

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

FOURTH SECTION

DECISION

PILOT-JUDGMENT PROCEDURE

Application no. 14440/03
by Wojciech MALICKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 8 March 2011 as a Chamber composed of:

Nicolas Bratza, *President,*
Lech Garlicki,
Ljiljana Mijović,
Sverre Erik Jebens,
Päivi Hirvelä,
Ledi Bianku,
Zdravka Kalaydjieva, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 April 2003,

Having regard to the decision to apply the pilot-judgment procedure and to adjourn its consideration of applications deriving from the same systemic problem identified in the case of *Hutten-Czapska v. Poland* (no. 35014/97),

Having regard to the decision to strike the applications *The Association of Real Property Owners in Łódź v. Poland* (no. 3485/02) and *Piotrowski v. Poland* (no. 27910/07) out of the Court's list of cases,

Having deliberated, decides as follows:



THE FACTS

A. Circumstances of the case

As in the case of *The Association of Real Property Owners in Łódź v. Poland* (no. 3485/02) and the related case of *Piotrowski v. Poland* (no. 27910/07), houses belonging to the applicants or their predecessors in title were at various dates taken under the "state management of housing matters" introduced in 1946 by the communist authorities. Similarly, their property was subsequently made subject to the special lease scheme", the system of "controlled rent" and restrictions imposed under the 2001 Act, which are described at length both in the *Hutten-Czapska* pilot judgment and in the main decision in the case of *The Association of Real Property Owners in Łódź* (see §§ 6-7).

B. Relevant domestic law and practice

(See *The Association of Real Property Owners in Łódź v. Poland*, no. 3485/02, §§ 6-38).

COMPLAINT

The applicant in essence complained about various aspects of the continued restrictions on property rights imposed by the Polish housing legislation, in particular the State control over increases in rent, the limitations on the termination of leases and eviction that reduced their ability to use their property and derive a profit from it in a manner contrary to Article 1 of Protocol No. 1 to the Convention.

THE LAW

(See *The Association of Real Property Owners in Łódź v. Poland*, no. 3485/02, §§ 40-90).

For these reasons, the Court unanimously

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

Fatoş Aracı Deputy Registrar	Nicolas Bratza President