



## QORTI CIVILI - PRIM' AWLA

### IMHALLEF

**ONOR. LORRAINE SCHEMBRI ORLAND**

LL.D., M.Jur. (Eur.Law), Dip.Trib.Eccles.Melit.

ILLUM.....	10 ta' Janwar 2019
DEHER IL-PERIT LEGALI / TEKNIKU.....	Godwin
.....	Abela
LI HALEF LI QEDA FEDELMENT	
U ONESTAMENT L-INKARIGU MOGHTI LILU.	
Josette Demicoli	
Deputat Registratur	

Diff: 10/01/2019

Citazzjoni Numru: 465/2018/LSO

**Judith Gifford**

vs

**Michael Perkins**

B'din ngharrfek illi d-dritt li ghandu jithallas direttament lill-Perit Tekniku, mqabbad mill-Qorti fil-5 ta' Lulju 2018, ghar-rapport li ghamel f'din il-kawza, bl-ispejjez jigu *sopportati provizorjament mill-attrici*, huwa kif gej:

ISEM IL-PERIT	DRITT BL-ISPEJJEZ
PERIT TEKNIKU Godwin P. Abela	€ 1740.18 (VAT Inkluz)

ATTRICI:

**Judith Gifford**

52, Assisi Court, Flt 8, Triq it-Turisti, SAN PAWL IL-BAHAR

KONVENUT:

**Michael Perkins**

Villino Verde, Triq Valletta, MOSTA

Josette Demicoli

DEPUTAT REGISTRATUR

18 ta' Dicembru 2018

First Hall Of The Civil Court  
Hon. Judge Dr. Lorraine Schembri Orland LLD

10/1



**Rikors No. 465/18 LSO**  
**Judith Gifford**  
**vs**  
**Michael Perkins**

**REPORT OF THE COURT APPOINTED ARCHITECT**  
**GODWIN P. ABELA A&CE**

Deferment – 6<sup>th</sup> November 2018

The undersigned respectfully submits:

### 1. ASSIGNMENT

At the hearing of the 5<sup>th</sup> July 2018, the undersigned was appointed to report whether the property is divisible according to law, as well as to determine the rental value from 21<sup>st</sup> February 2017 onwards.

### 2. EXECUTION OF ASSIGNMENT

In accordance with the Court's assignment, the undersigned inspected the premises in question on the 17<sup>th</sup> July 2018 in the presence of both parties and Dr. Douglas Aquilina, acting for the plaintiff.

### 3. DESCRIPTION OF PREMISES

**3.01** The premises, shaded in mauve on the site plan hereunder, are a ground and first floor maisonette forming part of a detached building, outlined in purple. The area shaded in blue forms part of the ground floor maisonette and garden owned by third parties.



**3.02** The premises include a front garden, side curtilage and back garden together measuring approximately 180 square metres. The gross building footprint at first floor level is approximately 220 square metres. The premises include the overlying airspace.

**3.03** The ground floor consists in a front garden leading to a side entrance into a lobby and stairs to the first floor. A separate door leads to a one car garage.

**3.04** The first floor consists of a landing leading to a large central hall in turn leading to a number of independent rooms including a lounge/dining room with an open terrace, a sitting room with an open terrace, a kitchen/breakfast room with an open terrace, a master bedroom, two double bedrooms and a bathroom. Stairs lead to the roof terrace.





**3.05** The premises were built around fifty years ago in load bearing masonry walls supporting reinforced concrete floors and ceilings.

**3.06** The premises are good structural condition with no major visible defects.

**3.07** The premises require upgrading and refurbishment to present day standards; finishes include aluminium and steel apertures, terrazzo tile floors and painted internal doors. The roof surface was with cement tiles.

#### **4. POTENTIAL DEVELOPMENT**

**4.01** The premises lie within a Residential Priority Area subject to Policy CG08 according to the Mosta South Area Policy Map forming part of the Central Malta Local Plan.





**4.02** The premises lie in an area where the height limitation is for two floors over a semi basement, this in accordance with the Mosta South Building Heights Limitation Map.

**4.03** Further to the above, Policy CG06 of the Central Malta Local Plan states:

*Urban areas that were already developed in the 1960's have generally been developed without semi-basements. Therefore, in order to safeguard the streetscapes of these urban areas as identified in the relevant Building heights Maps, no new buildings with semi-basements will be permitted.*

**4.04** Although the coming into force of DC 2015<sup>1</sup> translated the height limitation of two floors over a semi-basement into a height of 13.50 metres, in view of the preceding paragraph, the existing building and overlying airspace cannot be developed further.

## 5. TENURE

The property is held with freehold title.

## 6. BASIS OF VALUATION

**6.01** The basis of valuation was twofold, one, for the existing unit, based on the comparative method considering the value of comparable properties in the area, the other a residual land valuation method, considering the value of the developed airspace and its construction, financing and all other ancillary costs.

**6.02** The value of the developed premises was also based on the comparative method.

## 7. VALUATION

After having taken into consideration the parameters set out above, the undersigned believes that the market value of the premises in question, if sold willingly by their owner on today's open market, would be **€400,000 (four hundred thousand euro)**.

## 8. RENTAL VALUE

**8.01** The current annual rental value was based on an initial yield of 4.5% and calculated at **€18,000 (eighteen thousand euro)**.

**8.02** The annual rental value in February 2017 was based on a valuation of the premises of €370,000 (three hundred and seventy thousand euro) and an initial yield of 4.5% and calculated at **€16,650 (sixteen thousand six hundred and fifty euro)**.

The undersigned respectfully submits the above report to this Honourable Court for its consideration.

  
 Godwin P. Abela A&CE  
 Perit

Illum 05 NOV 2018

Ipprezentata mill- Perit G.P. Abela

B'Bladok Wieted (1) dokumenti  
 Rose Marie Vella  
 Deputat Registratur  
 Deputy Registrar  
 Qrati tal-Gustizzja (Malta)  
 Law Courts (Malta)

<sup>1</sup> Development Control Design Policy, Guidance & Standards 2015.

Citazzjoni Numru: 465/2018/LSO

Drittijiet Perit Tekniku Godwin P Abela

Valutazzjoni	€400,000 x 0.003	1,200.00
Opinjonijiet – Punti Trattati	€116.47 x 2	232.94
Access	1 x €32	32.00
Transport	1 x €6.99	6.99
Typing – Relazzjoni	4 x €0.70	2.80
SUB-TOTAL		<b>€1,474.73</b>
Vat 18 %		€265.45
TOTAL		<b>€1,740.18</b>

GODWIN P. ABELA BA(ARCH) B.ARCH(HONS) A&CE			
PERIT TEKNIKU - DRITT U SPEJJEZ			
RIKORS NRU.	465/18 LSO	DIFFERIMENT	06/11/2018
FL-ISMIJIET	Gifford vs Perkins		
DRITT	RATA (€)	NUMRU	TOTAL (€)
Valutazzjoni	0.003	400000	1,200.00
Opinjoniġiet - Punti Trattati	116.47	2	232.94
Opinjoniġiet - Danni/Kumpens	232.94		0.00
Stima ta'xogholiġiet	5%		0.00
Stima ta'xogholiġiet	2%		0.00
TOTAL DRITTIJIET			1,432.94
SPEJJEZ	RATA (€)	NUMRU	TOTAL (€)
Access	32.00	1	32.00
Seduti	24.00		0.00
Pjanta A4	58.23		0.00
Pjanta A3	87.35		0.00
Pjanta A2	160.14		0.00
Pjanta A1	233.00		0.00
Trasport	6.99	1	6.99
Typing Relazzjoni	0.70	4	2.80
Kopji Relazzjoni	0.23		0.00
Traskrizzjoni Verbali	0.70		0.00
Kopji Verbali/Dokumenti	0.23		0.00
Notifiki	1.16		0.00
Ritratti	1.16		0.00
Aerial Photographs	13.50		0.00
TOTAL SPEJJEZ			41.79
TOTAL DRITT U SPEJJEZ			1,474.73
VAT	18%	1,474.73	265.45
TOTAL DOVUT			1,740.18