

## Test of Reasonableness Board (TORB)

*As per the Equal Opportunities (Persons with Disability) Act I of 2000 Cap. 413 of the Laws of Malta*

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20th December 2019

Our Ref: DecTORB\_05

Perit David Ellul Mercer  
34,  
St. Lucy Street  
Naxxar

PA/08030/19 – San Ġiljan – Opening of doorway in common party wall to interconnect Class 4C with Class 4D catering establishments, sanctioning of internal alterations pertaining to food counters and lightweight staircases and proposed access for all ramp at entrance and other minor internal alterations.

On Tuesday 17th December 2019, the Test of Reasonableness Board (TORB) discussed a request for exemption received on the above indicated permit. Perit David Ellul Mercer was present on behalf of the applicant.

CRPD objected on the following non-conforming elements:

- Reception Counter / Bar counter/s and Display counter/s (if any) should all conform to AADG2011.
- No refuge area/s provided.
- No accessible for all sanitary facilities have been provided.
- Accessible sanitary facilities should be indicated using the international symbol of access.
- Accessible route should also conform to AADG2011 (Refer to AADG2011 point number 1.1.03)
- Architect is advised that a lift that incorporates a chair rather than a platform is not considered as a means of access in a public building.
- Upper floor levels should also conform to the AADG2011.

Case was already discussed during the TORB in November whereby an exemption was issued on the reception/ bar/ display counters and on the upper levels from being accessible for all in view of the restricted space of the existing building. There are also 7 floors above the cafeteria and thus walls cannot be removed.

Exemption was requested for a second time in regards to accessible sanitary facilities after exploring solutions to modify the proposed 'cold store' to an accessible sanitary facilities. Applicants requested exemption since when onsite he noticed that room was actually smaller than originally thought as there seems to be a supporting column which was not depicted in the previous plan.

Taking all arguments in consideration, the TORB concluded that it is **NOT REASONABLE** to exempt sanitary facilities since further solutions should be explored as discussed with applicant during board. Applicant should consider the suggested solutions and amend plans accordingly.

On another note, as advised in TORB decision letter dated with reference NovTORB\_04, the display counters, upper floors and raised seating area at Ground Floor Level in the right side of the catering establishment on condition that the accessible seating area at the left hand side is made as priority seating for persons with disability.

*\*Exempted elements marked in 'X' above.*



Rita Vella  
Chairperson  
Test of Reasonableness Board