BORD LI JIRREGOLA L-KERA

Magistrat Dr. Josette Demicoli LL.D.

Robert Hornyold Strickland (KI 312013L)

Vs

Richard England (776637M)

Rikors Numru: 9/18

Illum 24 ta'April, 2018

Il-Bord,

Ra r-rikors ta' Robert Hornyold Strickland li jaqra hekk:

Illi huwa jikri lill-intimat l-appartament numru 1/26 Triq il-Merkanti il-Belt Valletta bil-kera ta' tlett mija u hamsa u hamsin ewro u wiehed u sebghin centezmu (€355.71) fis-sena jithallas bit-tlett xhur bil-qeddiem biex jintuza bhala ufficju ta' periti, lis-skadenza li jmiss taghlaq fl-1 ta' Marzu, 2018; Illi l-fond kien originarjament mikri lill-Edwin England Sant Fournier A&CE (Architects), imbaghad lill-England & England (architects) u finalment lill-Perit intimat Richard England;

Illi l-intimat ma ghadux juza dan il-post bhala ufficju ta' Periti u qieghed jigi minnu wzat bhala dar residenzjali ghall-uliedu jew dixxendenti ohra inoltre l-istess fond gie sullokat mil-intimat kontra r-rieda u minghajr il-permess tas-sid lill MRSM Ltd;

Illi ghalhekk l-intimat ma ghadux juza l-fond ghall-iskop li kien mikri billi ma ghadux jintuza bhala ufficju ta' Periti u jinsab bhala ufficju ta' periti maghluqa u l-fond qieghed jintuza ghall-abitazzjoni u ghall-skopijiet idfferenti minn dawk ghall-liema kien mikri, u dan apparti li saret sullokazzjoni projbita;

Illi ghalhekk ir-rikorrent ghandu d-dritt jirriprendi l-pussess tal-fond stante li l-intimat biddel l-uzu tal-fond u l-istess sullokazzjoni;

Ghaldaqstant jitlob bir-rispett li dan l-Onorabbli Bord joghgbu jawtorizza lir-rikorrent li ghar-ragunijiet fuq premessi u dawk kollha li jistghu jirrizultaw tul

it-trattazzjoni ma jgeddidx il-kirja tal-istess fond u jordna l-izgumbrament tal-intimat mill-istess fond;

Bl-ispejjez u bl-ingunzjoni tal-intimat ghas-subizzjoni.

Ra li l-intimat gie debitament notifikat u li ma pprezenta l-ebda risposta u dan billi ntlahaq ftehim bejn il-partijiet.

Ra l-atti u d-dokumenti kollha.

Ikkunsidra:

Illi l-partijiet f'dawn il-proceduri lahqu ftehim bejniethom. Infatti giet prezentata l-iskrittura ffirmata minnhom u dan il-Bord intalab li tinghata sentenza abbazi tal-ftehim milhuq.

Il-partijiet ftehmu s-segwenti fl-iskrittura datata 11 ta' April 2018:

"And whereas the tenant holds on lease from the landlord the premises at 1/26 Merchants Street, Valletta;

And whereas the Landlord has claimed that the tenant was in breach of his obligation at law and has brought action in front of the Rent Regulation Board to terminate the lease of the said premises, which proceedings bear the names application 9/2018 Robert Hornyold Strickland vs Richard England and due for hearing for the 12th April, 2018 hereinafter referred to as the litigation;

And wheareas the parties wish to amicably compromise the litigation between them, now therefore they are agreeing to the following;

1. *The parties are hereby terminating the above-mentioned lease and the tenant is undertaking to vacate the above-mentioned premises by not later than the thirtieth of November, 2018;*
2. *The tenant shall pay to the landlords all arrears of rent up to the 30th November, 2018;*
3. *Each party shall pay his own costs of the said litigation;*
4. *The parties shall ask the Board to deliver judgment in line with this agreement and that is ordering the eviction of the tenant by the 30th of November, 2018.*

Ghaldaqstant billi l-Bord intalab jaghti sentenza fl-istess termini tal-ftehim, konsegwentement qieghed jilqa' t-talba tar-rikorrenti u ai fini ta' zgumbrament l-intimat qieghed jinghata terminu perentorju sabiex jizgombra mill-fond 1/26,

Triq il-Merkanti, il-Belt Valletta sa mhux aktar tard mit-30 ta' Novembru 2018. Inoltre' l-intimat ghandu jhallas l-arretrati kollha tal-kera sat-30 ta' Novembru 2018.

Kull parti ghandha tbati l-ispejjez taghha.

Dr Josette Demicoli LL.D.
Magistrat

Lorianne Spiteri
Deputat Registratur