



Fit-Tribunal Ghal Talbiet tal-Konsumatur

CCT 32/19/B

Stefano Borg

vs

Deco Finishes - Dominic Butler

Today, 25 January, 2021

The Tribunal:

Took cognisance of the Notice of Claim filed by plaintiff dated 22 March 2019 in which plaintiff has requested the Tribunal to condemn defendant to pay the sum of one thousand and five hundred Euro (€ 1500) representing works carried out by defendant not in accordance to proper workmanship

Took cognisance of the fact the reply filed by defendant on 29 November 2019 in which he rejected the claim raised by plaintiff.

Heard the evidence produced

Examined the documentation filed

Considers:

Plaintiff testified before the Tribunal and explained that he had engaged Defendant to carry out works in his residence. These works were carried out however these were not satisfactory since this was the result of poor workmanship. Defendant had promised plaintiff to do remedial works however defendant had failed to appear on all three occasions. Plaintiff also stated that the his Architect Perit Gaston Camilleri also confirmed that the works were not in accordance to proper workmanship. Plaintiff also explained that he had to engage third party to carry out the remoedial works which costed € 1500.

Grzegorz Skawinski gave evidence before this Tribunal and explained to the Tribunal that the works could not be repaired and had advised Plaintiff that all works had to be re done. The costs of these works were of € 1,888 including VAT



Considers:

That this Tribunal notes that Defendant never appeared before this Tribunal and did not present any evidence to sustain his reply. On the other hand, the Tribunal has not reason to doubt the version of events by Plaintiff, which has been supported by numerous documents and the evidence to third party contractor who carried out the eventual works.

That following careful examination of evidence tendered and the documents presented the Tribunal is convinced that the plaintiff's claim deserves to be upheld.

DECIDES

Therefore, for the reasons here in above explained, after having seen Chapter 378 of the Laws of Malta as well as the circumstances of the case, the Tribunal decides to uphold claimant's claim and condemns Defendant to pay Claimant the sum of one thousand and five hundred Euros (€ 1500)

The Tribunal further orders that the costs of these proceedings shall be borne by Defendant.



Dr. Paul Borg
Arbiter