

Qorti Civili Prim' Awla.

Fl-Atti tas-Subbasta, nru. 13/2013.

HSBC Bank Malta p.l.c.

Vs

Zanzara co.ltd.



Relazzjoni tal-Perit Tekniku:

AIC Mario Cassar.

[Handwritten signature]

Bir-rispett jesponi,

Illi b'digriet ta' din l-Onorabbli Qorti, l-esponent kien inkarigat sabiex jaccedi fil-fondi ndikati u jaghamel stima tal-valur prezenti tas-suq.

In-adempiment tal-inkarigu moghti lilu l-Perit Tekniku ghamel tlett accessi fil-prezenza tas-Sur Brian Baldacchino, rapprezentant tal-bank H.S.B.C., nhar il-11 ta' April, 2013, nhar it-13 ta' April, 2013 unhar il-11 ta' Gunju, 2013.

Indirizz tal-propjetajiet:

- 1) **Appartament internament immarkat bin-numru 3, 'Victoria Apartment, no.88, Triq il-Kapuccini, San Gwann. Dok.MP1)**



DESKRIZZJONI TAL-FOND.

Dan jikkonsisti f-appartament li jinsab fit-tieni sular, u ghandu *footprint* ta' cirka 63 metru kwadru, u jinkludi zewg kmamar tas-sodda li fihom 3.1 metri bi 3.9 metri, u 2.4 metri bi 3.4 metri rispettivament, kamra tal-banju *en suite* li fiha 1.2metri b'1.4 metri, kcina/kamra tal-ikel li fihom 3 metri b'5.6 metri, kamra tal-banju li fiha 1.6 metri b'1.9 metri. Il-propjeta' ghandha wkoll zewg galleriji miftuha fuq il-faccata. Il-fond jinsab fi stat ta' finitura avanzata, **Dok.MC1)/2/3** izda l-kamra tal-banju ghadha fi stat ta' gebel u saqaf. L-appartament ghandu s-servizz ta' *passenger lift*, u huwa kopert bil-permess ta' zvilupp ref. **PA 02139/05; Dok.1).**

VALUTAZZJONI TAL-FOND.

Wara li l-esponent ikkunsidra l-fatturi rilevanti, huwa tal-fehma illi l-valur prezenti tas-suq, liberu u frank, jammonta ghal €75,000.

- 2) **Il-Penthouse u l-arja sovrastanti, 'Victoria Apartment', no.88, Triq il-Kapuccini, San Gwann; Dok.MP2).**

L-esponent ikkonstata illi din il-propjeta' ma tikkwalifikax bhala *penthouse* izda bhala *duplex unit*, li huwa kopert bil-permess ta' zvilupp ref. PA 02139/05 **Dok.1).**

Fil-livell tat-tieni sular dan il-fond jinkludi zewg kmamar tas-sodda li fihom 2.65 metri bi 3.2 metri, u 2.3 metri bi 3.1

metri rispettivamente, li jinkorporaw parti tal-arja ndikata ghal-galleriji fuq wara tal-fond, skond kif indikati fil-pjanta approvata tal-permess ta' zvilupp, ref. 2139/05/42A **Dok.MP2**). Fl-istess livell hemm kamra tal-banju li fiha metru b'1.9 metri, li ghadha fi stat ta' gebel u saqaf. l-access ghal dan il-livell huwa minn *spiral staircase* (li ghadu jrid jigi stallat) mill-livell sovrastanti tal-bejt. F'dan il-livell, il-permess tal-izvilupp ref. PA 2139/05 approva struttura ta' *kitchen/dining/living* kif indikata fil-pjanta 02139/05/42A **Dok.MP2**)-*proposed roof plan*. Is-sitwazzjoni attwali hija differenti u ma tirrispekkjax dak approvat fil-permess ta' zvilupp, ghaliex kemm parti mit-terazzin ta' quddiem u kemm parti mit-terazzin ta' wara gew

imsaqqa bi strutturi temporanji, biex jitkabbar l-ambjent **Dok.MC2)/1/2**. Dan jikkonstitwixxi irregolarita sanitarja. L-esponent innota illi hemm problema ta' ingress ta' ilma mis-saqaf **Dok.MC2)/3/4**.

VALUTAZZJONI TAL-FOND.

Wara li l-esponent ikkunsidra l-fatturi rilevanti, huwa tal-fehma illi l-valur prezenti tas-suq, liberu u frank, jammonta ghal €80,000.

Notamenti:

Il-prezz prezenti tas-suq huwa ekwivalenti ghall-'Market Value'¹.

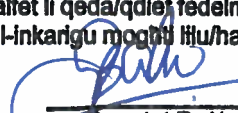
Dan ir-rapport huwa kunfidenzjali ghall-klijent u huwa intiz ghall-uzu indikat hawn fuq biss. L-esponent ma jista' jaccetta l-ebda responsabbilta' jekk dan ir-rapport jigi uzat minn terzi persuni jew inkella jekk jigi uzat ghal skop oltre dak indikat.


¹ *Market Value: "The estimated amount for which the property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion." European Valuation Standards 2009, TEGOVA.*



L-istruttura giet spezzjonata b'mod viziv biss: dawk il-partijiet tal-propjeta' li huma mghottijin jew li m'hemmx access ghalihom ma gewx spezzjonati u dawn il-partijiet huwa meqjusin li jinsabu f'kundizzjoni tajba. Dan ir-rapport ma jistax jigi interpretat li jikkonferma l-istabbilta' u l-integrita' tal-istruttura u l-bini.

Tant ghandu l-esponent x'jissottometti ghal wisq aktar savju gudizzju ta' din l-Onorabbli Qorti.

Ilum <u>26 ta' Settembru 2013</u>
Deher il-Perit Legali / Tekniku: <u>A/C Mario Cassar</u>
Li wara li ddikjara li thallas l-ammont lill dovut, halef/halfet li qeda/qdlet fedelment u onestament l-inkarigu mogħti lillu/ha.
 Deputat Registratur



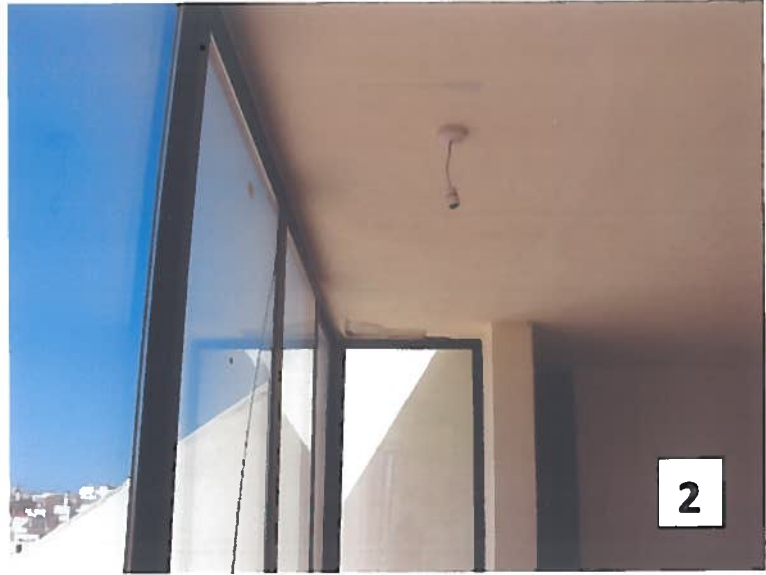
mario cassar
Architect & Civil Engineer
"il-Gima", Triq il-Marg,
Attard ATD-2382

Perit Mario Cassar.

Ilum 23 SEP 2013
Ippreżentata mill-Perit M. Cassar
bla dck/b dokument dokument



MC1



MC2



To: Mr Claude Grima
obo Zanzara Co. Ltd.
38, Suites 1 & 2
Luzju Street
Sliema SLM 08

Date: 15 March, 2007
Our Ref: PA 02139/05

Application Number: PA 02139/05
Application Type: Full development permission
Date Received: 14 April, 2005
Approved Documents : PA 2139/05/ 1B, 42A, 42B

Location: Saviour House, Triq Il-Kapuccini, San Gwann
Proposal: To demolish existing apartment and construction of proposed apartments.

Development Planning Act 1992 Section 33 Full Development Permission

The Malta Environment & Planning Authority hereby grants development permission in accordance with the application and plans described above, subject to the following conditions :

1. The permission is subject to a contribution amounting to the sum of LM 1500 (one thousand five hundred Malta Liri) in favour of MEPA's Urban Improvements Fund for the locality of the site. The funds raised shall be used to fund traffic management, green transport, urban improvements or similar projects in the locality of the site. The contribution shall not be refundable and funds shall be utilized as required and directed by the Malta Environment and Planning Authority.
2. Air conditioning units shall not be located on the facades of the building which are visible from a public space. Any such units located at roof level shall be set back from the facade by at least 1 metre.
3. There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street.
4. The balcony(ies) shall be located so that its side outer face is at least 0.75 metres away from the outer face of the party wall nearest to the balcony.
5. All services located on the roof of the penthouse/s, stairwell/s and/or washroom/s shall be clustered together and surrounded by a 1.5 metres high non-solid screen. The services shall not exceed the height of this screen, which shall be set back 2 metres from the front and back edges of the roof of the underlying

penthouse/stairwell/washroom structures.

6. a) This development permission is valid for a period of FIVE YEARS from the date of this notice but will cease to be valid if the development is not completed by the end of this five year period.
- b) It should be noted that a third party may have the right of appeal against this permission. Any development which is carried out when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Planning Appeals Board or quashed by the Court of Appeal.
- c) This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.
- d) All works shall be carried out strictly in accordance with the approved plans and the conditions of this permission. Where a matter is not specified on the plans then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and modify the plans accordingly.
- e) All building works shall be erected in accordance with the official alignment and proposed/existing finished road levels as set out on site by the Malta Environment & Planning Authority's Land Surveyor. The Setting Out Request Notice must be returned to the Land Survey Unit of the Malta Environment & Planning Authority when the setting out of the alignment and levels is required.
- f) Before any part of the development hereby permitted commences, the enclosed green copy of the Development Permit shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permit must be maintained in a good condition and it shall remain displayed on the site until the works are complete.
- g) The enclosed Commencement Notice shall be returned to the Malta Environment & Planning Authority so that it is received at least five days prior to the commencement of the development hereby permitted.
- h) Copies of all approved plans and elevations shall be available for inspection on site by Malta Environment & Planning Authority staff at all reasonable times.
- i) Where the street bordering the site is unopened, it shall be opened up **prior to the commencement of the building operations** hereby permitted.
- j) Work shall not commence on the construction (including excavation), alteration or demolition of the building until a covered way or a fence, boarding or barricade has been constructed as follows
- A Where the construction or demolition activity is located **less than 2 metres from**

a public way used by pedestrians a covered way shall be provided (unless the work is carried out within a solid enclosure; site work conditions are more than 2 metres from a public way used by pedestrians, or the work duration does not exceed 5 days). This covered way shall

- (i) have a clear height of not less than 2.5 metres;
- (ii) have a clear width of not less than 1.5 metres or the width of the public way whichever is the lesser;
- (iii) be designed and constructed to safely support all loads that may be reasonably be expected to be applied to it;
- (iv) have a weather tight roof sloped towards the site or if flat be equipped with a splash board not less than 300mm high on the road side;
- (v) be totally enclosed on the site side with an enclosure having a reasonably smooth surface facing the public way;
- (vi) have a railing 1 metre high on the road side where the covered way is supported by posts on the road side, and
- (vii) be adequately lighted between sunset and sunrise.

B Where the construction or demolition activity is located **2 metres or more from a public way used by pedestrians**, a strongly constructed hoarding, boarding or barricade shall be erected between the site and the public way or open sides of a construction site, and the hoarding, boarding or barricade shall

- (i) be not less than 1.8 metres high;
- (ii) have a reasonably smooth surface facing the public way;
- (ii) be without openings, except those required for access.

Access openings shall be equipped with solid gates which shall be kept closed and locked when the site is unattended and shall be maintained in place until completion of the construction or demolition activity.

Authorisation for these arrangements must be obtained from the Local Council.

k) No building material, waste material, machinery or plant shall obstruct the pavement or the smooth flow of traffic on the road in the vicinity of the site. The deposit of materials or the placing of equipment in the street must be authorised.

l) Any soil on the site shall not be built over but shall be collected for reuse. A permit from the Director of Agriculture is required to remove the soil from the site. All soil shall be deposited at the place indicated by the Director of Agriculture.

m) Rock spoil, boulders and other waste materials resulting from excavations or from demolition on this site shall be deposited at an official waste disposal site or used as fill material. If waste materials from the development are not to be reused, they shall not be disposed of other than at an official waste disposal site. A permit from the Environmental Protection Directorate is required to this effect.

n) The height of the building shall not exceed the permitted number of four (4) floors and penthouse as indicated on the approved drawings.

o) The facade of the building shall be constructed in local stone, except where other materials, finishes and colours are indicated on the approved plans and drawings.


p) Apertures and balconies shall not be constructed of gold, silver or bronze aluminium.

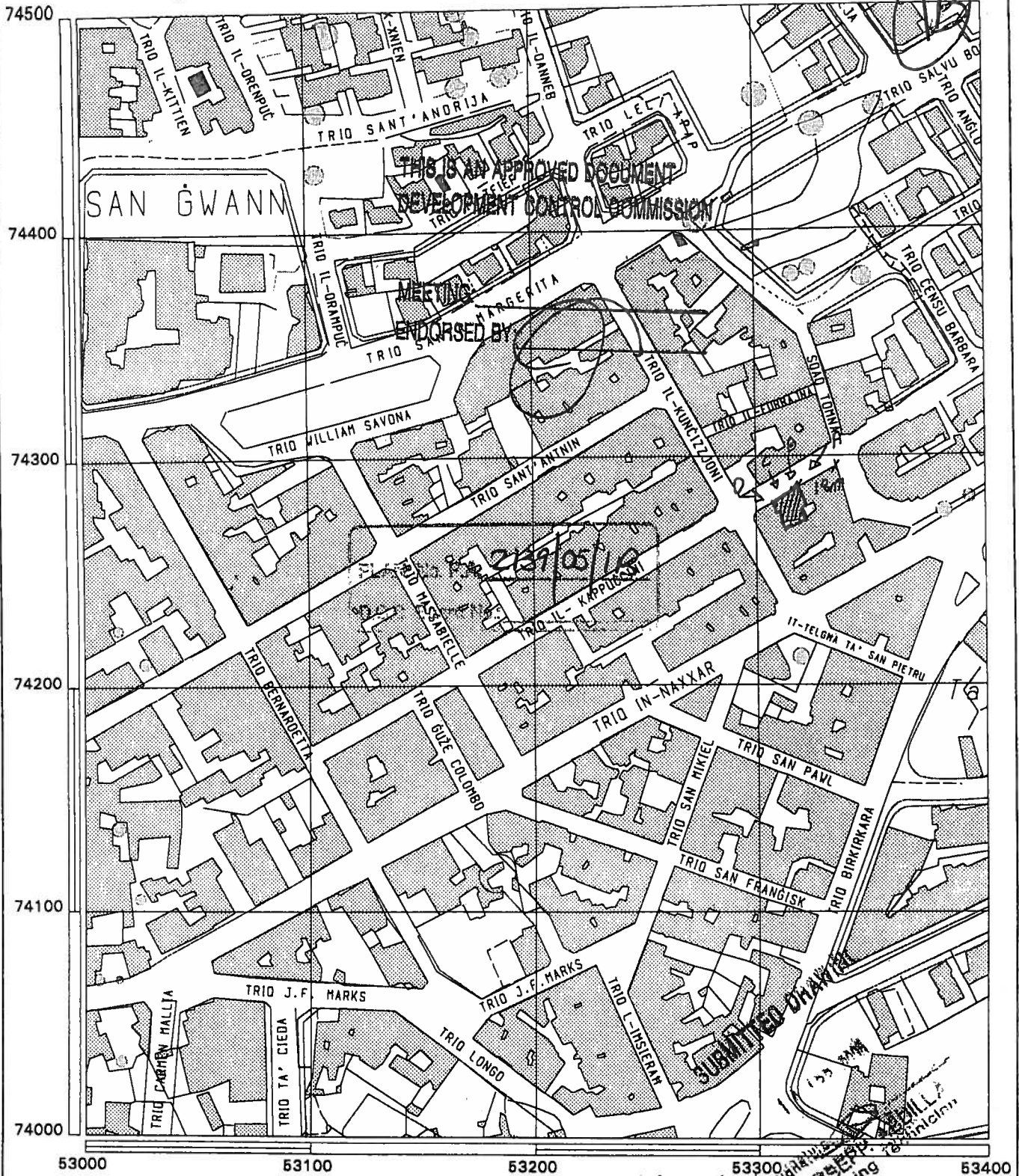
q) A water cistern with a volume in cubic metres of 30% of the total roof area (in square metres) of the building(s) shall be constructed to store rainwater run-off from the built-up area of the development. This cistern shall be completed and available for use prior to the development hereby permitted being first brought into use.

r) The development hereby permitted shall not be brought into use until the Final Compliance (Completion) Certificate, certifying that the development has been carried out in full accordance with the plans approved by this permission and with the other conditions imposed in this permission, has been issued by the Malta Environment & Planning Authority.

s) The permit is issued on condition that, where applicable, any excavation shall be subject to the requirements of the Civil Code regarding neighbouring tenements.

This permit is granted saving third party rights. the applicant is not excused from obtaining any other permission required by law. The applicant should contact the following regarding the location and provision of services prior to commencing development :- Enemalta, Water Services Corporation, Maltacom, Drainage Department and Melita Cable.


Marlene Attard
Head DCC Secretariat
Development Control Commission



PLANNING AUTHORITY
 Mapping Unit Site Plan, Scale 1:2500

St. Francis Ravelin
 Floriana
 PO Box 200, Valletta
 Tel:240976 Fax:224846



Part of Survey Sheet(s): 5274

Date :- 12/2/98

- The numbered lines indicate 100m intervals on a U.T.M. grid

- This site plan is not to be used for interpretation or scaling of scheme alignments

- Users noting additions or corrections to this map are kindly requested to inform the Mapping Unit

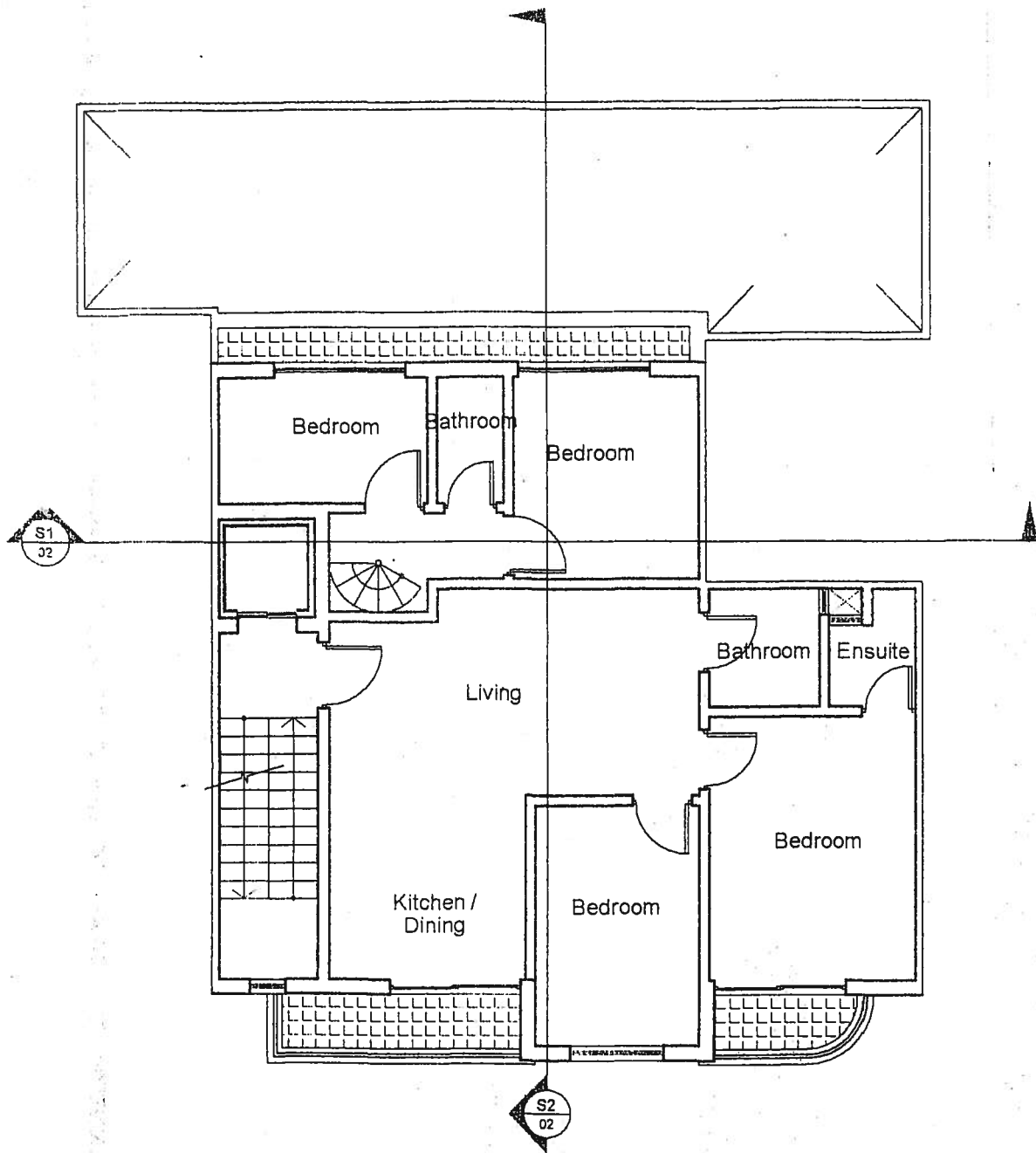


MARIELO SPITERI
 B.E. & A. (Hons); M.T.P. (Newcastle);
 A.S.C.E., M.J.C.E.P., M.B.T.P.I.

Copyright Mapping Unit, Planning Authority

Vat Reg. No.: 1281-6708

Form No.:MU 002

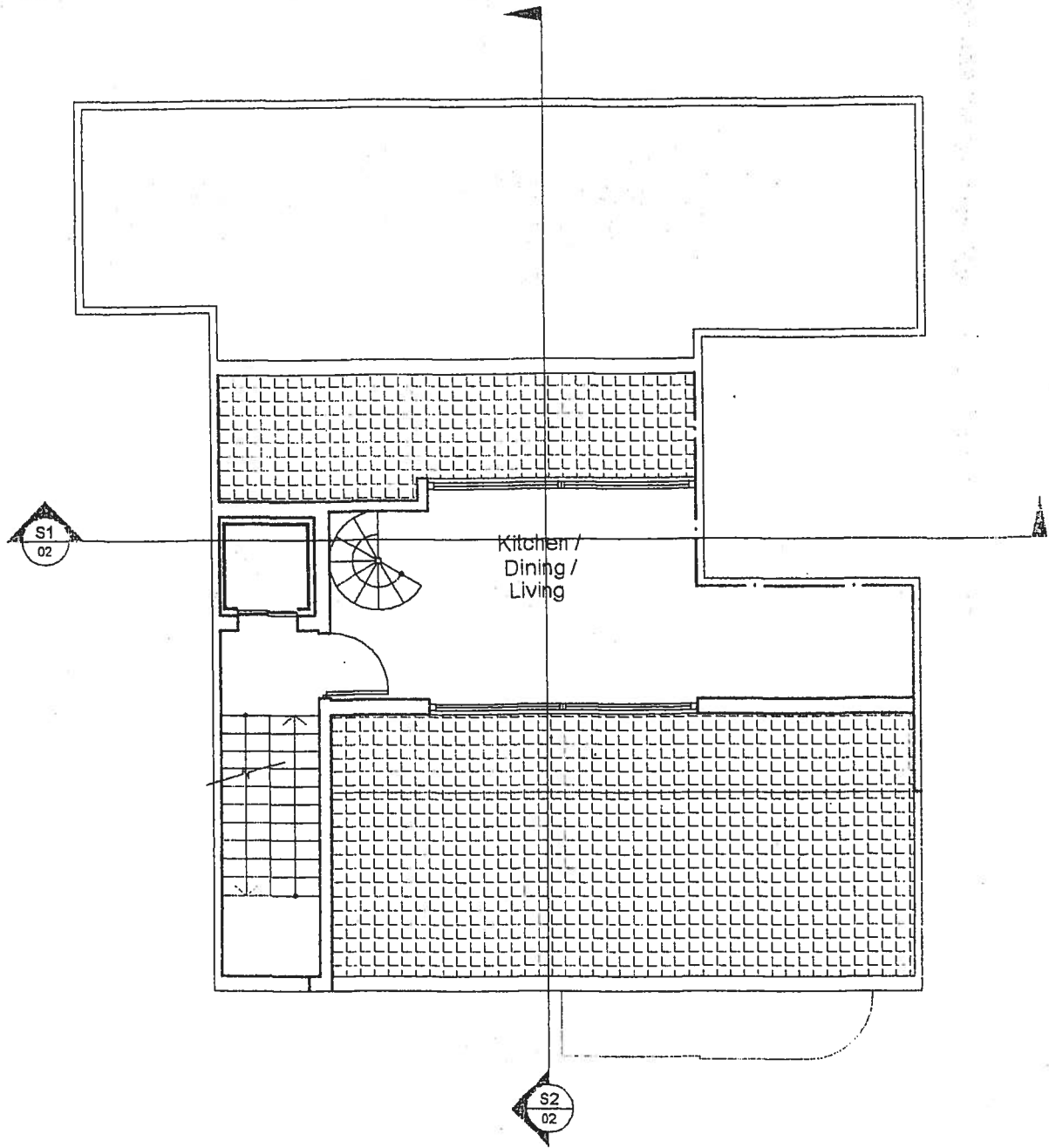


P6
02

PROPOSED 3RD FLOOR PLAN

SCALE 1:100

MPI



P7
02

PROPOSED ROOF PLAN

SCALE 1:100

MP2

