

Fil-Prim Awla tal-Qorti Civili

Ref: Gen 45-15(a)

Referenza fl-Atti tas-Subbasta: 46/15

7 ta' Ottubru 2015

FL-Atti tas-Subbasta Nru. 46/15 fl-ismijiet:

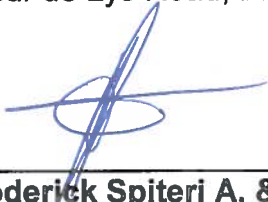
HSBC Bank Malta PLC.

vs

Cini Etienne

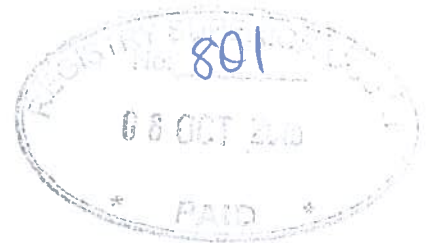
Nota ta' I-Arkitett u Inġinier Civili Roderick Spiteri

Li permezz taghha qiegħed jiprezenta valutazzjoni tal-fond 264/265 'DVM Showroom'
Fleur de Lys Road, Birkirkara.

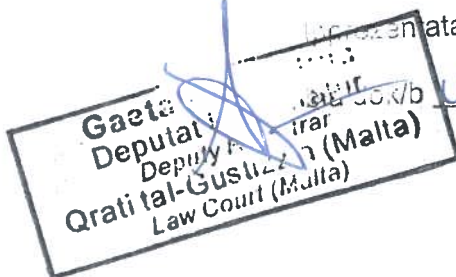


Roderick Spiteri A. & C.E.

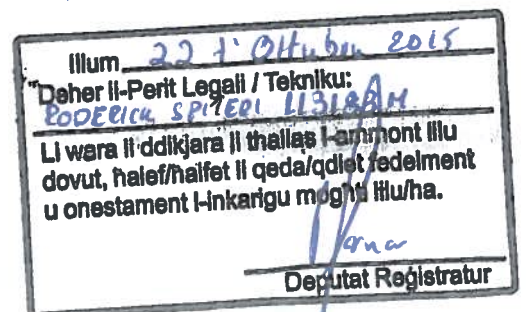
23, 'Monica'
Melita Street
Paola.



08 OCT 2015



08 OCT 2015
Perit R Spiteri
dokument



Fil-Prim Awla tal-Qorti Civili

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FL-Atti tas-Subbasta Nru. 46/15 fl-ismijiet:

HSBC Bank Malta PLC.

vs

Cini Etienne

Rapport ta' l-Arkitett u Inġinier Civili

Roderick Spiteri

Valutazzjoni tal-fond:

264/265 'DVM Showroom' Fleur de Lys Road, Birkirkara.

Inkarigu

Minhabba l-htiega ta' Perit Tekniku il-Qorti Civili appuntat lil Perit Roderick Spiteri sabiex jaċċedi fuq il-post u jagħmel stima tal-propjeta' immobli skond l-ordni mogħtija lilu fid-digriet datat 19 ta' Awissu, 2015.

Aċċessi

Sar aċċess nhar it-23 ta' Settembru, 2015 fl-4.30p.m iżda hadd ma kien prezenti sabiex tinfetaħ il-propjeta' (ittra mibgħuta annessa). Wara din, saret spezzjoni oħra nhar it-30 ta' Settembru fl-4.30pm. Prezenti kien hemm is-Sur Daniel Cini rapprezentant tas-Sur Etienne Cini u l-Perit Roderick Spiteri.

Rapport

Irid jiġi kjarifikat fil-bidu ta' dan ir-rapport li l-Perit hawn taht iffirmat, fiz-żmien li qed jinkiteb dan ir-rapport, ma għandu l-ebda konflitt ta' nteress relatat ma' din l-evalwazzjoni. Iktar min hekk, għandu jkun ċar li dan ir-rapport mhux intenzjonat bħala rapport strutturali u l-ebda responsabilita' m'hi ser tinzamm għal xi difetti li jistgħu jeżistu f'din l-istruttura.

Irid jingħad ukoll li għar-raġuni ta' dan ir-rapport, il-Perit qiegħed jassumi li l-propjeta' hija ħielsa minn kwalunkwe litigazzjonijiet tal-ligi.

Dan il-fond jikkonsisti f'blokk ta' uffiċini fuq żewġ sulari, kamra tal-bejt u bejt bl-arja tiegħu fit-tieni sular u kantina taht il-livell terran kollu li jinsab fil-periferija tar-Raħal ta' Birkirkara f'żona allokata mill-MEPA bħala zona residenzjali. Il-Pożizzjoni fejn jinsab dan il-fond hi iddizinjata għal tlett sulari u peress li dan il-fond għandu l-arja tiegħu hemm il possibiltà li jinbnew żewġ sulari oħra fuq is-sulari li hemm eżistenti bħalissa. Il-fond għandu kwadragg ta' l-arja kollha ta' 124.5m² u wieħed isib parapett fuq quddiem ta' 9.5m², biħa (R-09) fuq wara ta' 13.2m², Kantina ta' 74.0m² u Terran, L-Ewwel Sular u Bejt bi kwadragg ta' 102.0m² kull wieħed.

Din il-propjeta' għandha aċċess minn triq asfaltata (R-01). Biex taċċessa l-uffiċini imsemmija hawn fuq, trid tgħaddi minn go parapett (R-02) u tidhol minn bieb tal-ħgieg għal go komun. Mill-komun tista' tidhol fl-ewwel uffiċini fil-livell terran jew nkella titla' tarag dejjaq (R-05) magħmul minn hadid u njam għal uffiċini fl-ewwel sular.

Il-livell terran hu kompost minn *reception* thares fuq il-faċċata (R-04), spazju mdaqqaqas għall-skrivaniji jiffurmaw uffieċju *open plan*, kamra kbira għall-laqgħat (R-06, R-07), *store*, *toilet* żgħir ħafna (R-08) u garigor li jinzel għal kantina (R-10). Il-kantina hija forma ta' *open plan* u tibqa' hierġa sa taht il-parapett. Kemm mill-parapett kif wkoll minn naħa ta' wara tat-terran hemm *platform lift* (R-03) li jagħti access vertikali għal merkanzija tqila bejn it-terran u l-kantina.

L-Ewwel Sular hu kompost minn uffieċju privat iħares fuq il-faċċata, (R-11) spazju kbir tul il-fond kollu maqsum fi tliet uffieċini separati (R-12, R-13, R-14), *server room* u *store*. Tarag iehor magħmul mill-ħadid u njam iwassal għal kamra tal-bejt (li kienet tintuża bħala uffieċju) (R-18) u żewġ terrazzini; wiehed iħares lejn il-faċċata (20m²) (R-16) u l-iehor iħares fuq in-naħa ta' wara (51m²) (R-17). Għalkemm l-ewwel sular u t-terran m'għandhomx btieħi nterni huma mdawwlin b'dawl naturali permezz ta' żewġ tamboċċi (R-15) (wiehed quddiem u l-iehor wara) fis-saqaf ta' l-ewwel sular. (pjanta annessa għal aktar dettalji)

Minkejja l-fatt li l-propjeta` ilha ma tintuża għal xi żmien, tinsab f'kundizzjoni tajba u għanda bżonn ffit manutenzjoni. L-Uffieċini huma mgħammra b'ħitan diviżorji tal-gypsum u ħġieg, ħitan tal-ġebel jew briks miksija u miżbugħa, bibien tal-injam, armarji tal-injam magħmula tal-qies madwar il-livell terran kollu, twieqi ta' l-aluminju, suffetti tal-gypsum, madum ċeramika, toilet bil-madum u s-servizzi tad-dawl, ilma u drenaġġ kolla mgħoddija. Il-Propjeta` m'għandix arloggi tad-dawl u l-ilma.

Għalkemm kif spjegat hawn fuq il-propjeta` hija komposta minn blokk ta' uffieċini, il-permess attwali tal-propjeta` (*PA 1599/00 To demolish the existing structure except façade. Application includes reconstruction of a shop for retail of electronic goods at ground floor and an apartment at first floor level*) huwa dak ta' ħanut fil-livell terran (*Class 4A*) u Maisonette fl-ewwel sular bl-arja tiegħu. Kif inhu mibni l-post jista' faċilment jinqasam kif originarjament kien maħsub, izda l-ewwel sular peress li m'għandux btieħi nterni, jridu jsiru modifikazzjonijiet skond il-permess oriġinal. Opzjoni oħra hija li ssir applikazzjoni għida l-MEPA sabiex tiġi sanzjonata l-binja eżistenti u l-blokka kolla jkollha permess uffieċjali ta' uffieċini.

Minhabba l-fatti msemija hawn fuq il-fond ser jiġi evalwat hekk kif ġej:

- Il-Livell t-Terran u l-Kantina bhala fond kummerċjali
- L-Ewwel Sular inkluż l-arja bhala fond residenzjali

Il-Livell Terran huwa suġġett għal-ċens annwu u perpetwu ta' tlett ewro u tnejn u tmenin ċenteżmi (€3.82) filwaqt li L-Ewwel Sular inkluż l-Arja huma suġġetti għal-ċens annwu u perpetwu ta' sebġa ewro u ħamsa u sittin ċenteżmi (€7.65).

Wara li eżamina l-propjeta' kif deskritt hawn fuq, ħa l-qisien meħtieġa u għamel il-kalkoli neċessarji, kif ukoll ħa inkonsiderazzjoni l-kundizzjoni tagħha, is-suq tal-lum u kwalunkwe haġa oħra relevanti, il-Perit hawn taħt iffirmit qiegħed jistma l-valur tal-propjeta' hawn fuq deskritta għas-somma ta' **tlett mija u għaxart elef Ewro (€310,000).**

Il-Livell t-Terran u l-Kantina (€190,000)

L-Ewwel Sular inkluż l-arja (€120,000)



**Perit Roderick Spiteri
A. & C.E.**



R-01



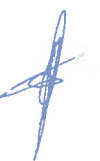
R-02



R-03



R-04





R-05



R-06





R-07



R-08



R-09



R-10





R-11



R-12



R-13



R-14





R-15



R-16

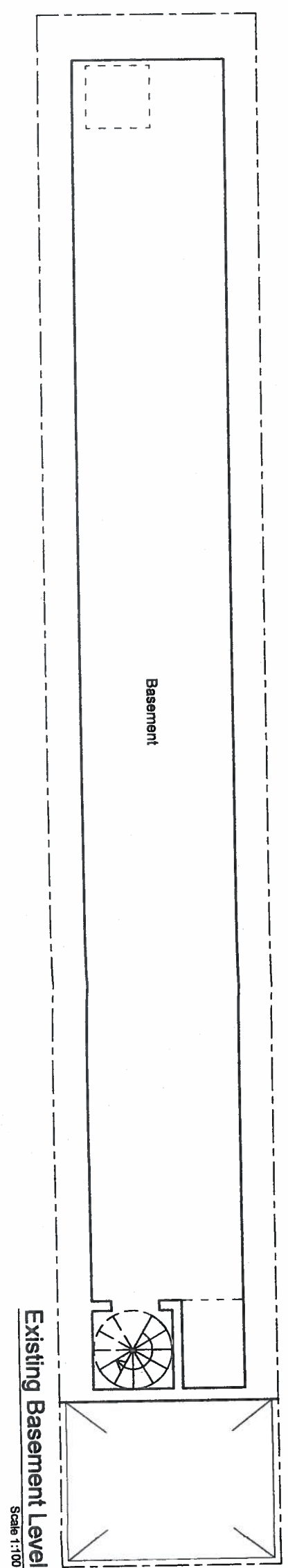
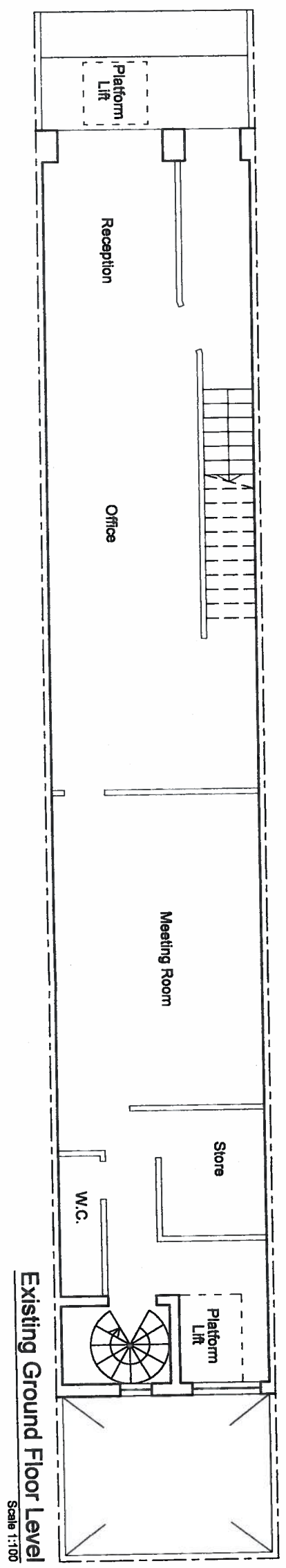
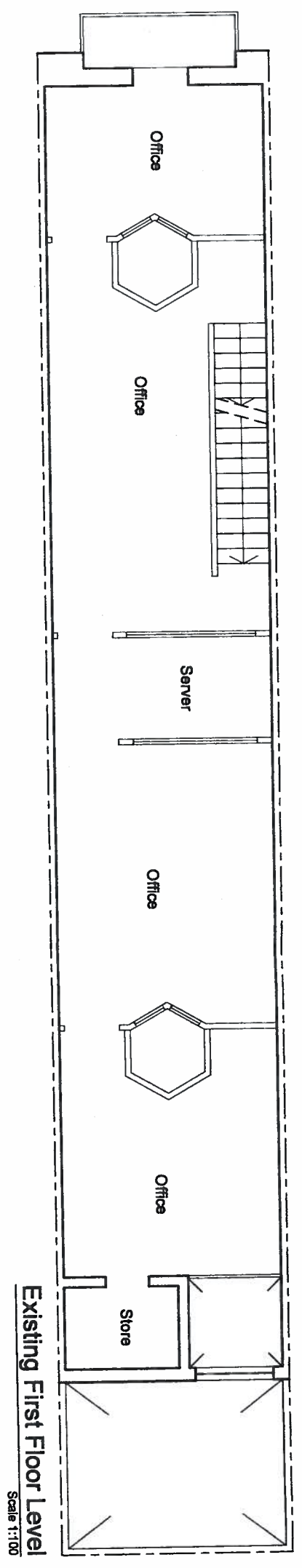
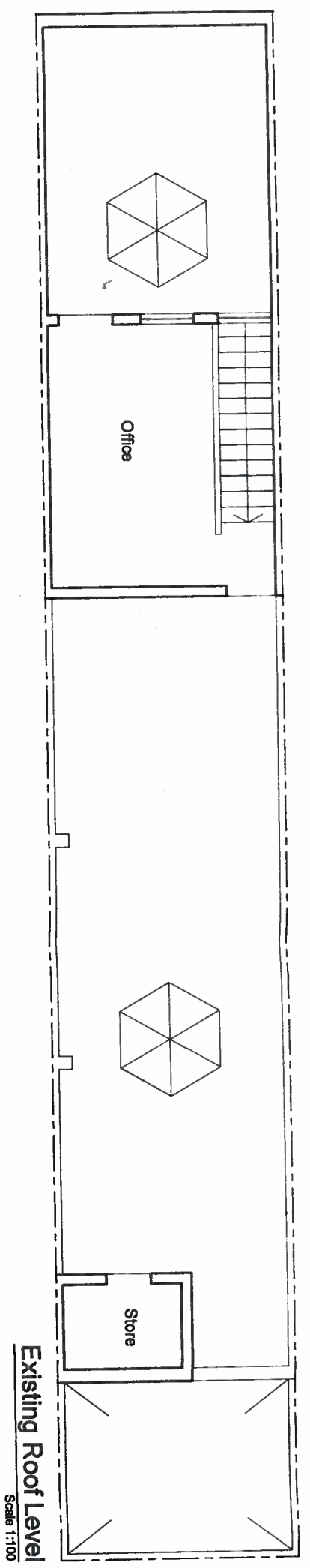
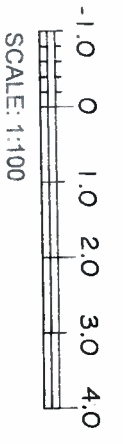


R-17



R-18

A handwritten signature or mark in blue ink, consisting of several overlapping loops and lines, located in the bottom right corner of the page.



Project: Show Room			
Title: Existing Plans			
Address: 264/265 Triq Fleur de Lys Birkirkara			
Client: Qorti Civili	Date: October 2015		
Scale: A3_1:100	Drawn by: R.S.	Drawing No: GEN 45-15	
Pert Roderrick SPITERI ARCHITECT & CIVIL ENGINEER MOb: 79988848 Email: spiteri@roderickgama.com			

CENTRAL MALTA LOCAL PLAN



L-Awtorita ta' Malta Dwar l-Anjenz u l-ippjanar

Malta Environment & Planning Authority

Key

- Local Council Boundary
- Limit to Development (TPS)
- Urban Conservation Area CG09
- Retain Existing Use with extensions to Institutions
- Residential Areas CG07
- Residential Priority Area CG08
- Old People's Home BK02
- Green Areas CG18
- Valley Watercourse - no development area CG30
- Boundary marking approximate limit of zone which is prone to flood risk CG30
- Wignacourt Aqueduct
- Primary Town Centre CG12
- Local Centres CG13
- C/wc Centre BK01
- Commercial Area CG14, BK05
- Commercial Area below upper street level, and residential priority area above upper street level CG14
- Rezoning to Primary Town Centre uses BK03
- Sports CG18
- Mriehel Industrial Area BK04
- CPPS Car Parks BK06
- Car Parks
- Villa Area identified for possible rezoning to Residential Area subject to Policy CG08
- Town Centre uses at ground floor only and residential units above
- Open Space Enclaves CG09

Birkirkara Area Policy Map

Scale: 1:8000

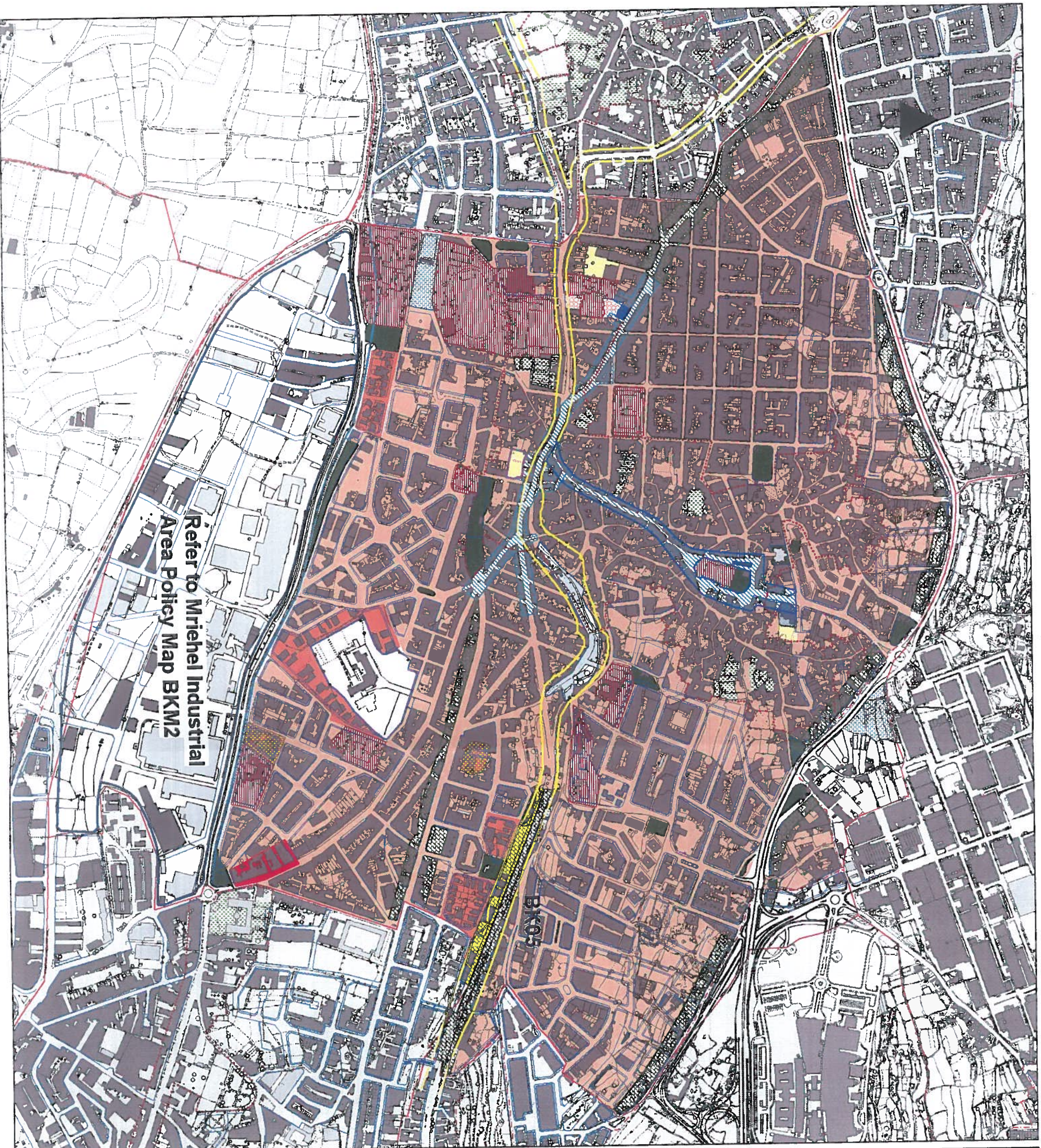
Date: July 2006

INDICATIVE ONLY

Not to be used for direct interpretation or for the interpretation of street alignments

Map: BKMI

Base Maps - 1998 Survey Sheets
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CENTRAL MALTA LOCAL PLAN

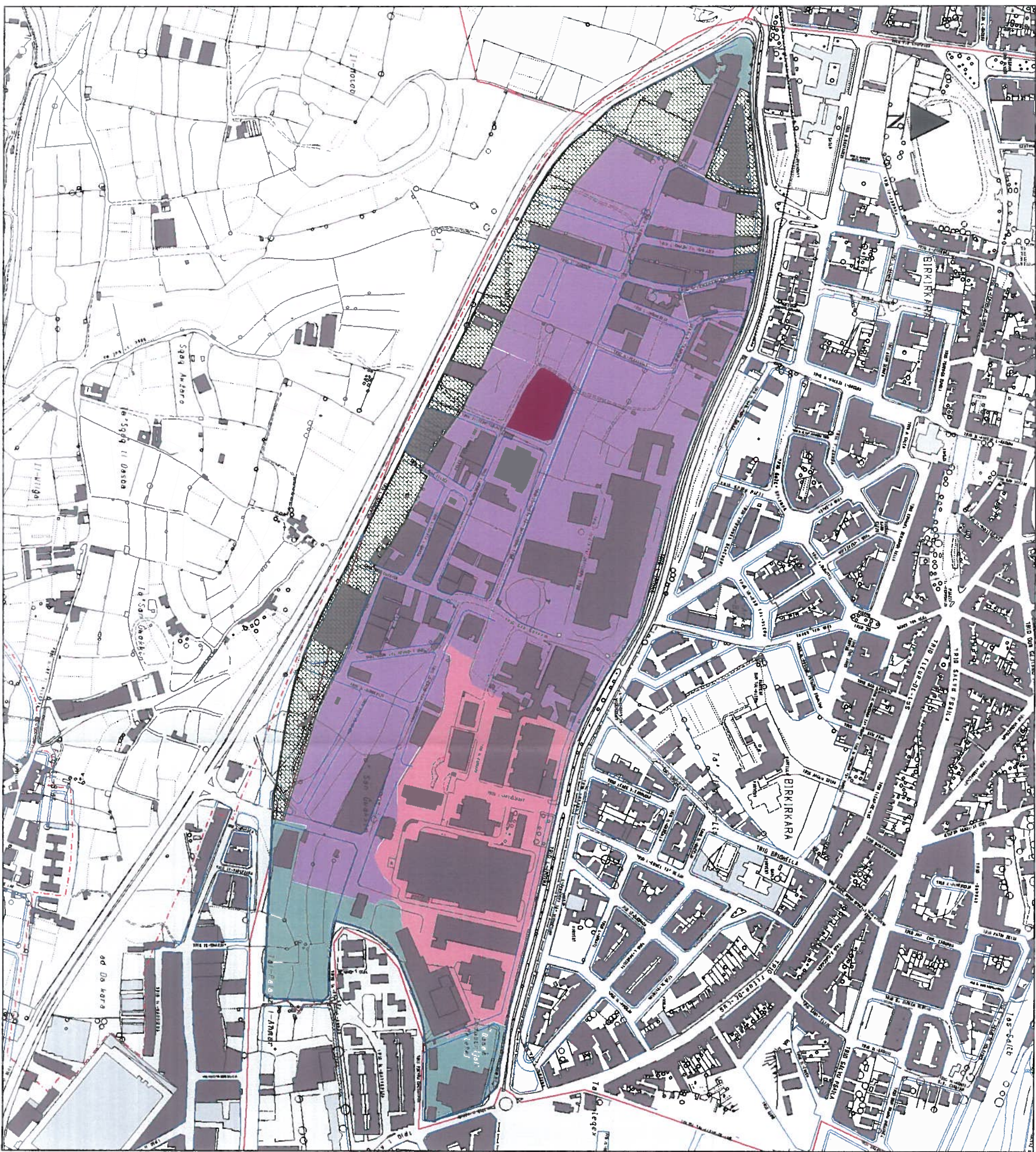


L-Awtorità ta' Malta Dwar l-Ambjent u l-Programm

Malta Environment & Planning Authority

Key

- Local Council Boundary
- Limit to Development (TPS)
- Mriehel Industrial Area BK04
- MIP Estate
- SME Park
- Commercial Area CG14
- Offices
- Public Utility: Waste Management Civic
- Amenity Site and Electricity Substation



Mriehel Industrial Area Area Policy Map

Scale:

1:5000

Date:

July 2006

Map:

BKM2

INDICATIVE ONLY

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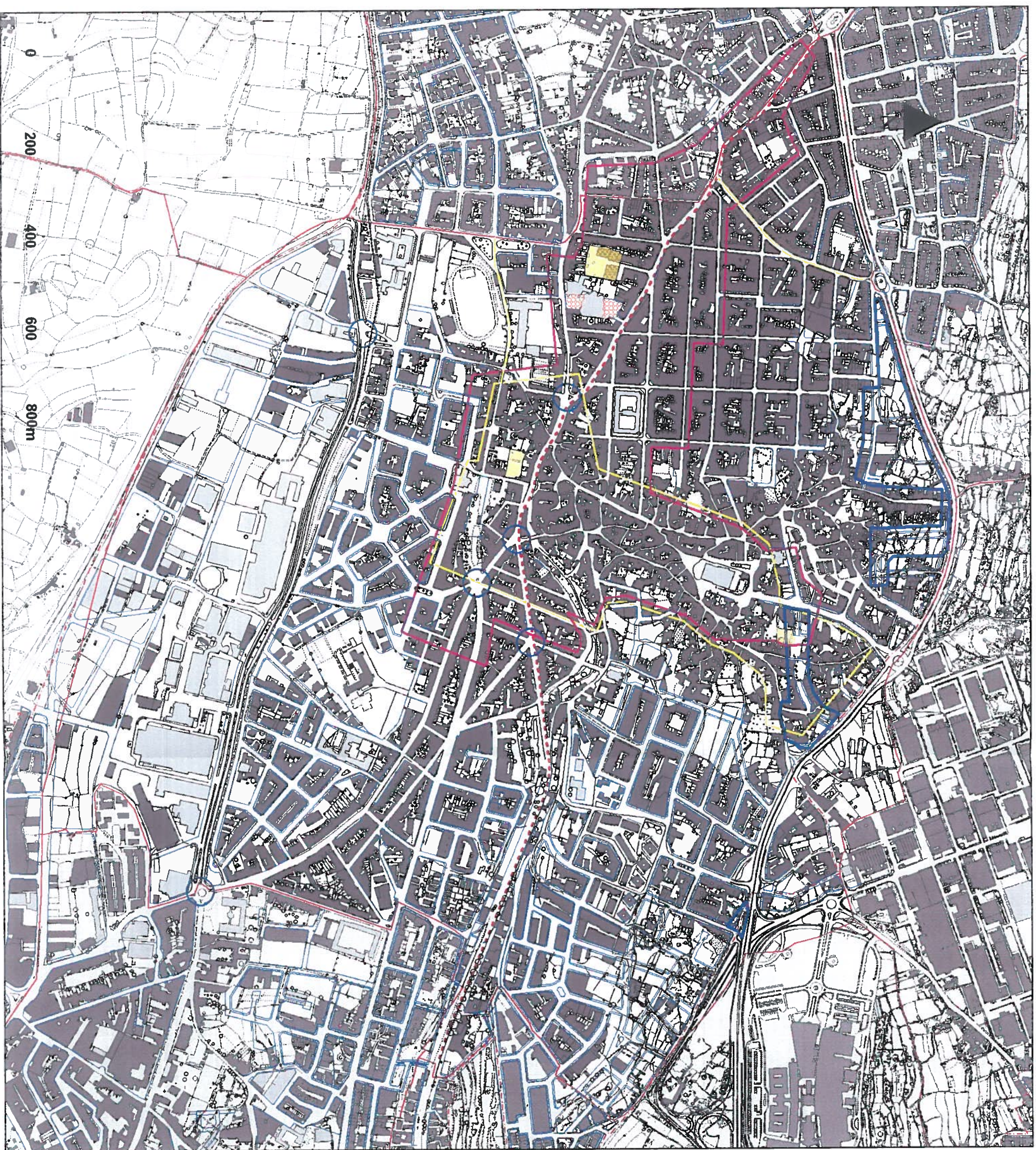
CENTRAL MALTA LOCAL PLAN



L-Awtorita ta' Malta Dwar l-Ambjent u l-Programm
Malta Environment & Planning Authority

Key

- Local Council Boundary
- Limit to Development (TPS)
- CPPS Car Parks BK06
- Car Parks
- Controlled Parking Zone BK07
- Traffic Management BK08
- Traffic Calming BK09
- Review of Scheme Alignment BK11
- Junction Improvement CG39, BK10



Birkirkara Transport Policy Map

Scale:	Date:	Map:
1:8000	July 2006	BKM3
INDICATIVE ONLY		
Not to be used for direct interpretation or for the interpretation of street alignments		

Base Maps - 1998 Survey Sheets
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CENTRAL MALTA LOCAL PLAN



L-Awtorita' tal-Malta Dwar l-Anjgħent u l-Plannjar

Malta Environment & Planning Authority

Key

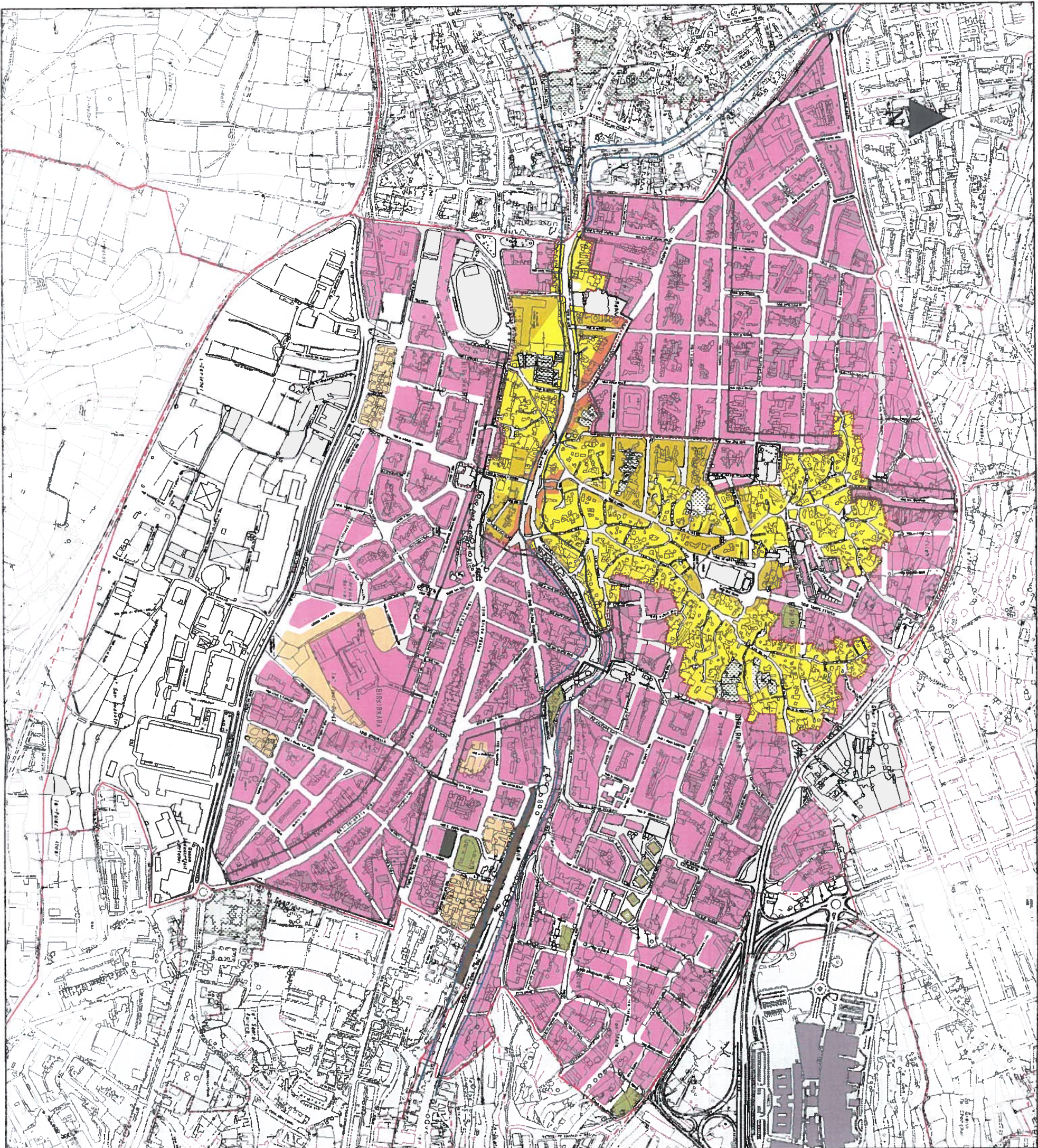
- Local Council Boundary
- Limit to Development (TPS)
- Urban Conservation Area CG09
- Open Space Enclaves CG09

Within UCA

- (Without semi-basement)
- 2 Floors
- 3 Floors
- 3 Floors plus 1 Receded Floor CG06

Outside UCA

- 2 Floors plus semi-basement
- 2 Floors plus semi-basement from Upper Street Level
- 3 Floors plus semi-basement
- No semi-basement within area enclosed by black line
- 4 Floors without semi-basement
- 5 Floors without semi-basement
- Boundary marking approximate limit of zone which is prone to flood risk CG30



Birkirkara Building Height Limitations Map

Scale:	Date:	Map:
1:8000	July 2006	BKM4
INDICATIVE ONLY		
Not to be used for direct interpretation or for the interpretation of street alignments.		

Copy of Original Decision Notice



A W T O R I T A T A ' L - I P P J A N A R
P L A N N I N G A U T H O R I T Y

To: Mr.Etienne Cini
264 Fleur De Lys Road
B'Kara

Date: 21 July, 2000
Our Ref: PA 01599/00

Application Number: PA 01599/00
Application Type: Full Development Permission / 01
Date Received: 27 March, 2000
Approved
Documents : PA 1599/00/1B/1C/1D/1E

Location: 264/265, Triq Fleur-De-Lys, Birkirkara
Proposal: To demolish the existing structure except facade. Application includes reconstruction of a shop for retail of electronic goods at ground floor and an apartment at first floor level.

Development Planning Act 1992 Section 33 Full Development Permission

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

1. Introductory notes and general conditions (A) on form DC 1/88 apply.
2. The advertisement hereby permitted, and any site used for the display of such advertisement, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority. Any structure or hoarding erected or used principally for the purpose of displaying the advertisement hereby permitted shall be maintained in a safe condition. Where an advertisement is required to be removed, the removal shall be to the reasonable satisfaction of the Planning Authority. The advertisement hereby permitted shall not be sited or displayed so as obscure or hinder the ready interpretation of any road traffic sign, or aid to navigation by water or air, or so as to otherwise render hazardous the use of any means of travel.
3. The illumination hereby permitted shall be controlled by automatic timers to turn off at twelve midnight.
4. No approval is hereby granted for any vending machines or the storage of any items outside the shop. These must form the subject of a separate application.
5. All plant, machinery and any other equipment which is audible at the application site boundaries, shall only be operated within the application site between 0700 and 1900 hours on Mondays to Fridays, between 0700 and 1700 hours on Saturdays, and at no time on Sundays or Public Holidays.
6. The height of the building should not exceed two (2) floors.

Copy of Original Decision Notice

7. Windows and doors should not open outwards onto a public street.
8. The development hereby permitted shall not be brought into use until a Final Compliance 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 Planning Authority.
9. 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.
10. A water cistern, having a volume in cubic metres of 60% of total roof area (in square metres), is to be constructed to store rainwater run-off from the built-up area of the development.
11. The facade of the building should be retained and the parts where alterations are necessary should be constructed in local stone except where other materials, finishes and colour are indicated on the approved drawings.
12. All apertures and balconies are to be constructed of timber.
13. This permission for change of use is subject to Trading Licence approval from the Police Department.
14. The premises shall be used only for the sale of electronic goods and for no other purpose, including any use falling within Class 4 of the Development Planning (Use Classes) Order 1994.
15. The use of the premises hereby approved shall at all times be conducted in such a manner so as not to unreasonably prejudice the residential amenities of the locality/adjoining property.
16. The following group of conditions apply to all development:
 - a) All works shall be carried out strictly in accordance with the approved plans. However, where ambiguities or discrepancies arise between the approved plans and the conditions on this decision notice, the conditions shall take precedence over the approved plans.
 - b) Before work begins, the enclosed green copy of the Building Permit must be displayed on site. This must be mounted on a notice board, suitably protected from the weather, and easily legible from the street. The permit must be maintained in good condition until works on site are complete.
 - c) No building material, waste, machinery or plant shall be allowed to obstruct the pavement or the smooth flow of traffic in the vicinity of the site. Deposit of materials or placing of equipment in the street must be authorised by the Police.
 - d) Copies of all approved plans and elevations must be available for inspection on site by Planning Directorate staff at all reasonable times.
 - e) Where applicable, all building works must be in accordance with the official alignment and proposed/existing finished road levels as set out on site by the Planning Directorate's Land Surveyor. The Land Survey Unit of the Planning Directorate must be informed when the setting out of the alignment and levels is required.

Copy of Original Decision Notice

f) Before building operations start, where applicable, the street is to be opened up and brought up to its proper and approved formation levels by the applicant.

g) This development permission is valid for a period of three years from the date of the permission. If, upon the lapse of this three year period, the site has NOT BEEN COMMITTED in accordance with the permit a new application must be submitted to the Planning Authority. If, however, the site has been committed and works HAVE COMMENCED the validity of the permit shall be extended for a period of a further twelve months. In the case of the latter, you should inform the Planning Authority of your intention to utilise your right to extend the permission for a further twelve months and the Authority shall issue a formal notification of this extension.

h) The enclosed Commencement Notice shall be returned to the Planning Authority so that it is received at least five days prior to the commencement of the development hereby permitted.

i) This permit is being issued saving the right of any third party to appeal from such permit. If the applicant wants to avail himself of this permit immediately or pending any third party appeal, the development will be at the risk of applicant in case the permit is revoked by the Appeals Board or the Court of Appeal respectively.

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.



Frances Galea
A/Secretary
Development Control Commission

Subbasta 46115
 464/465, Triq Fleur de Lys
 Birkirkara

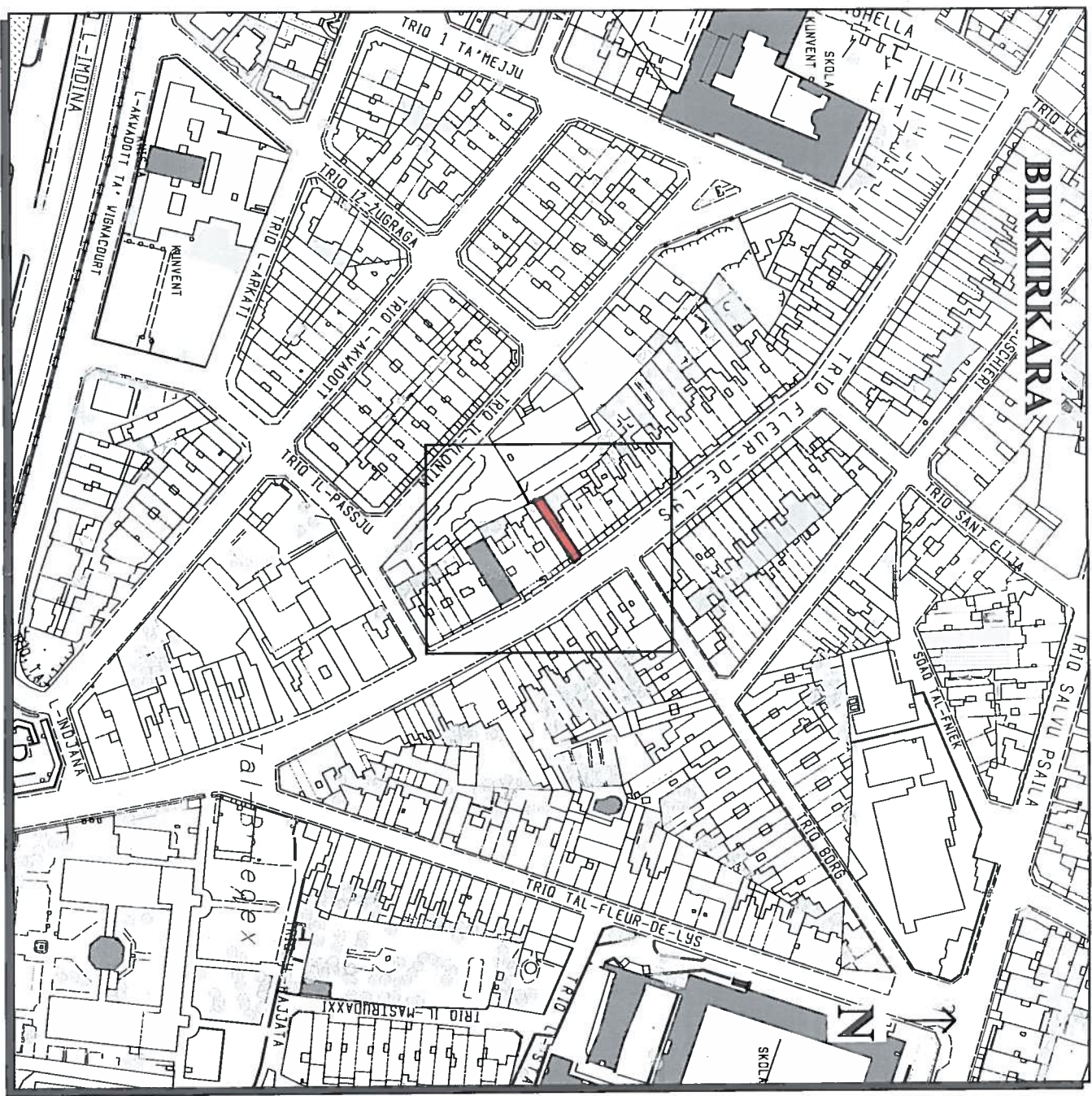
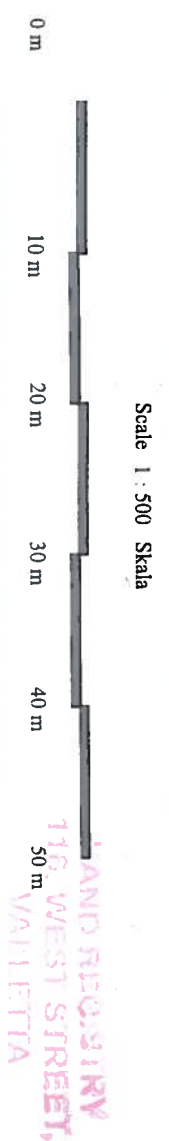
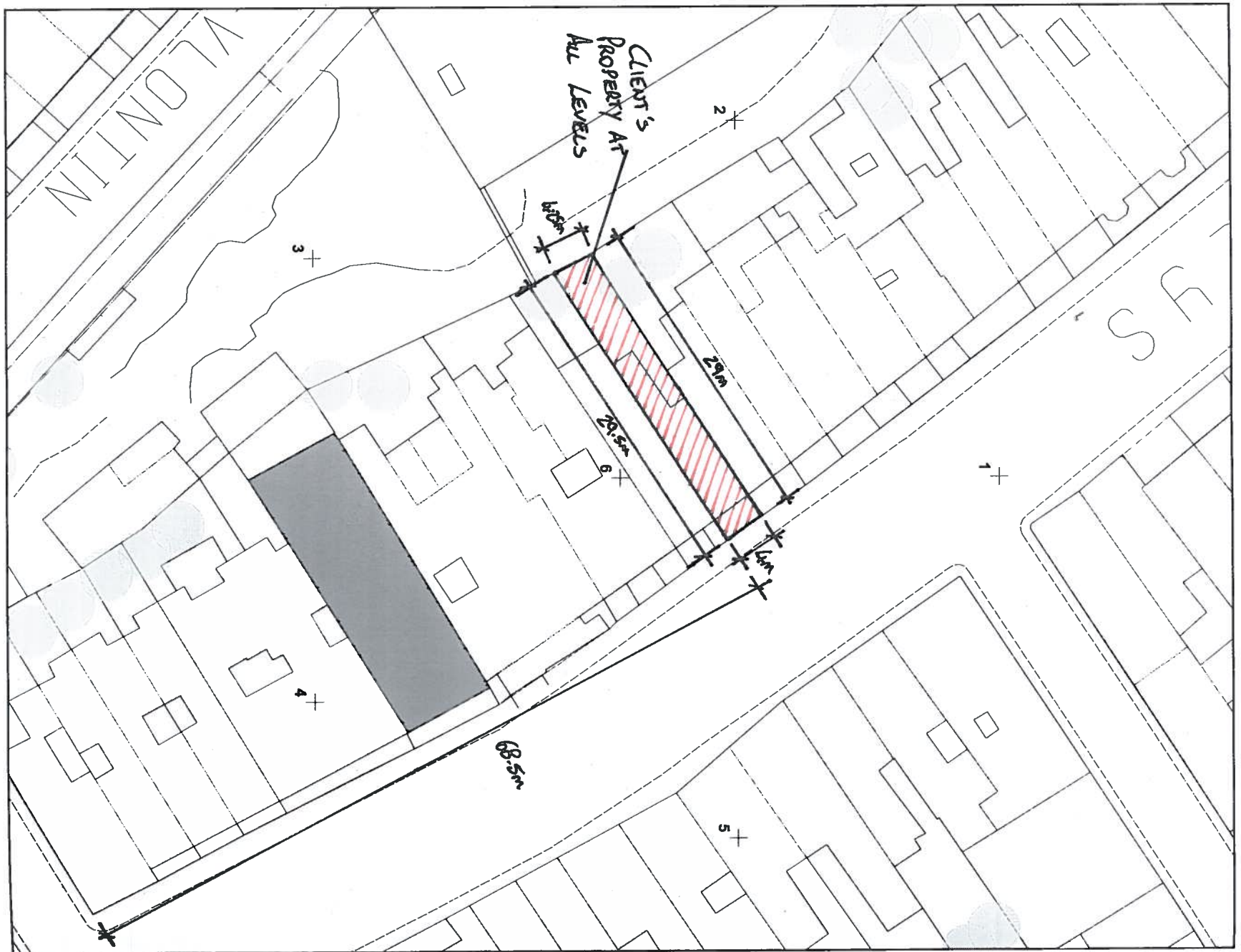
Dan hu dokument uffiċjali għall-użu biss fir-Registru tal-Artijiet

LAND REGISTRY
 116, WEST STREET,
 VALLETTA

This is an official document for Land Registry use only [33 - Registru tal-Artijiet - Malta]

7/10/2015

Scale 1 : 500 Skala



Gvern Ta' Malta
 Pjanta tas-sit 1:2500 Site Plan

Government of Malta

Registru tal-Artijiet

Land Registry

Casa Bolino, 116 Triq il-Punent, Valletta

Casa Bolino, 116 West Street, Valletta

Nru tal-Mappa: 322582M	Posizzjoni Centrali: x = 52372	Parti minn SS: 5272	Data: 05/10/2015
Map Number:	Centre Coordinates: y = 72314	Extracted from SS:	Date:

Perit Architect: **Priti Roderrick**
 Oies (metri kwadri) Site Area **144.5m²**
 Area (square metres)

Timbru tal-Perit Architect's Stamp
 Firmat tal-Applikant Applicant's signature
 Dritt Mhallas Fee Paid