



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

Applications nos 51414/11 and 46098/12
Michal BALAN and Others against Slovakia
and Karol ČERVENČÍK and Others against Slovakia
lodged on 8 August 2011 and 23 July 2012 respectively

STATEMENT OF FACTS

The applicants are natural or legal persons whose particulars are set out in Appendices 1 and 2. They are represented before the Court by Mr J. Brichta, a lawyer practising in Bratislava.

The facts of the cases, as submitted by the applicants, may be summarised as follows.

The applicants own residential buildings which comprise flats in respect of which the rent-control scheme has applied (see Appendices 3 and 4). The background and legal framework concerning the control of rent in Slovakia is described in *Krahulec v. Slovakia* (dec.), no. 19294/07, 7 June 2011.

The applicants submit, with reference to the applicable law, that the rent to which they are entitled for letting their property is far below the maintenance costs for their houses and disproportionately low compared with similar flats to which the rent-control scheme does not apply.

By way of example, they point out that the controlled rent in respect of a flat with a surface area of 72.56 square metres has been EUR 71.5 a month, which corresponds to EUR 0.99 per square metre. However, the free-market rent in respect of such a flat was approximately EUR 830 a month, that is EUR 11.4 per square metre.

COMPLAINTS

The applicants complain that their rights under Article 1 of Protocol No. 1 have been violated as a result of the implementation of the rent-control scheme in respect of their property.

The applicants further complain under Article 14 of the Convention that they have been discriminated against in comparison with the owners of similar housing facilities to whom the rent-control scheme does not apply.

QUESTIONS TO THE PARTIES AND INFORMATION REQUESTED

Has there been an interference with the applicants' right to peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1? If so, was that interference necessary to control the use of property in accordance with the general interest and, in particular, has an excessive individual burden been placed on the applicants as a result of the operation of the legal rules governing rent-control throughout the period of their ownership of the buildings in issue (see also *Hutten-Czapska v. Poland* [GC], no. 35014/97, ECHR 2006 VIII; *Ghigo v. Malta*, no. 31122/05, 26 September 2006 or *Edwards v. Malta*, no. 17647/04, 24 October 2006)?

Have the applicants suffered discrimination, contrary to Article 14 of the Convention read in conjunction with Article 1 of Protocol No. 1?

The parties are requested to submit information about the difference between the rent which the applicants were able to obtain under the rent-control scheme in respect of their flats during the period of their ownership and the rent which was usually payable in similar flats to which the rent-control scheme did not apply.

The applicants are requested to submit all relevant documents indicating the financial management of their tenement house during the period of their ownership and, in particular, expenses related to the maintenance and (as the case may be) reparation or modernisation of the house and individual flats.

APPENDIX 1

Application no 51414/11 – list of applicants

1. Michal BALAN, who was born in 1967 and lives in Bratislava.
2. Jana BALANOVÁ, who was born in 1940 and lives in Bratislava.
3. Allan BÖHM, who was born in 1962 and lives in Bratislava.
4. Soňa BÖHMOVÁ, who was born in 1961 and lives in Bratislava.
5. Emil CINO, who was born in 1955 and lives in Pezinok.
6. Božena CINOVÁ, who was born in 1953 and lives in Pezinok.
7. Alexander ČULEN, who was born in 1967 and lives in Bratislava.
8. Boris ČULEN, who was born in 1974 and lives in Bratislava.
9. Anna ČULENOVÁ, who was born in 1942 and lives in Bratislava.
10. Jozef HLAVAČKA, who was born in 1948 and lives in Bratislava.
11. IBEA, spol. s r.o., a limited liability company with its registered office in Bratislava.
12. Lucia ILLEŠOVÁ, who was born in 1976 and lives in Bratislava.
13. Miroslav KONÔPKA, who was born in 1962 and lives in Bratislava.
14. Mária KUBEŠOVÁ, who was born in 1923 and lives in Bratislava.
15. LINEA, investičné družstvo, an investment co-operative with its registered office in Bratislava.
16. Daniela MOTEŠICKÁ, who was born in 1962 and lives in Bratislava.
17. Jozef MOTEŠICKÝ, who was born in 1972 and lives in Bratislava.
18. ONE WAY Trading, s.r.o., a limited liability company with its registered office in Bratislava.
19. Marek ŠINDELÁR, who was born in 1973 and lives in Bratislava.
20. Eva VALENTOVÁ, who was born in 1946 and lives in Trnava.
21. VETERAN SERVIS spol. s r.o., a limited liability company with its registered office in Bratislava.
22. Pavol ZEMKO, who was born in 1972 and lives in Trnava.

The applicants who are natural persons are Slovak nationals.

APPENDIX 2

Application no 46098/12 – list of applicants

1. Juraj BARTO, who was born in 1963 and lives in Bratislava.
2. BIELA LABUŤ, s.r.o., a limited liability company with its registered office in Lučenec.
3. Karol ČERVENČÍK, who was born in 1955 and lives in Bratislava.
4. Peter CHALUPA, who was born in 1960 and lives in Bratislava.
5. Robert CHRASTINA, who was born in 1971 and lives in Bratislava.
6. Peter CIRAN, who was born in 1971 and lives in Bystrička.
7. Ján CIRAN, who was born in 1955 and lives in Senica.
8. Štefan CIRAN, who was born in 1931 and lives in Bystrička.
9. Oľga CIRANOVÁ, who was born in 1938 and lives in Bystrička.
10. Eva DZURILLOVÁ, who was born in 1961 and lives in Bratislava.
11. Juraj FOLTÍN, who was born in 1968 and lives in Bratislava.
12. Ľubica GÁLIKOVÁ, who was born in 1946 and lives in Bratislava.
13. Branislav GÁLUS, who was born in 1940 and lives in Brezová pod Bradlom.
14. Anna HUTTOVÁ, who was born in 1952 and lives in Bratislava.
15. Robert KELEMEN, who was born in 1964 and lives in Lučenec.
16. Renáta KELEMENOVÁ, who was born in 1966 and lives in Lučenec.
17. Anna KLANICOVÁ, who was born in 1946 and lives in Brezová pod Bradlom.
18. Ľubica KOCANDOVÁ, who was born in 1965 and lives in Pezinok.
19. Zita KOZLOVÁ, who was born in 1980 and lives in Bratislava.
20. Ida KOZLOVÁ, who was born in 1978 and lives in Bratislava.
21. Juraj LINDAUER, who was born in 1979 and lives in Bratislava.
22. Erika LINDAUEROVÁ, who was born in 1972 and lives in Bratislava.
23. Milica MICHALOVÁ, who was born in 1954 and lives in Bratislava.
24. Peter MINÁRIK, who was born in 1948 and lives in Martin.
25. Milan MINÁRIK, who was born in 1952 and lives in Žilina.
26. MINÁRIK, spol. s r.o., a limited liability company with its registered office in Žilina.
27. Elena MINÁRIKOVÁ, who was born in 1953 and lives in Žilina.
28. Kamila MINÁRIKOVÁ, who was born in 1942 and lives in Martin.
29. Darina MORAVITZOVÁ, who was born in 1953 and lives in Bratislava.
30. Zuzana NEMČÍKOVÁ, who was born in 1955 and lives in Bratislava.
31. Dušan NOSKO, who was born in 1967 and lives in Senica.
32. Ivan NOSKO, who was born in 1964 and lives in Senica nad Myjavou.
33. Martin PETRUŠ, who was born in 1975 and lives in Bratislava.
34. Katarína PLEVÁKOVÁ, who was born in 1958 and lives in Bratislava.
35. RR Consulting, s.r.o., a limited liability company with its registered office in Bratislava.
36. Andrej SCHOLTZ, who was born in 1977 and lives in Bratislava.
37. Igor SCHOLTZ, who was born in 1928 and lives in Bratislava.
38. Viera SCHOLTZOVÁ, who was born in 1949 and lives in Bratislava.
39. Elena ŠŤASTNÁ, who was born in 1961 and lives in Bratislava.
40. Mária STRACOVÁ, who was born in 1977 and lives in Bratislava.

- 41.** Marcela SVOBODOVÁ, who was born in 1940 and lives in Praha.
- 42.** Rastislav UHLÁR, who was born in 1978 and lives in Bratislava.
- 43.** Peter WICHNER, who was born in 1951 and lives in Praha.

The applicants who are natural persons are Slovak nationals with the exception of Marcela SVOBODOVÁ and Peter WICHNER, who are Czech nationals.

APPENDIX 3

**Application no 51414/11 – Residential buildings owned by the
applicants**

Applicant		Residential house address	Land Registry Entry
1.	Michal BALAN	Obchodná 19, 811 06 Bratislava	4142
2.	Jana BALANOVÁ	Obchodná 19, 811 06 Bratislava	4142
3.	Allan BÖHM	Medená 18, 811 02 Bratislava	4232
4.	Soňa BÖHMOVÁ	Medená 18, 811 02 Bratislava	4232
5.	Emil CINO	Cajlanská 11, 902 01 Pezinok	377
6.	Božena CINOVÁ	Cajlanská 11, 902 01 Pezinok	377
7.	Alexander ČULEN	Jedlíkova 4, 811 06 Bratislava	4580
8.	Boris ČULEN	Jedlíkova 4, 811 06 Bratislava	4580
9.	Anna ČULENOVÁ	Jedlíkova 4, 811 06 Bratislava	4580
10.	Jozef HLAVAČKA	Štefanovičova 8, 811 04 Bratislava	4212
11.	IBEA, spol. s r.o.	Obchodná 4, 811 06 Bratislava	4369
12.	Lucia ILLEŠOVÁ	Obchodná 19, 811 06 Bratislava	4142
13.	Miroslav KONŮPKA	Okánikova 1-3, 811 04 Bratislava	7227
14.	Mária KUBEŠOVÁ	Banskobystrická 16, 811 06 Bratislava	1129
15.	LINEA, investičné družstvo	Rajská 14, 811 08 Bratislava	8366
16.	Daniela MOTEŠICKÁ	Medená 35, 811 02 Bratislava	212
17.	Jozef MOTEŠICKÝ	Medená 35, 811 02 Bratislava	212
18.	ONE WAY Trading, s.r.o.	Obchodná 19, 811 06 Bratislava	4142
19.	Marek ŠINDELÁR	Mudroňova 33, 811 01 Bratislava	4598
20.	Eva VALENTOVÁ	Štefanovičova 8, 811 04 Bratislava	4212
21.	VETERAN SERVIS spol. s r.o.	Kuzmányho 4, 811 06 Bratislava	3035
22.	Pavol ZEMKO	Kalinčiakova 1, 917 01 Trnava	5489

APPENDIX 4**Application no 46098/12 – Residential buildings owned by the applicants**

	Applicant	Residential house address	Land Registry Entry
1.	Juraj BARTO	Makovického 10/36, 010 01 Žilina	890
2.	BIELA LABUŤ, s.r.o.	Račianska 53, 831 02 Bratislava	2006
3.	Karol ČERVENČÍK	Sedlárska 10, 811 01 Bratislava	4216
		Nedbalova 11, 81101 Bratislava	357
4.	Peter CHALUPA	Panenská 36, 811 03 Bratislava	905
5.	Robert CHRASTINA	Panenská 36, 811 03 Bratislava	905
6.	Peter CIRAN	Blumentálska 6, 811 07 Bratislava	4294
7.	Ján CIRAN	Mariánska 2, 811 08 Bratislava	4447
8.	Štefan CIRAN	Blumentálska 6, 811 07 Bratislava	4294
		Mariánska 2, 811 08 Bratislava	4447
9.	Oľga CIRANOVÁ	Mariánska 2, 811 08 Bratislava	4447
10.	Eva DZURILLOVÁ	Červeňova 3, 811 03 Bratislava	864
11.	Juraj FOLTÍN	Panenská 36, 811 03 Bratislava	905
12.	Ľubica GÁLIKOVÁ	Mariánska 2, 811 08 Bratislava	4447
13.	Branislav GÁLUS	Mariánska 2, 811 08 Bratislava	4447
14.	Anna HUTTOVÁ	Sedlárska 10, 811 01 Bratislava	4216
		Nedbalova 11, 81101 Bratislava	357
15.	Robert KELEMEN	Račianska 53, 831 02 Bratislava	2006
16.	Renáta KELEMENOVÁ	Račianska 53, 831 02 Bratislava	2006
17.	Anna KLANICOVÁ	Mariánska 2, 811 08 Bratislava	4447
18.	Ľubica KOCANDOVÁ	Mariánska 2, 811 08 Bratislava	4447
19.	Zita KOZLOVÁ	Grösslingová 21, 811 09 Bratislava	4426
20.	Ida KOZLOVÁ	Grösslingová 21, 811 09 Bratislava	4426
21.	Juraj LINDAUER	Červeňova 3, 811 03 Bratislava	864
22.	Erika LINDAUEROVÁ	Červeňova 3, 811 03 Bratislava	864
23.	Milica MICHALOVÁ	Mariánska 2, 811 08 Bratislava	4447
24.	Peter MINÁRIK	Makovického 8, 010 01 Žilina	5205
25.	Milan MINÁRIK	Makovického 8, 010 01 Žilina	5205
26.	MINÁRIK, spol. s r.o.	Makovického 8, 010 01 Žilina	5205
27.	Elena MINÁRIKOVÁ	Makovického 8, 010 01 Žilina	5205
28.	Kamila MINÁRIKOVÁ	Makovického 8, 010 01 Žilina	5205
29.	Darina MORAVITZOVÁ	Mariánska 2, 811 08 Bratislava	4447
30.	Zuzana NEMČÍKOVÁ	Panenská 36, 811 03 Bratislava	905
31.	Dušan NOSKO	Mariánska 2, 811 08 Bratislava	4447
32.	Ivan NOSKO	Mariánska 2, 811 08 Bratislava	4447
33.	Martin PETRUŠ	Panenská 36, 811 03 Bratislava	905
34.	Katarína PLEVÁKOVÁ	Červeňova 3, 811 03 Bratislava	864
35.	RR Consulting, s.r.o.	Špitálska 2/A, 811 08 Bratislava	4093
36.	Andrej SCHOLTZ	Panenská 36, 811 03 Bratislava	905
37.	Igor SCHOLTZ	Panenská 36, 811 03 Bratislava	905
38.	Viera SCHOLTZOVÁ	Panenská 36, 811 03 Bratislava	905
39.	Elena ŠŤASTNÁ	Makovického 10/36, 010 01 Žilina	890
40.	Mária STRACOVÁ	Grösslingová 21, 811 09 Bratislava	4426

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41.	Marcela SVOBODOVÁ	Panenská 36, 811 03 Bratislava	905
42.	Rastislav UHLÁR	Grösslingová 21, 811 09 Bratislava	4426
43.	Peter WICHNER	Makovického 10/36, 010 01 Žilina	890