



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

Communicated on 10 January 2014

FIRST SECTION

Application no. 75737/13
Andrey Yuryevich MEDVEDEV
against Russia
lodged on 22 November 2013

STATEMENT OF FACTS

The applicant, Mr Andrey Yuryevich Medvedev, is a Russian national, who was born in 1980 and lives in Moscow. He is represented before the Court by Mr A. Zenin, a lawyer practising in Moscow.

A. The circumstances of the case

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

(a) Privatisation of and subsequent transactions in respect of the flat later purchased by the applicant

Prior to its privatisation, the 31.1 square metre flat at 12-5 Ulitsa Lavochkina, Moscow, had been owned by the City of Moscow. Sh. had resided there as a tenant under the social housing agreement with the city.

On 17 May 2003 Sh. died.

On an unspecified date Un. presented forged documents confirming his marriage with Sh. at the local housing office and was registered as a tenant in the flat.

On 31 October 2003 title to the flat was transferred to Un. under the privatisation scheme.

On 5 May 2005 the Golovinskiy District Court of Moscow found Un. guilty of fraud.

On 30 August 2005 the District Court annulled the privatization agreement and Un.'s title to the flat.

On 28 October 2011 Un. sold the flat to S. The sale agreement was registered by the city registration chamber on 8 November 2011.

On 22 December 2011 S. sold the flat to the applicant. The sale agreement was registered by the city registration chamber on 29 December 2011. The applicant moved in and resided there with his girlfriend.

(b) Annulment of the applicant’s title to the flat and eviction proceedings

On an unspecified date the Department for Housing of the City of Moscow (the “Housing Department”) brought a civil claim seeking, inter alia, (1) the annulment of the applicant’s title to the flat and eviction; and (2) restitution of the flat to the City of Moscow.

On 30 October 2012 the District Court examined the case. It conceded that the applicant was a *bona fide* purchaser of the flat. However, it noted that it remained open to the applicant to sue S. in order to have his rights protected and granted the Housing Department’s claims. The applicant appealed.

On 12 March 2013 the Moscow City Court upheld the judgment of 30 October 2012 on appeal.

On 3 June 2013 the City Court refused to grant the applicant’s leave to appeal against the judgments of on 30 October and 12 March 2013

On 26 July 2013 the district bailiff’s service instituted enforcement proceedings in respect of the judgment of 30 October 2012. According to the applicant, he was evicted on 18 November 2013.

B. Relevant domestic law and practice

For relevant domestic law and practice, see the case of *Gladysheva v. Russia* (no. 7097/10, §§ 35-37, 6 December 2011).

COMPLAINTS

Relying on Article 8 of the Convention and Article 1 of Protocol No. 1, the applicant complains about the loss of title to his real property and eviction.

QUESTIONS TO THE PARTIES

1. Has the applicant complied with the six-month time-limit laid down in Article 35 § 1 of the Convention? Which judicial decision in the applicant's case should be considered as a final domestic decision?

2. Has the applicant been deprived of his possessions in the public interest, in accordance with the conditions provided for by law and in accordance with the principles of international law, within the meaning of Article 1 of Protocol No. 1?

If so, was that deprivation necessary to control the use of property in the general interest? In particular, did that deprivation impose an excessive individual burden on the applicant?

3. Has there been an interference with the applicant's right to respect for his home, within the meaning of Article 8 § 1 of the Convention?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?