

Fil-Prim' Awla tal-Qorti Civili

**Subbasta Numru. 21/2020**

Fl-Atti tas-Subbasta:

Maria Muscat

vs

Bastjan Muscat, John Muscat,  
Maria Grazia u Joseph Muscat



**PERIT TEKNIKU**

Jonathan Grech  
*B.E. & A. (Hons.) (Malta), A. & C.E., MSc (Surrey)*

*Referenza tal-Perit: 758/20*

21 ta' Jannar 2021

Perit Jonathan Grech  
B. E. & A. (Hons.) (Malit.), A. & C. E., MSc (Surrey)

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**Indirizz tal-Propjeta: 31, 33, Triq San Bastjan, Qormi**

**Skop**

L-iskop ta' dan ir-rapport huwa li jipprezenta stima u dettalji dwar il- propjeta immobibli hawn fuq msemmija. Wara hafna tenttativi biex ikolli access fil- propjeta kif mitlub mill-Qorti ta' Malta, kelli nissottometti rikors il- Qorti biex isir sgass u l- access sar nhar it-Tlieta 19 ta' Jannar 2021. Dakinhar tal- access kienu prezenti l- Marixall tal- Qorti u Pulizija mill- ghassa ta' Hal- Qormi. Madankollu l- access gie provdut minn Bastjan Muscat u l- isgass ma' kellux bzonn isir. Jiena, l-Arkitett u Inginier Civili Jonathan Grech, numru tal-warrant 859, wara digriet tal-Qorti moghti lili bhala Perit, niddikjara dan li gej:

**Tip ta' Propjeta u Deskriżzjoni**

Skizz tal-fond qed jigi esebit bhala Dok A. u ritratti esebiti bhala Dok. B.

Il-fond in kwistjoni jikkonsisti minn propjeta mibnija fil- qalba tar- rahal u fl- *Urban Conservation Area* ta' Hal- Qormi. L-access principali tal-propjeta qiegħed minn Triq San Bastjan u bhala propjeta għandha zewg bibien li jistgħu jigu accessati it-tnejn li huma dirett mit- triq.

Primarjament din il- propjeta tikkonsisti f' bar fil- livell mat- triq, store fl- ewwel sular u store iehor fit- tieni sular. Il- livell ta' mat- triq u l- ewwel sular, it- tnejn li huma għadhom facilita ta' WC. Bhala parti mill- istess propjeta hemm ukoll kantina taht il-livell tat- triq. Il- Perit hawn taht iffirmat ma' setax jaccessa l- kantiena msemmija, minhabba li din ma kinitx accessibili u bla dawl.

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Din il- projeta fiha kej ta' tminja u sittin punt erbgħa metri kwadri ( $68.4\text{m}^2$ ) fuq kull sular. Dan il-fond għandu facċata ta' tul ta' tminja punt wieħed metri (8.1m). Il- livell ta' mat- triq fih għoli ta' 2.98m u l- ewwel sular dak ta' 3.27m, mill-madum sa taht is-saqaf.

Jidher li din il- projeta ilha zmien twil ma' tkun uzata u tinsab fi stat ta' abbandun. Il- projeta tinsab bla servizz jahdem ta' ilma u dawl.

### **Kostruzzjoni**

Dan il- projeta inbniet qabel l- 1967 hekk kif jidher mis- *survey sheets* tal- istess sena. Bhala binja inbniet bis-sistema tal- *loadbearing construction*. Il-hitan ta' dan il- projeta huma tal-gebel tal-franka/bricks u s-soqfa huma tal-konkos rrinfurzat. Mill-ispezzjoni vizwali illi saret fuq il-post, l-istruttura ta' dan il-fond fiha hsarat specjalment minhabba dhul ta' ilma tax- xita mis- soqfa u aperturi fi stat hazin. Din il- hsara tidher l- iktar fl- ewwel sular. Dan wassal biex is-soqfa tal- konkos u l- finituri isirilhom hsara konsiderovli. Ritratti tal- hsarat u l-kundizzjoni tal- projeta qed jigu ipprezentati ma' dan id- dokument f' Dok. B. Partijiet li huma mottijien b'suffett ma' setghux jigu spezzjonati mill- Perit hawn taht iffirmat.

### **Finituri**

Il- projeta li qiegħda tigi evalwata tinsab fi stat ta' abbandun u fi bzonn ta' manutenzjoni. L- art tal- projeta hija kollha ccangata b'madum tac- ceramika. Parti kbira mill- hitan tal- projeta jinsabu mizbugha u mkahhlin, izda fi stat hazin. Intant, l- aperturi li jagħtu għal barra huma kollha tal- hadid.

### **Permess u Pjanijiet Lokali**

Il- Perit hawn taht iffirmat, għamel ricerka fl- arkivji tal- *Planning Authority* (PA) u jidher li din il- projeta inbniet qabel l- 1967 u għalhekk bhala bini huwa meqjus li mibni bil- permess

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minhabba li nbena qabel is-sena msemmija. Madakollu, permezz ta' applikazzjoni ta' zvillup PA/05682/07 ("Change of use of shop into bar") sar bdil ta' uzu minn hanut għal bar. Jidher ukoll li fil-livell tal-bejt nbniet kamra mdaqqa fil-pjanci (hekk kif murija bil-pjanti annessi) li mhijiex koperta b' permess tal-bini.

Din il-propjeta tinsab fl-Urban Conservation Area ta' Hal-Qormi, f'zona residenzjali, izda fejn anki l-kummerc huwa possibbi minhabba li taqa f'zona ta' Secondary Town Centre CG12 (Dok. C) hekk kif muri f'dokument u mappa QOM1 tal-Pjan Lokali ta' Hal-Qormi u tac-Centru ta' Malta. Skond il-Pjanijiet Lokali tal-Planning Authority (PA), dokument u mappa QOM3, l-gholi tal-bini permessibbli f'din iz-zona huwa ta' zewg sulari minghajr semi-basement.

### Valur tal-Propjeta

Wara li kkunsidra dawn il-punti imsemmija hawn fuq, il-kuntratt, is-suq, il-potenzjal kummercjal u l-policies applikabli fuq l-istess propjeta min-naha ta' pjanar, l-Perit hawn taht iffirmat, jistma din il-propjeta fl-ammont ta' mitejn, hamsa u tmenin elf ewro (€285,000).

Daqstant l-esponent, in adampiment mill-inkarigu lilu moghti għandu l-unur jissottometti għas-savju u superjuri gudizzju ta' din l-Onorabbli Qorti li tagħha jiddikjara ruhu, serv umli u ubbidjent.

Perit Jonathan Grech  
B.E. & A. (Hons.) (Melit.), A. & C.E., MSc (Surrey)

02 FEB 2021

Annal-sejje Salterippreżentata mill-Deputat Registratur  
Orati tal-Gustizzja (Malta)

11 FEB 2021

Architect ILLUM. Structural Engineer Cost Consultant

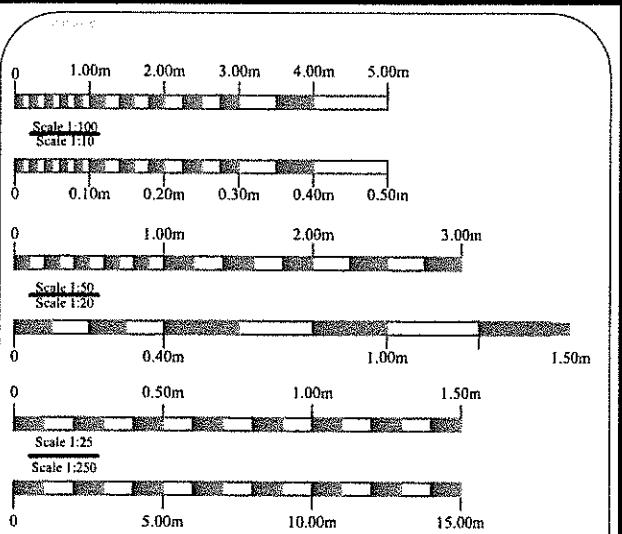
DEHER IL-PERIT LEGALI/TEKNIKU Jonathan Grech - Cost Consultant

447689M LI HALEF LI QEDA FEDELMENT  
U ONESTAMENT L-INKARIGU MOGHTI LILU

Goettana Aquilina  
Deputat Registratur  
Deputy Registrar  
Malta Courts (Malta)

TAQQA TA' ATTI IR  
INTERESTED PARTIES

# *Pjanta – Dok. A*

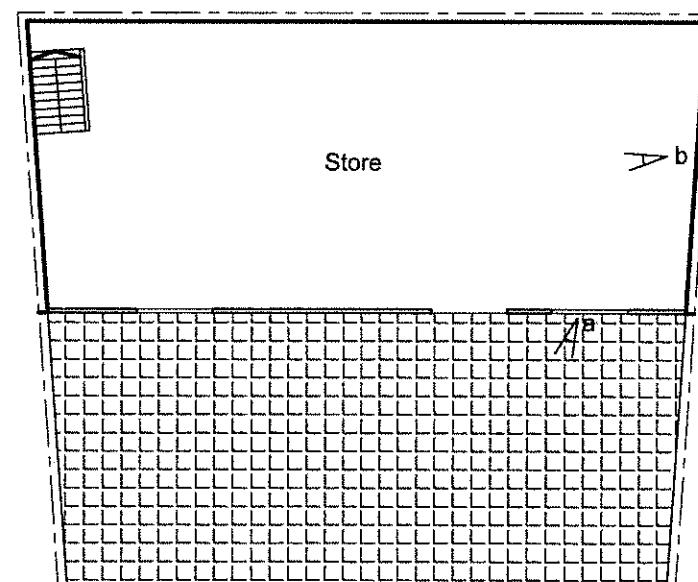
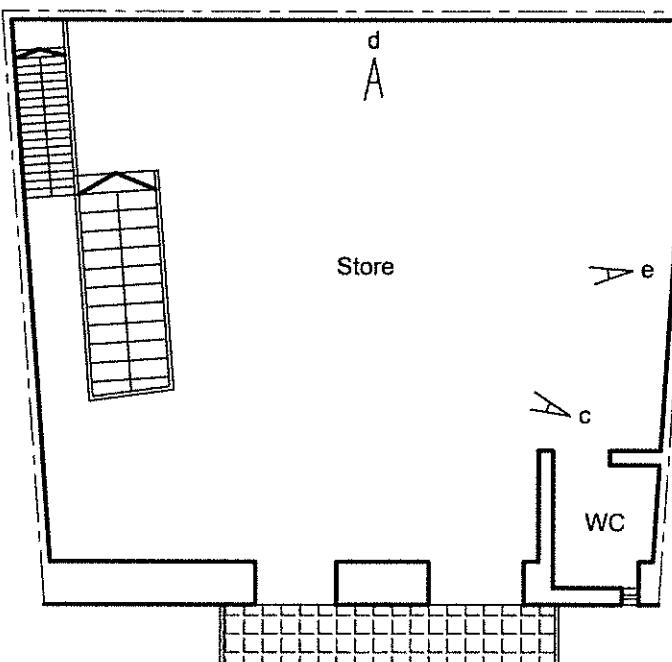
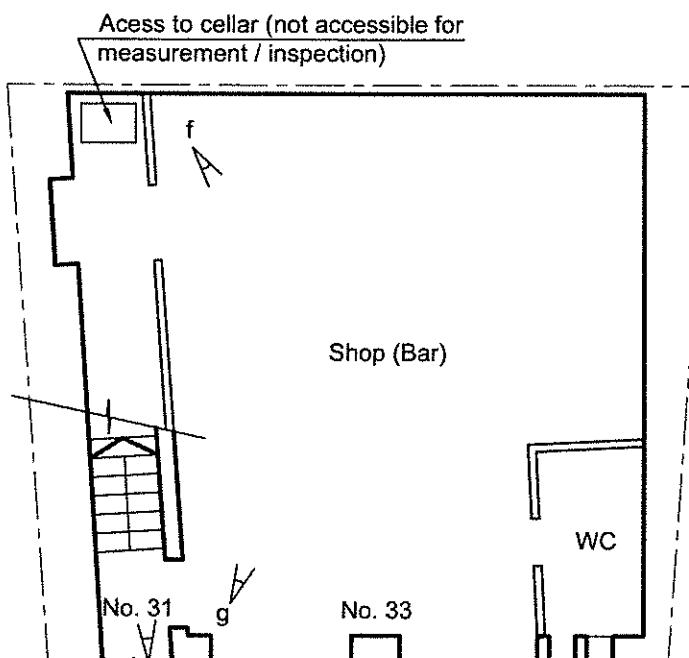
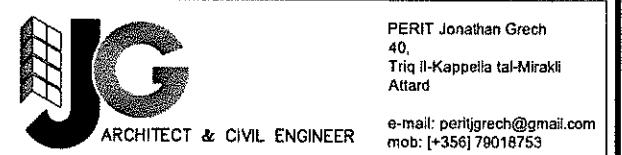


**LEGEND:**

**Perit Jonathan Grech**  
B.E.&A.(Hons.)(Malit.), A.C.E.

**Architect, Civil Engineer & Cost Consultant**  
Warrant No. 859 – Mob.: 79018753

Drawings are not to be scaled. All dimensions have to be checked and confirmed on site with the architect in charge. This drawing is a property of Perit Grech and must not be disclosed to third parties, copied or lent without his written consent.



PROJECT TITLE: <b>Subbasta 21/2020</b>		
LOCATION: <b>31, 33, Triq San Bastjan, Qormi</b>		
DRAWING TITLE : <b>Existing layout</b>		
DRAWN BY :	ARCHITECT :	DATE :
---	jg	2020-01-21
SCALE :	PROJECT No.:	DRAWING No.:
<b>1:100</b>	<b>758/20</b>	<b>01</b>

***Ritratti – Dok. B***



Photo 1



Photo 2

**Perit Jonathan Grech**  
B.E.&A.(Hons.)(Malit.), A.&C.E.

Architect, Civil Engineer & Cost Consultant  
Warrant No. 859 – Mob.: 79018753

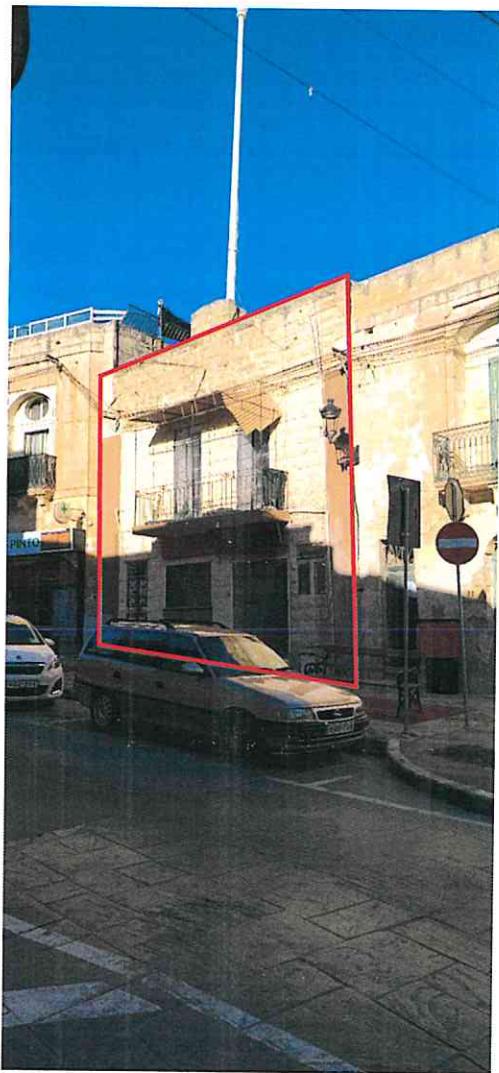


Photo 3

A handwritten signature in blue ink, appearing to read "Perit Jonathan Grech".

**Perit Jonathan Grech**

B.E.&A.(Hons.)(Mellit.), A.&C.E.

**Architect, Civil Engineer & Cost Consultant**

Warrant No. 859 – Mob.: 79018753



Photo a



Photo b

A handwritten signature in blue ink, which appears to read "Perit Jonathan Grech".

**Perit Jonathan Grech**  
*B.E.&A.,(Hons.)(Malit.), A.&C.E.*

**Architect, Civil Engineer & Cost Consultant**  
Warrant No. 859 – Mob.: 79018753



Photo c



Photo d

**Perit Jonathan Grech**  
*B.E.&A.(Hons.)(Mellit.), A.&C.E.*

**Architect, Civil Engineer & Cost Consultant**  
**Warrant No. 859 – Mob.: 79018753**



Photo e



Photo f

**Perit Jonathan Grech**  
*B.E.&A.(Hons.)(Malit.), A.&C.E.*

**Architect, Civil Engineer & Cost Consultant**  
Warrant No. 859 – Mob.: 79018753

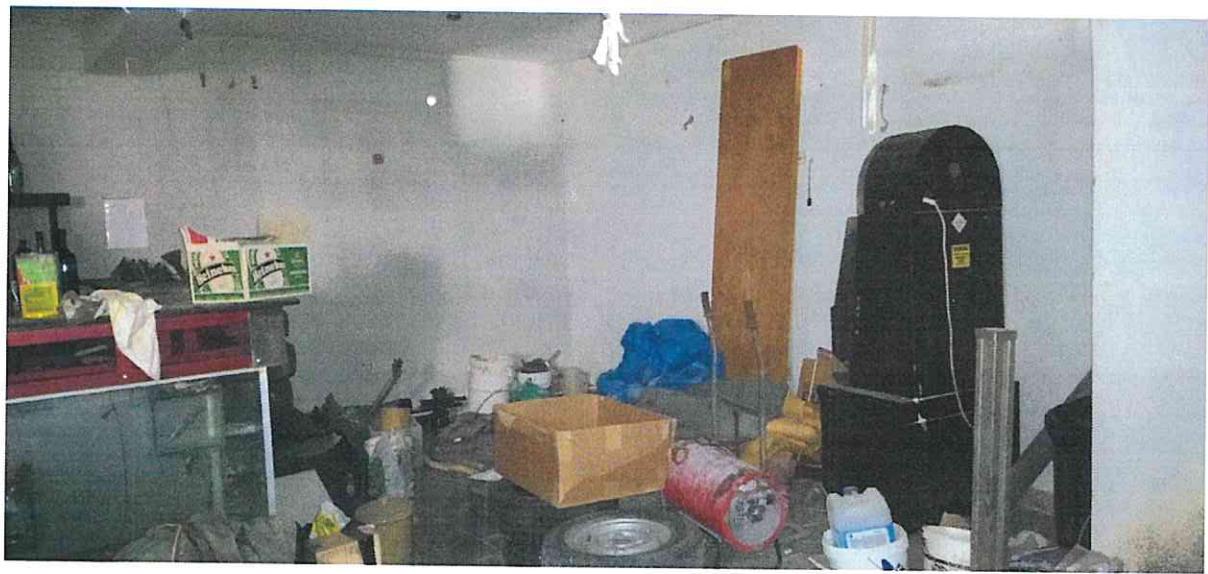


Photo g



Photo h



**Perit Jonathan Grech**  
B.E.&A.(Hons.)(Malit.), A.&C.E.

*Pjan Lokali – Dok. C*



## CENTRAL MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar

Malta Environment & Planning Authority

### Key

- Local Council Boundary
- Limits to Development (TPS)
- ..... Urban Conservation Area CG09
- Retain Existing Use with Extensions to Institutions
- Residential Areas CG07, Q06
- Green Areas CG18
- Strategic Open Gaps CG25
- Secondary Town Centre CG12
- Civic Centre Q01
- Civic Centre at lower street level with overlying Public Open Space at upper street level Q01
- Commercial Area CG14
- Sports CG18
- Site Reserved for Education, Sports and Car Park Q02
- Education
- SME Sites Q07, Q08, CG15
- Boundary marking limit of zone prone to flood risk CG30
- Valley Watercourse Areas CG30
- Mixed Use Areas Q04
- Rezoning Q03, Q05
- Offices
- Development subject to Policy CG01 & Q07

### Qormi Area Policy Map

Scale :

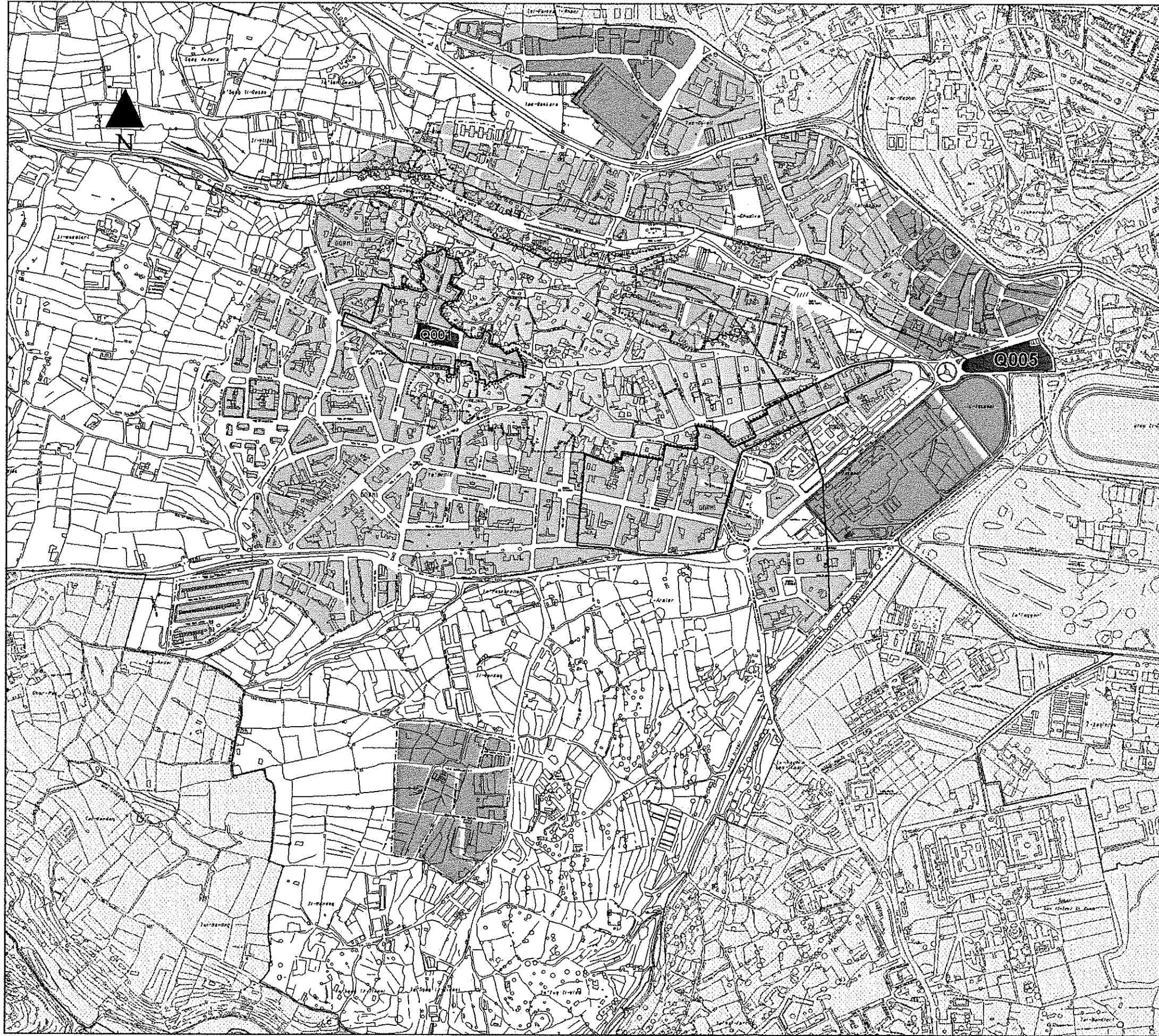
1:9000 Date : July 2006

Map :

QOM1

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

Base Maps - 1988 Survey Sheets  
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## CENTRAL MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar

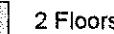
Malta Environment & Planning Authority

### Key

- Local Council Boundary
- - - Limit to Development (TPS)
- ..... Urban Conservation Area CG09

#### Within UCA

(Without semi-basement)



#### Outside UCA

- As per Policy Q001, Q005
- 1 Floor without semi-basement
- No semi-basement within area enclosed by black line
- 3 Floors Plus Semi-Basement
- 4 Floors without semi-basement
- 3 Floors plus semi-basement (Industrial)
- Boundary marking limit of zone prone to flood risk CG30

### Qormi Building Height Limitations Map

Scale :

1:9000

Date :

July 2006

Map :

QOM3

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

Base Maps - 1988 Survey Sheets  
Copyright Mapping Unit, Malta Environment & Planning Authority

10Heights06c1

### 3.5 Commerce and Industry

#### CG12

#### Town Centres

MEPA designates the following town centres within the local plan area:

Type of Centre	Locality	Area Policy Map
Primary Centres	Birkirkara	BKM1
	Hamrun	HAM1
	Mosta	MOM1, MOM2
Secondary Centres	Naxxar	NAM1, NAM2
	Qormi	QOM1

The boundaries of these town centres are indicated in the relevant Area Policy Maps. The acceptable land uses (new uses, extensions to existing uses, and change of uses) within all frontages located within these designated town centres are listed below. However the listed town centre uses are only allowed at ground floor level in Triq il-Kbira, Triq Mike Pulis, Triq is-Santwarju and Triq Tumas Fenech in the designated Birkirkara town centre, with dwelling units allowed on upper floors.

- i. Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing Commercial Uses at Ground Floor level to new Residential units will not be permitted by MEPA.
- ii. Class 2 (Use Classes Order, 1994) residential institutions on upper floors only.
- iii. Class 3 (Use Classes Order, 1994) hostels.
- iv. Class 4 (Use Classes Order, 1994) retail uses including, shopping malls and speciality shopping, but excluding showrooms, provided they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003).
- v. Supermarkets provided that they comply with all the provisions of Policy CG17.
- vi. Class 5 (Use Classes Order, 1994) offices.
- vii. Class 6 (Use Classes Order, 1994) Food and Drink, including hot food take-away. However take-aways are not to be allowed above ground level.
- viii. Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.
- ix. Class 8 (Use Classes Order, 1994) educational facilities.
- x. Class 9 (Use Classes Order, 1994) assembly and leisure.
- xi. Class 11 (Use Classes Order, 1994) business and light industry provided that:
  - The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Town Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- xii. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.
- xiii. Taxi Business or for the hire of motor vehicles.
- xiv. Band club and social club.
- xv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 75 sqm.
- xvi. Conference Centre.
- xvii. Indoor shooting range provided that all the conditions of the Guidance on Shooting Ranges are fully adhered to.
- xviii. Bakery and Confectionery with provision for outside catering.

MEPA will support initiatives from public agencies and the private sector that contribute to the enhancement of the external environment of town centres and add to their attraction as a community and retail hub. Proposals for appropriate pedestrianisation schemes, landscaping schemes and traffic management will also be considered favourably. MEPA will strongly encourage the establishment of town centre management initiatives in the primary town centres.

- 3.5.1 The town centre is the focus for a range of commercial and community activities, resulting in a mix of, often interdependent, land uses that provide a focus for identity, social interaction and business opportunities. It includes a combination of features; historic buildings, cultural, civic and governmental buildings, as well as public open spaces. This physical form and mix of functions, which have evolved over a considerable period of time, makes a town centre different from a shopping centre and provides much of its character which can be further enhanced by introducing appropriate new uses into historic buildings. It also has a high level of accessibility to employment, services, and facilities for all the community. Shopping provision is a key component of town centres, and makes a major contribution to their vitality and viability. It is important therefore that they retain retailing as a core function.
- 3.5.2 The term "town centre" is used generally to cover city and town centres which provide a broad range of facilities and services and act as a focus for both the community and for public transport. It excludes small clusters of shops of purely local significance. The size of the centre will influence the range of activities that it offers and its function. The scale of development possible and the opportunities available will differ from place to place.
- 3.5.3 The Retail Strategy defined a primary town centre as a town centre with a regional or sub-regional function for non-food shopping. A secondary centre is a town centre with a significant non-food shopping element but serving local residents or residents of closely neighbouring villages and used at least by 2,500 people for non-food shopping. Non-food shopping is to be considered as comparison goods, which include clothing, footwear, furniture, household textiles, electrical goods, hardware, chemist goods, jewellery, recreational and other miscellaneous goods. Convenience

goods retail outlets are to be directed towards local centres that are the appropriate commercial areas for this type of shopping.

- 3.5.4 Although retailing is a dominant activity in a town centre, the attraction of each centre for the location of other businesses and social and community facilities were taken into account in identifying the acceptable range and mix of uses indicated in the policy. The vitality and viability of town centres depends on a varied mix of uses and activities that encourage people to visit the centre whilst ensuring that they remain an attractive place to live in.
- 3.5.5 Creating liveable communities requires integrated initiatives aimed at improving the quality of life of citizens. A quality physical external environment can act as the catalyst for investment, economic growth and social well-being.

## **CG13**

## **Local Centres**

**MEPA designates the following Local Centres within the local plan area:**

Location	Area Policy Map
Triq il-Mosta, Attard	ATM1
Triq il-Pitkali, Attard	ATM1
Piazza Tommaso Dingli, Attard	ATM1
Triq Wied Hal-Balzan, Balzan	BZM1
Piazza Bertu Fenech, Balzan	BZM1
Triq Fleur de-Lys, Birkirkara	BKM1
Misrah il-Knisja and Triq San Bartolomew, Gharghur	GHM1
Tar-Rabbat, Hamrun	HAM1
Misrah Ninu Cremona, Ikklin	IKM1
Piazza Transfigurazzjoni, Lija	LJM1
Blata l-Għolja, Mosta	MOM2
Sta. Margherita, Mosta	MOM1
Is-Sagħijtar, Mosta	MOM2
Triq San Pawl, Naxxar	NAM1
Malta Trade Fair Site, Naxxar	NAM1
Triq ix-Xambekk, Bahar ic-Cagħaq	NAM4

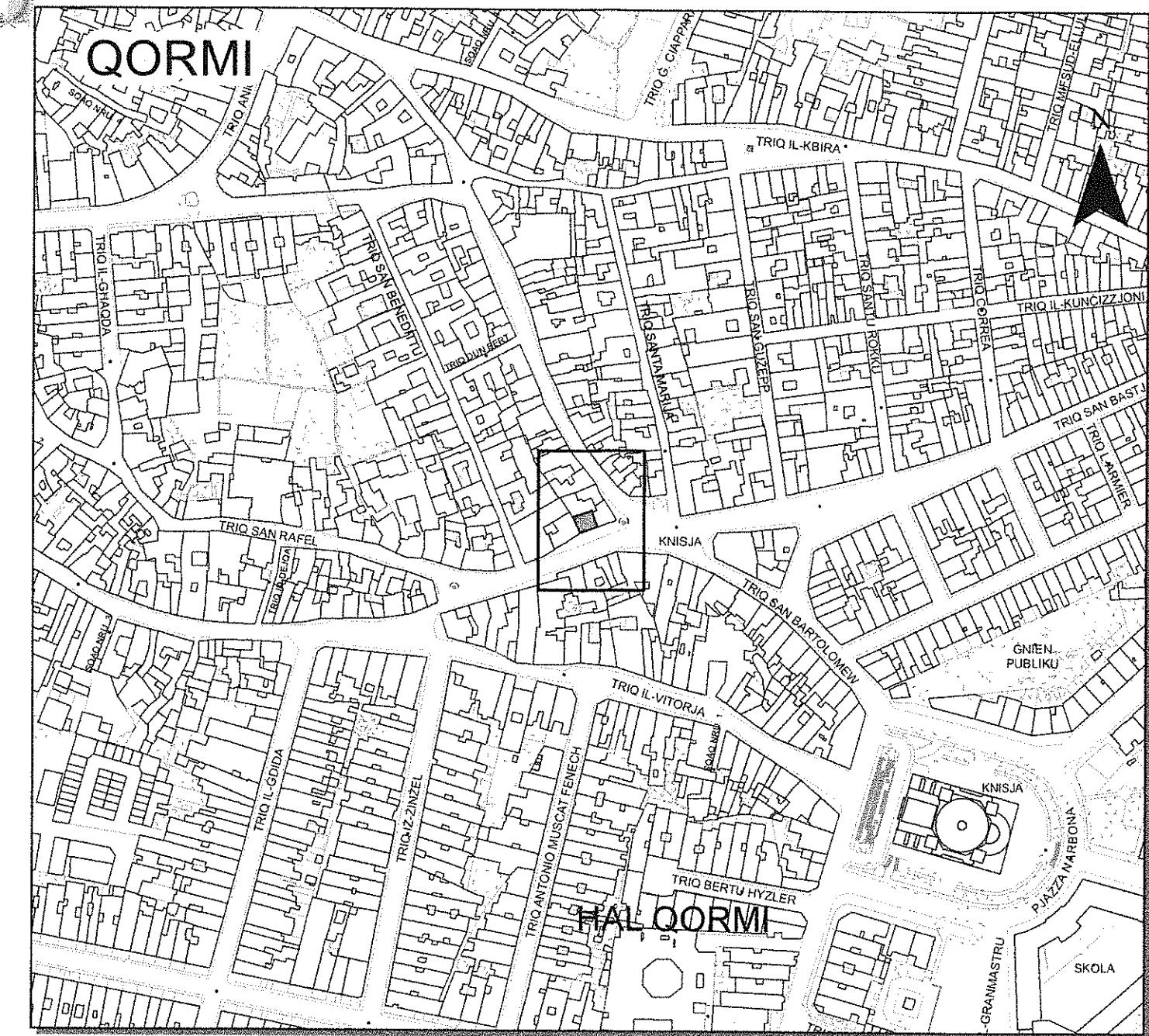
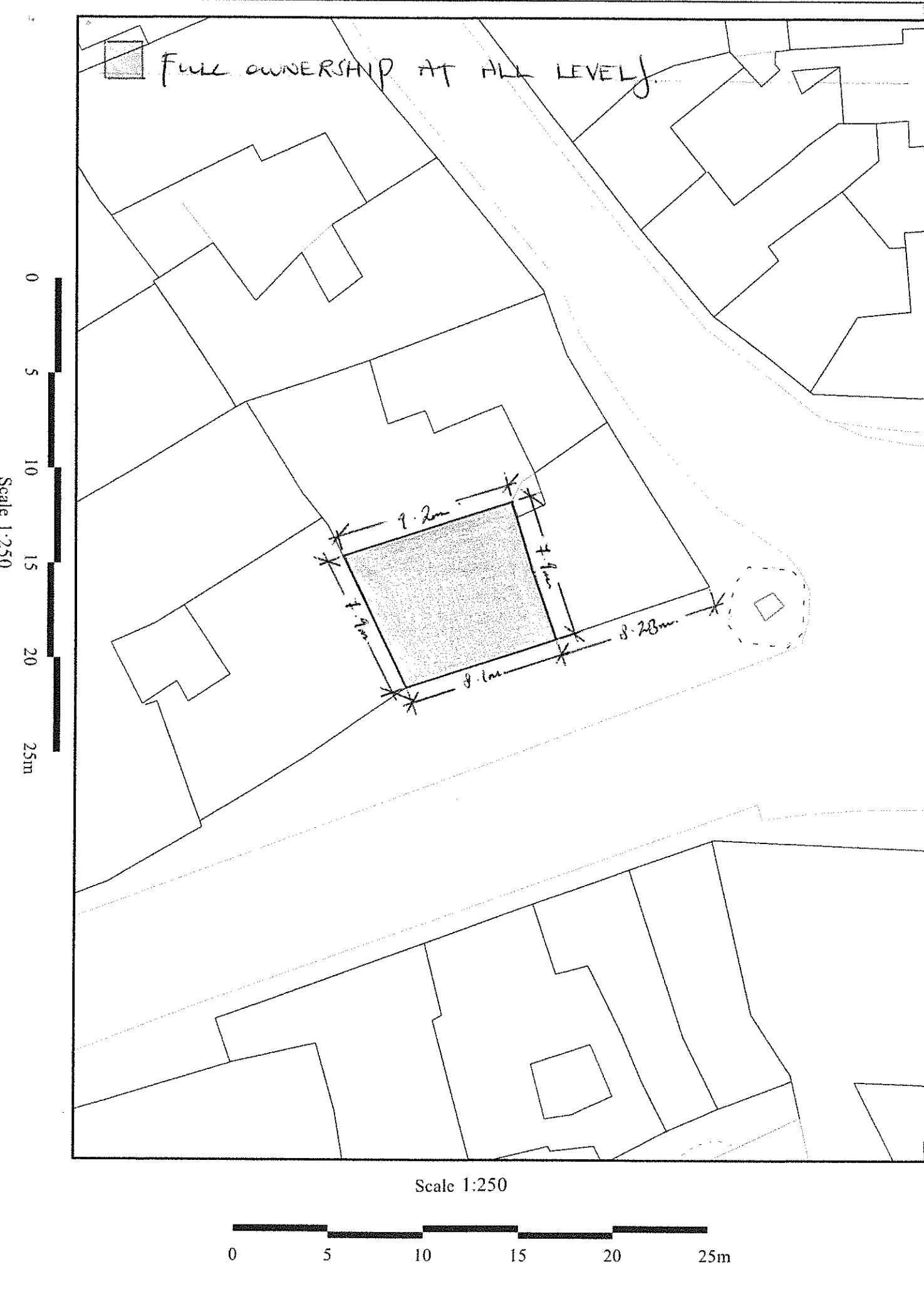
**Detailed comprehensive development plans for the Local Centres in the following locations are to be approved by MEPA before the Authority considers any development applications in these Centres:**

1. Misrah Ninu Cremona in Ikklin as per Policy IK01;
2. Blata l-Għolja as per Policy MO02;
3. Is-Sagħijtar in Mosta as per Policy MO03; and,
4. Malta Trade Fair site as per Policy NA02.

**The acceptable land uses (new uses, extensions to existing uses, and change of uses) within all frontages located within these designated Local Centres are as follows;**

- i. Class 1 (Use Classes Order, 1994) dwelling units on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing Commercial Uses at ground floor level to new Residential units will not be permitted by MEPA.
- ii. Class 2 (a) (Use Classes Order, 1994) residential accommodation and care to people in need of care on upper floors only.

*Land Registry Plan – Dok. D*



Aġenzija għar-Registrazzjoni tal-Artijiet

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa: 194617 E  
Map Number:

Pożizzjoni Ċentrali: x = 52680  
Centre Coordinates: y = 70772

Perit:

Architect:

Timbru tal-Perit:

Architect's Stamp:

Perit Jonathan Grech  
B.E.&A.(Hons.)(Mellit.), A.&C.E.

Architect, Civil Engineer & Cost Consultant  
Warrant No. 859 – Mob.: 79018753

Parti min S.S.: 5270  
Extracted from S.S.:

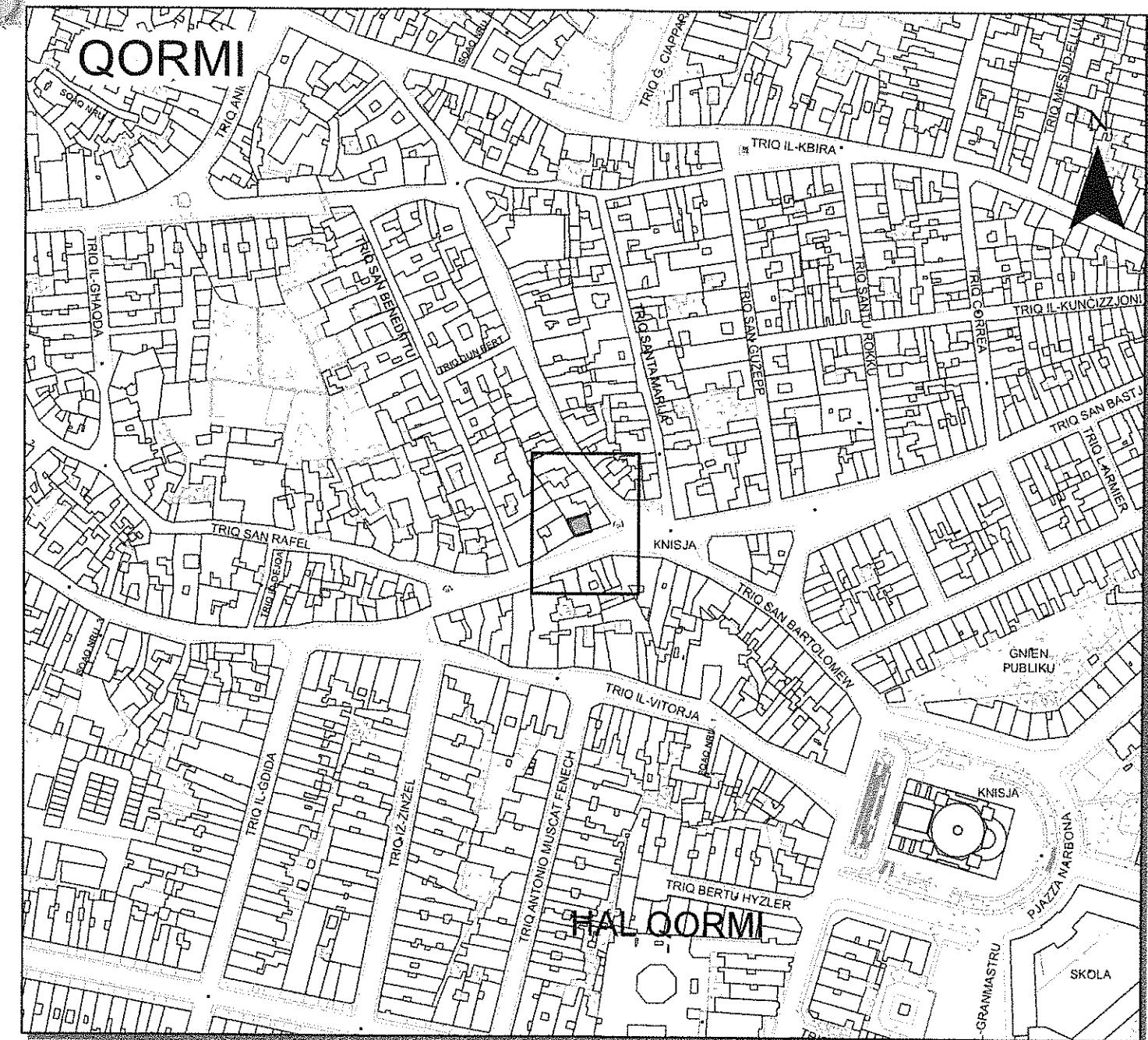
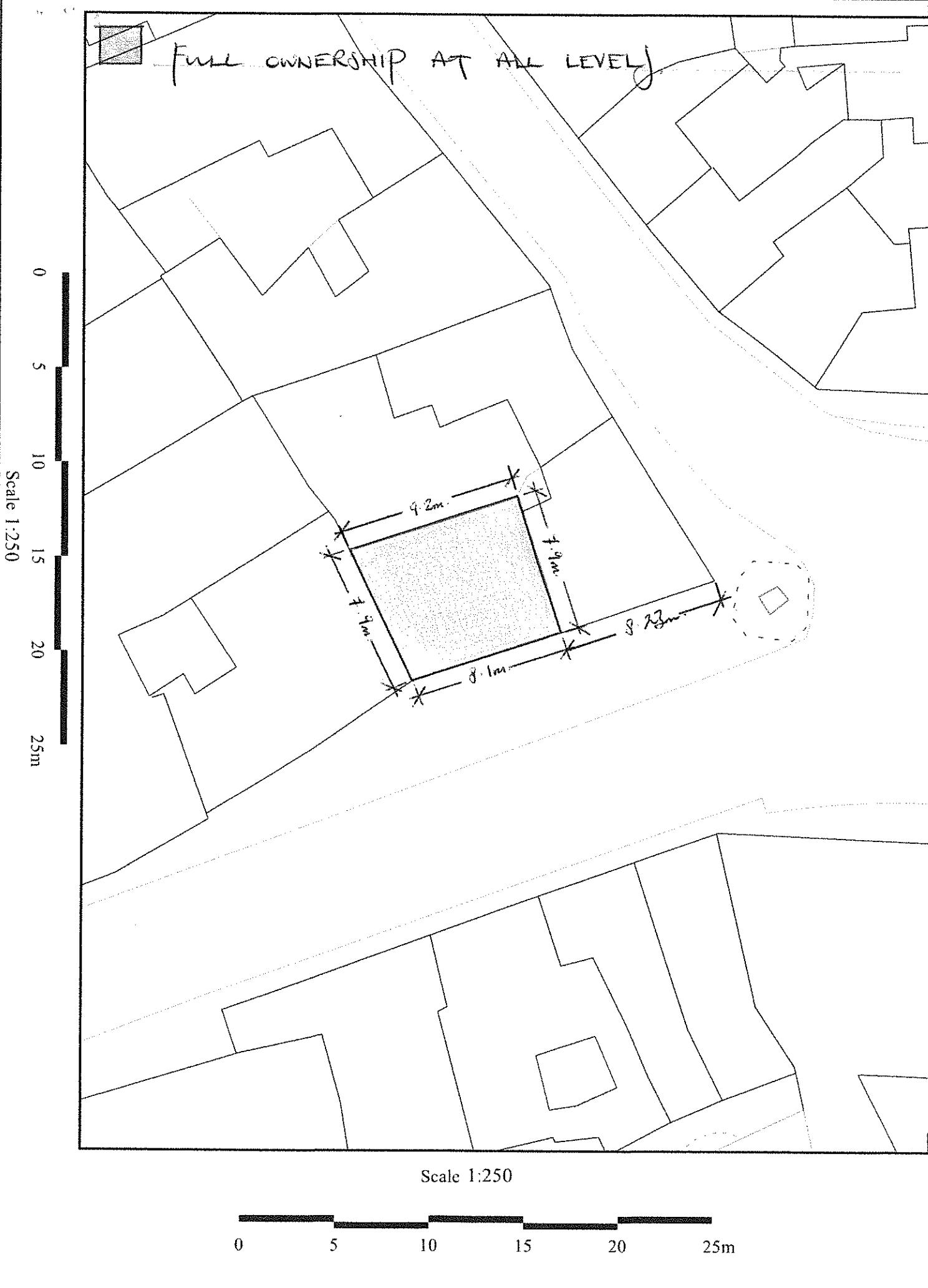
Date: 22/01/2021  
Date:

Qies (metri kwadri):  AREA CIRCA  
Area (square metres): 68.4m<sup>2</sup>

Firma ta' l-Applicant:  
Applicant's Signature:

LR 188690

Dritt imhallas  
Fee Paid



Pjanta tas-Sit 1:2500 Site Plan

**Aġenzija għar-Registrazzjoni tal-Artijiet**

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



**Land Registration Agency**

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa: **194617-E** Pożizzjoni Ċentrali: **x = 52680**  
Map Number: Centre Coordinates: **y = 70772**

Parti min S.S.: **5270**  
Extracted from S.S.:  
*25/01/2021*

Data: **22/01/2021**  
Date:  
*25/01/2021*

Perit:

Architect:

Timbru tal-Perit:

Architect's Stamp:

**Perit Jonathan Grech**  
B.E.&A.(Hons.)(Milit.), A.&C.E.

Architect, Civil Engineer & Cost Consultant  
Warrant No. 859 – Mob.: 79018753

Qies (metri kwadri):  **AREA CIRCA**  
Area (square metres): **68.4m<sup>2</sup>**

Firma ta' l-Applicant:  
Applicant's Signature:

*25/01/2021*

**AREA CIRCA**

**68.4m<sup>2</sup>**

Dritt imħallas  
Fee Paid

**LR 188691**