within three (3) days from the date of the same legal letter, he remained in default;
- 5) That the respondent is still occupying the premises above described;
- 6) That the applicant is personally aware of these fact;
- 7) That in the applicant's view, the respondent has no defence to raise against the applicant's demands;
- 8) That therefore, the dispositions for special summary proceedings as per article 16A *et sequitur* of Chapter 69 of the Laws of Malta are applicable to these proceedings;
- 9) That consequently this case had to be filed;

Thus, in view of the above stated, the respondent is hereby demanded to state why this Honourable Board for the afore-listed reasons, should not, saving any other declaration deemed necessary according to law:-

- 1) Decide the case and proceed with judgment according to the applicant's demand without proceeding to trial and this in accordance with article 16A et sequitur of Chapter 69 of the Laws of Malta;
- 2) Declare and decide that the respondent has defaulted in the payment of rent and owes the applicant the sum of five hundred and fifty Euro (€550) representing arrears in rent due by the respondent, for the period from the twenty-first (21st) of January 2017 till the twenty-first (21st) of February 2017;
- 3) Declare and decide that the lease subject of the private agreement dated the twenty-first (21st) of December of the year two thousand and sixteen (2016) concerning the apartment internally numbered ten (10), forming part of a block of apartments named 'Joann Flats', in Tourist Street, Qawra, is dissolved and terminated and that consequently the respondent is occupying and holding the same apartment without a valid title at law and should return possession of the same to the applicant;
- 4) Condemn the respondent to vacate the apartment mentioned in the previous demand and remove any personal effects from the same apartment, within a short and peremptory period as allowed to him by this Honourable Board and return the possession of the same apartment to the applicant;

With costs and interests from the twenty-first (21st) of January 2017, that is from the date on which the rent was due, till date of effective payment, against the respondent who is hereby being subpoenaed.

Whilst reserving any other action which the applicant may file against the respondent, including an action for damages.

Having seen that defendant was duly notified.

Having seen that defendant appeared today and the Board deemed that he has no defence to raise against the applicant's demands.

Having seen all the acts and documents of the case.

Considers

It results from the acts of this case that by virtue of a private writing dated 21st December 2016, applicant leased the apartment internally numbered 10, forming part of a block of apartments named 'Joann Flats', in Tourist Street, Qawra to defendant for two months starting from the 21st December 2016 in accordance with the terms and conditions of the said writing. Despite that the time has lapsed defendant is still living in the premises as confirmed by himself during the sitting.

During today's sitting applicant has renounced to his claiming the rent which was due for the period from the 21st January 2017 till the 21st February 2017.

In view of this, the Board deems that the applicant's demands should be acceded to.

Thus the Board whilst abstaining from taking cognisance of the second claim, accedes to the other claims put forward by plaintiff and for the purpose of the third claim condemns the defendant to vacate the apartment internally numbered 10, forming part of a block of apartment named 'Joann Flats', in Tourist Street, Qawra and remove any personal effects from the same apartment within the peremptory period of 30 days.

With costs against the defendant.

Dr Josette Demicoli LL.D.

Magistrate

Lorianne Spiteri
Deputy Registrar