

## 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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1st October 2020

Our Ref: 20200928\_TORB06

Mr. Antoine Zammit  
Sunden  
Triq il-Mediterran  
San Ġwann

PA/06146/18 – Birkirkara – To change use of existing commercial basement store to domestic store carry out alterations at ground floor shop and convert existing washroom at roof level to penthouse.

On Monday 28th September 2020 the Test of Reasonableness Board (TORB) discussed a request for exemption received on the above indicated permit. Mr. Antoine Zammit and Perit Keith Schembri were present on behalf of the applicant.

Exemption was received following a request for a compliance certificate on PA6146/18. A most recent application PA7613/19 was submitted for a change of use from boardroom to store and to carry out other internal alterations.

CRPD objected on the latter on the following non-conforming elements:

- 'Main entrance door should be marked and indicated on plan as per AADG 2011
- Accessible sanitary facilities fixtures should be specified on plan as per AADG 2011.
- External paving material should be added to the backyard.

Photos received for the issuance of compliance certificate showed that a shower was implemented in the approved accessible sanitary facilities which is obstructing access for all within the sanitary facility, in conjunction with a large sink and missing grab rails.

Exemption requested in view that a boardroom was converted to store and in view of this the most recent application approved by the Planning Authority reads that *"the area of the office and toilet amounts to 61sq.m and therefore proposal shall be exempted from the assesement for accessibility for all as per MEPA Circular 2/14. Stores and kitchenettes are specifically excluded for the purpose of area computation."*

Taking all arguments into consideration, the TORB concluded that it is **NOT REASONABLE** to exempt.



Ms. Rita Vella  
Chairperson  
Test of Reasonableness Board