



Michael Fernandez u Scott Hewitt

vs

Maria Dolores sive Doreen Vella

Today 20th April, 2015

The Tribunal,

Having seen plaintiff's claim presented on the 11th February.

Having seen that the serving process is regular and that defendant was duly notified;

Having seen that, defendant did not reply to said claim and did not contest the claim or make use of her right to call into the suit, the owner of the premises, by the name of 'Charlie'.

Considers

That in December 2014, plaintiff got in touch with defendant for the renting of an apartment in Marsascala. All terms were agreed upon and on the 5th January 2015, plaintiff paid defendant a deposit of €750.00 for which receipt was issued. (document attached)

That out of this sum, €250.00 were to be defendant's commission.

That plaintiff, defendant and the owner of the flat met for a viewing, whereupon it became obvious that the flat was not yet fit for habitation because of missing furniture. The owner assured plaintiff that within a week all furniture would be in place. This did not materialize and moreover, a week later, plaintiff was told that the premises was not yet supplied with electricity. Once again, owner tried to stall matters and told plaintiff to wait another week.

That plaintiff eventually realized that he was being taken for a ride and requested his money back.

That the owner flatly refused to return the money, amongst explosives, which the Tribunal will not be reproducing.

That defendant Doreen Vella returned the €250.00 commission.

Arbiter

Michela Spiteri LL.D

The Tribunal accedes to plaintiff's request, condemns defendant to refund plaintiff the sum of €500.00, with costs, without prejudice to her rights of redress against the owner *si et quatenus*.

For this reason, therefore,

That the Tribunal observes that once no evidence has been brought forward and no third party was called into the suit, it has no other option but to condemn defendant to reimburse plaintiff with the balance of monies - i.e. the five hundred Euro (€500.00) she received.

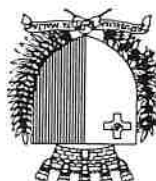
The only evidence available to this Tribunal is that defendant received the monies (€750.00) as per receipt of the 5th January 2015. Out of this sum, €250.00 were returned to plaintiff by defendant.

That although the Tribunal realizes that the defendant may very well have passed on the €500.00 deposit to the owner, there is no evidence of such a transfer, and in the absence of her evidence, which she had every opportunity to present, the Tribunal's hands have been tied.

Considers

That since plaintiff dealt directly with defendant and does not even know the full name of the owner, plaintiff had no choice but to institute proceedings against defendant Maria Dolores sive Doreen Vella.

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