

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

FOURTH SECTION

DECISION

Application no. 26916/06
Mircea Liviu Laurențiu TILENSCHI
against Romania

The European Court of Human Rights (Fourth Section), sitting on 29 March 2016 as a Committee composed of:

Krzysztof Wojtyczek, *President,*
Iulia Antoanella Motoc,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 May 2006,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr. Mircea Liviu Laurenţiu Tilenschi, is a Romanian national, who was born in 1946 and lives in Bucharest.

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

The facts and legal situation in the present application are similar, if not identical, to those presented in the leading case *Radovici and Stănescu v. Romania*, nos. 68479/01, 71351/01 and 71352/01, ECHR 2006-...XIII (extracts). More precisely, the applicant is the owner of immovable property which was occupied by virtue of lease agreements concluded with the State. After the fall of the communist regime, the applicant's ownership was confirmed by the courts. Therefore, he attempted, although unsuccessfully, to evict the tenants or to cash in an appropriate rent.

The applicant complained under Article 1 of Protocol No. 1 of the Convention of the prolonged inability to use property which had been returned to him and to obtain rent from it.

On 9 October 2012 and 21 May 2013 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Romania in respect of the facts giving rise to these application against an undertaking by the Government to pay him EUR 3,000 (three thousand euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Romanian lei at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. The amount will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 21 April 2016.

Fatoş Aracı
Deputy Registrar

Krzysztof Wojtyczek
President