

P.A.S Dias v Urban Development Authority (UDA)

RTIC Appeal (In – person)/322/2018 (*Order adopted as part of a formal meeting of the Commission on 28.08.2018*)

Order under Section 32 (1) of the Right to Information Act, No 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mahinda Gammampila

Commission Members: Kishali Pinto-Jayawardena

S.G. Punchihewa

Dr. Selvy Thiruchandran

Justice Rohini Walgama

Director-General: Piyathissa Ranasinghe

Appellant: P.A.S Dias

Notice issued to: S. S. P. Ratnayake, Director General, Designated Officer (DO), UDA

Appearance/ Represented by:

Appellant - P.A.S Dias

M.P.K.C Gunaratne

PA - Renuka Tennakoon

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| RTI Request filed on: | 14.12.2017 |
| IO responded on: | 15.12.2017 (Acknowledgement) |
| First Appeal to DO filed on: | 14.02.2018 |
| DO responded on: | No response |
| Appeal to RTIC filed on: | 26.03.2018 |

Brief Factual Background:

The Appellant had by request dated 14.12.2017 requested a copy of the report prepared by the Director (Enforcement) of the UDA on the complaint made by the Appellant along with others concerning the conversion of residential properties to commercial establishments on the Sulaiman Terrace without adhering to relevant UDA Regulations.

As the Information Officer (IO) and DO failed to respond within the time frame stipulated under the Act, the Appellant preferred an appeal to the Commission on 26.03.2018.

Matters Arising During the Hearing

Upon being queried on the background leading up to the information request, the Appellant submitted that a great number of residents of Sulaiman Terrace, Colombo 05 have converted their residential properties to office premises and commercial establishments without making provision for sufficient parking and obtaining proper approval from the UDA. This, in turn has resulted in several inconveniences to other residents in that vicinity including the blocking of the road due to vehicles being parked on either side of the Sulaiman Terrace and outside residences for long durations of time.. It was further, submitted that the Appellant, along with some of the residents, had forwarded letters requesting the authorities to inquire

into the same, including to the Secretary, Ministry of Megapolis and Western Development and the Director General of the UDA. Although both letters were directed to the Enforcement Officer of the UDA for a report, the Appellant had not received a response to date.

Further elaborating on the inconveniences caused to residents, the Appellant stated that there were instances where vehicles were parked (for the entire day) and the drivers could not be located even to move the vehicles when the CEB services arrived to attend to emergency repairs, ultimately requiring the workmen to postpone such work for the night causing further inconvenience to residents of the area.

The Public Authority (PA) submitted that it had conducted a survey on converting residential properties to commercial establishments on Sulaiman Terrace and produced 'a survey result report' (date not mentioned).

As per the above-mentioned survey, the PA submitted that it had located 7 new places on Sulaiman Terrace where residential properties were converted to commercial establishments and had opened a file in relation 10 locations on Sulaiman Terrace in response to the complaint by the Appellant and other residents.

Upon being queried, as to what precautions were taken by the PA, the PA submitted that it had issued a temporary permit named 'Change of Use' for a period of one year with a service charge on converting residential premises to commercial establishments on Sulaiman Terrace. Upon being queried as to how and on what legal basis such permits were issued as Sulaiman Terrace was part of the Residential Zone of the Colombo Development Plan where only residential housing is permitted, the PA submitted that it had issued such permits on a temporary basis and further submitted that it was going to appoint a committee who along with Legal Branch of the PA would look into the complaint.

Order

Upon perusal of the 'survey result report' by the PA, it is clear that this satisfies only a portion of the information request submitted by the Appellant. The representative of the PA is directed to apprise the Appellant with a comprehensive response of the definite steps taken in regard to the Appellant's complaint on the next date of the hearing.

Order is directed to be conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017). The said survey report submitted by the Public Authority is directed to be forwarded to the Appellant.

The Appeal is adjourned.

Next Date of Hearing: 23.10.2018
