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

# FOURTH SECTION

# DECISION

Application no. 59189/10
Artur KUBRAK
against Poland

The European Court of Human Rights (Fourth Section), sitting on 8 October 2013 as a Committee composed of:

David Thór Björgvinsson, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek , *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 October 2010,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Artur Kubrak, is a Polish national, who was born in 1967 and lives in Wroclaw.

The Polish Government ("the Government") were represented by their Agent, Mr J. Wołąsiewicz, succeeded by Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 28 August 2003 the applicant purchased a so-called quasi-proprietorial right to a flat. However, he could not use his apartment since it was occupied by third parties. On 12 October 2006 the Wrocław District Court gave a judgment ordering their eviction. The eviction was to be carried out on the condition that the defendants would be granted social accommodation by the municipality.

The eviction was stayed until the social accommodation was allocated. Since the Wrocław Municipality did not have social housing at its disposal, the applicant could not exercise his rights in respect of the apartment. The persons living in the apartment failed to pay rent.

A number of judgments against the applicant was given by which he was ordered to pay rent in arrears to the co-operative. As he failed to pay the rent, enforcement proceedings against him were instituted.

The applicant wrote numerous letters to the municipality of Wrocław, requesting information on the possibilities of allocating social housing to persons living in his apartment. In reply, he was informed that his case would be dealt with when any social apartments at the municipality's disposal fell vacant.

The applicant's complaints concerning his right to respect for his home and to peaceful enjoyment of his possessions were communicated to the Government, who submitted their observations on the admissibility and merits on 20 April 2012. The observations were forwarded to the applicant, who was invited to submit his own observations.

By letters dated 11 December 2012, 20 February and 24 July 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 4 June 2012 and that no extension of time had been requested.

The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. However, no response has been received.

## THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

*Decides* to strike the application out of its list of cases.

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President