

**RENT REGULATION BOARD  
FOR THE ISLANDS OF GOZO AND COMINO**

**CHAIRMAN DOCTOR SIMONE GRECH  
B.A. LL.D. MAG. JUR. (EUR LAW)**

**Sworn Application Number: 7/2019 SG**

**Gauci Joseph**

**vs**

**Mockett Keith**

**Today Tuesday, 11<sup>th</sup> February 2020**

The Board

After having seen the sworn application of Joseph Gauci wherein it was submitted and confirmed on oath that:

1. *That the applicant rented out the property Menhir Flat, Flat 1, Triq il-Virgi, Qala to the defendant, on 10 May 2017 till 9 May 2018 and this for a period of one year and this according to clause number three (3) of the contract herein annexed and marked as **Doc A**.*
2. *That according to clause number eleven (11) of the same contract such a lease can be extended on the permission of the owner, that is, the applicant, for a period of six months every single time or for any other period agreed in writing.*
3. *That the defendant has not paid the lease and for this reason and for other reasons the applicant did not want to renew the lease after its expiry on 10 November 2019. That for this reason a legal letter was sent to the defendant, which copy is hereby annexed and marked as Doc B where he was informed that the lease was not going to be renewed and to vacate the property on 10 November 2019. However, the defendant has remained in default and is refusing from vacating the said property.*

4. *That despite the lease has terminated, the defendant has remained occupying the property de quo, and therefore, he is occupying the property de quo without any valid title at law.*
5. *That, therefore, the applicant wants to take back possession of his immovable aforementioned described which was rented out by him to the defendant.*
6. *That the applicant is at this stage reserving all his other rights at law including inter alia for the payment of rent arrears and he is appositely limiting this present action for the taking back of the vacant possession of the immovable in question.*
7. *That for the above explained reasons there exist all the elements required according to Article 16A of the Laws of Malta for the Honourable Board to uphold the requests without proceeding for the hearing of the case since as far as the applicant knows the defendant has no defence to give to these claims, and this as it has also been confirmed in his sworn declaration which is being presented along with this application.*

#### **REASONS FOR THE CLAIM**

8. *That the applicant rented out to the defendant the property, Menhir Flats, Flat 1, Triq il-Virgi, Qala.*
9. *That despite the lease has terminated on 10 November 2019, the defendant is still occupying the property de quo and therefore without any valid title at law.*
10. *That despite the applicant has called upon the defendant numerous times including by a legal letter, he has remained in default.*
11. *That the applicant would like to take back vacant possession of the property de quo.*
12. *That as far as the applicant knows, the defendant has no defence to give against the applicant's claim.*
13. *That therefore, this case had to take place.*

#### **CLAIMS**

*That the applicant is humbly requesting this Honorable Board to:*

1. *Decide and upholds the request of the applicant without proceeding for the hearing of the case according to Article 16A of Letting of Urban Property (Regulation) Ordinance (Chpt. 69) in view of the above sworn declaration as well as the sworn affidavit herewith annexed and marked as **Doc C**.*

2. *Condemns the defendant within a short and peremptory period to vacate the property, Menhir Flats, Flat 1, Triq il-Virgi, Qala, which property he is occupying and keeping without a valid title at law.*

*With costs and reserving any other right of action belonging to the applicant against the defendant according to law.*

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 the applicant's demands should be acceded to.

Thus, the Board accedes to the claims put forward by plaintiff and for the purpose of the second claim condemns the defendant to vacate Menhir Flat, Flat 1, Triq il-Virgi, Qala within the peremptory period of 3 months from today.

With costs against the defendant.

(sgnd) Simone Grech  
Magistrate

(sgnd) Silvio Xerri  
D/Registrar

True Copy

f/Registrar