



MALTA

SMALL CLAIMS TRIBUNAL

ADJUDICATOR DR.

KEVIN MOMPALAO

Sitting of the 15th May, 2015

Talba Number. 6/2014

**Mirim Camilleri and Victor
Camilleri
Vs
Jeanette Lightfoot**

Sitting of the 15th May 2015

The Tribunal;

Having seen the claim of the plaintiffs in which the same are claiming that the defendant be condemned to pay them the sum of one thousand Euros (€1000) as a penalty for unlawful occupation of a leased premises, after the termination of the lease. This in terms of the lease agreement entered into between the parties.

Having seen the answer presented by the defendant, in which by virtue of the first plea the defendant is pleading the lack of competence of this tribunal to hear and decided this case, since the relative competence vests in the Rent Regulation Board.

Having heard all the evidence tendered by the parties and seen all the documents submitted by the parties.

Having seen its decree of the 28th October 2014 whereby it was decided that the case be adjourned for judgment on the first plea. Having seen the decree of the 20th January 2015, whereby this case was adjourned for this preliminary judgment for today.

Informal Copy of Judgement

Considers

That today the lease has been terminated. In fact the present claimed arose for an alleged unlawful occupation by the plaintiff, of the leased premises, after the termination of the lease.

In the judgment delivered by the first Hall of the Civil Court in the case **Massih Massihnia vs Stivala Properties Limited** et decided on the 2nd July 2013 it was held that:-

Galadarba l-Bord tal-Kera hu xorta wahda Tribunal Speċjali, allura l-gurisdizzjoni tiegħu għandha tiġi interpretata b'mod restrittiv u għandha tipprevali il-gurisdizzjoni ordinarja tal-Qorti fejn ma jirrizultax car li l-Bord ingħata gurisdizzjoni".

Għalhekkkwalunkwe kwistjoni ohra li tinsorgi wara tmiem il-kirja għalkemm konnessa u Relatata ma' kirja ma tistax taqa fil-gurisdizzjoni tal-Bord tal-Kera li kien u baqa bord speċjali b'poteri li jwasslu biss safejn tagħtih il-ligi".

This Tribunal agrees with this reasoning and sees no reason why it should depart from it. Since in the resent case this issue is something which arose after the termination of the lease and not during its pendency, it is this Tribunal which has the competence to hear this claim before it.

Thus in the circumstances of this case, this Tribunal rejects the first plea of the defendant and declares itself competent to hear this case. The relative costs of this judgment are to be borne by the defendant.

< Partial Sentence >

-----END-----