



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

FIRST SECTION

Application no. 3068/06
Tamara Georgiyevna SALIY
against Russia
lodged on 27 October 2005

STATEMENT OF FACTS

The applicant, Ms Tamara Saliy, is a Russian national, who was born in 1947 and lives in Rostov-on-Don.

The circumstances of the case

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

1. Acquisition of the flat

On 27 February 2001, the applicant concluded the privatisation agreement with the administration of the Kirov district in Rostov-on-Don. As a result, she became the owner of living premises no.1 and no.2 in communal flats no.17 and 18 located in the block of flats at 22 Sokolova Street (in the documents submitted the address was also given as 22/114 Sokolova Avenue (*Проспект Соколова*) and 22/114-116 Sokolova Lane (*Переулок Соколова*)) in Rostov-on-Don. The building at 22 Sokolova Street was classified as a historical monument.

On 18 December 2003 the applicant became the owner of additional living premises, no. 1a, 3 and 19, in the communal flats at the same address.

On 30 June 2004 the applicant sold her son, Mr O.S., one third of the obtained living premises and they became co-owners of the flat which comprised 68.1 square metres.

2. The decisions of the local administration

On 25 September 2003 the Mayor of Rostov-on-Don issued decision no. 2085 granting permission to company “Onis” to construct a business centre and a hotel at 22/114 Prospect Sokolova in Rostov-on-Don.

On 7 April (in the documents submitted the date was also referred to as 7 July) 2004 the head of the Kirov district administration in Rostov-on-Don issued decision no. 426 by which the flat owned by the applicant and her son at 22 Sokolova Street (or 22/114 Prospect Sokolova) was recognised as a dangerous structure under the threat of collapse and that, therefore, the applicant was to be deprived of property rights to it and evicted.

On unspecified date in October 2004 the Mayor of Rostov-on-Don issued decision no. 1664 according to which the applicant and her son were to be relocated from the flat in Sokolova Street to flat no. 108 situated at 11B Dumenko Street in Rostov-on-Don, comprising 59.9 square metres. According to the applicant, the size of the flat was stated in the decision incorrectly as in fact it comprised only 54.1 square metres.

From the documents submitted it follows that the applicant and her son refused to comply with the administration’s decisions and to leave their flat in Sokolova Street.

3. Proceedings brought against the applicant

On an unspecified date in 2005 the Kirov district administration lodged a claim with the Kirov District Court in Rostov-on-Don requesting the applicant’s eviction. The administration referred to its decision no. 426 stating that the flat was under the threat of collapse and demanded that the applicant and her son be relocated to the flat in Dumenko Street.

On 4 April 2005 the Kirov District Court examined the claim and found for the administration.

The applicant appealed the decision to Rostov Regional Court stating, amongst other things, that the basis for their eviction from the flat in Sokolova Street was unlawful and that the flat provided to her in exchange was not, in violation of relevant domestic regulation, of equal size and value. On 23 May 2005 the Rostov Regional Court rejected her appeal and upheld the decision of the District Court.

4. Survey report

On 15 July 2005, upon the applicant’s request, the Southern Regional Centre of the Judicial Expert Evaluations of the Ministry of Justice conducted the survey of the technical state of the applicant’s flat in Sokolova Street. In its conclusion no. 3617 the experts stated that the flat was suitable for living and was not under the threat of collapse.

COMPLAINT

The applicant complains under Article 1 of Protocol No. 1 of the Convention that she was deprived of her property without public interest and without equivalent replacement.

QUESTION TO THE PARTIES

Has the applicant been deprived of her possessions in the public interest, within the meaning of Article 1 of Protocol No. 1? Did that deprivation impose an excessive individual burden on the applicant?