



MALTA

Fit-Tribunal tal-Konsumatur

CCT 112/19/B

Ray Camilleri on behalf of Dean Richardson
Vs
Francis Camilleri

Today, 7 May, 2021

The Tribunal:

Took cognisance of the Notice of Claim filed by Karl Cassar dated 29 August 2019 requesting the Tribunal to condemn the defendant to pay € 1800 which represent as to € 800 refund of deposit of wooden stairs and € 1000 for compensation for flights, travel costs and loss of earnings

Took cognisance of the fact that defendant did not file a reply and did not contest the claim raised by applicant

Examined the documentation filed and heard the Ray Camilleri give evidence under oath.

Considers:

Witness Raymond Camilleri took evidence on before the Tribunal and presented under oath a document with list of events. He testified that plaintiff instructed defendant to do a wooden stairs and paid a total deposit of € 800 on two occasions. Notwithstanding the agreement to install the said stair defendant never attended to the meetings and this even though he was aware that plaintiff had to travel from the UK.

Parties agreed that Raymond Camilleri, plaintiff's neighbour would give access to the property but witness confirmed that defendant never showed up for the installation even though sever dates were agreed to.

Witness confirmed under oath that the stairs had not been installed.

This Tribunal considers that there is no reason to disbelief the version on events presented by plaintiff and thus is claim for refund of deposit is justified. Plaintiff presented all documentation that deposit has in actual fact been paid but the stairs had never been installed.



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As regards to the claim of damages relation to travel expenses no evidence has been produced to such effect and thus the Tribunal cannot determine the amount of damages suffered by plaintiff for having to do travel arrangements in vain.

Finally as to the claim of loss of earnings this Tribunal notes that in terms of Article 21 (2) of the Consumer Affairs Act the law specifies as regards to moral damages:

"tribunal may, when determining the issues in dispute in any claim or counter-claim before it, order the trader to pay to the consumer a sum of not less than thirty-five euro (€35) and not more than five hundred euro (€500) as moral damages for any pain, distress, anxiety and inconvenience"

The Tribunal considers that in this case it is clear that Defendant was paid € 800 for services he never intended to carry out. It is also clear that notwithstanding the numerous appointments agreed with plaintiff he never had any intention of actually installing the same stairs albeit knowing that plaintiff had to travel from the United Kingdom to Malta which clearly caused pain, distress, anxiety and inconvenience to plaintiff throughout these years.

For the above reasons the Tribunal considers that defendant should be held liable for moral damages in the amount of four hundred and fifty Euros (€ 450) for all pain, distress, anxiety and inconvenience caused to plaintiff.

DECIDES

Therefore, for the reasons hereinabove explained, after having seen Chapter 378 of the Laws of Malta as well as the circumstances of the case, the Tribunal decides to uphold in part plaintiff's claim and condemns Defendant to pay Claimant the sum of one thousand two hundred and fifty Euro (€ 1250) representing eight hundred Euro (€ 800) deposit paid by plaintiff to defendant for services which were never rendered by defendant and four hundred and fifty euro (€ 450) for moral damages as explained above.

The Tribunal further orders that Defendant is to pay costs of these proceedings.



Dr. Paul Borg
Arbiter