

**SUPREME COURT OF KOSOVO
GJYKATA SUPREME E KOSOVËS
VRHOVNI SUD KOSOVA**

**KOSOVO PROPERTY AGENCY (KPA) APPEALS PANEL
KOLEGJI I APELIT TË AKP-ës
ŽALBENO VEĆE KAI**

GSK-KPA-A-200/14

Prishtinë/Priština, 18 May 2016

In the proceedings of

R.P.

Appellant

The KPA Appeals Panel of the Supreme Court of Kosovo composed of Sylejman Nuredini, Presiding Judge, Beshir Islami, Judge and Krassimir Mazgalov, EULEX Judge, on the Appeal against the Decision of the Kosovo Property Claims Commission KPCC/D/R/231/2014 (case file registered at the KPA under the number KPA53166), dated 13 March 2014, after the deliberation held on 18 May 2016, issues the following

JUDGMENT

1. The Appeal filed by R. P. against the Decision of the Kosovo Property Claims Commission KPCC/D/R/231/2014, dated 13 March 2014, regarding the Claim registered with KPA under No. KPA53166, is rejected as unfounded.
2. The Decision of the Kosovo Property Claims Commission KPCC/D/R/231/2014, dated 13 March 2014, regarding the Claim registered with KPA under No. KPA53166, is confirmed.

Procedural and factual background

1. On 26 November 2007, R. P. (henceforth: the Appellant) filed a Claim with the Kosovo Property Agency (hereinafter: the KPA), registered under the case No.KPA53166, seeking repossession of a house with surface of 432 square meters located on 57 Marka Oreškoviča str. in Brezanik, Pejë/Peć (hereinafter: the claimed property). The Appellant did not mention a parcel number.
2. With the Claim the Appellant submitted *inter alia* to the KPA:
 - Decision No.436-1/5985 issued by Republic Administration of Public Revenues- Department for assessment and collection of public revenues- Pejë/Peć on determining the property tax for natural person, by which for taxpayer R. P. for the period 01.01.1996-31.12.1996 was determined a total tax for residential building with area of 100 square meters. The property and it's address are not described in the document.
 - Request for connection and receipts for consumed electrical power regarding a building which is located in Pejë/Peć, 67 M.Dreskovic str.
3. The abovementioned documents were **negatively** verified by the KPA.
4. The KPA contacted the Appellant and asked for submission of additional documents proving the claimed property right. The Appellant did not submit any other documents.
5. The claim was physically notified on 29 January 2008 and through publication in the gazette of the KPA on 25 April 2013. The notification team found that the claimed property is a destroyed house with yard and it is not occupied. Nobody participated as a respondent in the procedure.

6. On 13 March 2014, the KPCC with its Decision KPCC/D/R/231/2014 refused the Claims with reasoning that the Appellant has failed to establish ownership or any other property right over the claimed property and the KPA did not find ex officio any evidences of such property rights.
7. The KPCC Decision was served on the Appellant on 23 June 2014. On 30 June 2014 Appeal was filed by the Appellant.

Allegations of the Appellant

8. In his Appeal, the Appellant alleges that there is a house which is registered at his name on 57 Marka Oreškoviča str. in Pejë/Peć . The Appellant requests the Supreme Court to provide him with a correct decision as soon as possible.

Legal reasoning

Admissibility of the Appeal

9. The Appeal was filed within the time limit of 30 days set in Article 12.1 of the Law No. 03/L-079 and it is admissible.

Merits of the Appeal

10. Contrary to the allegations of the Appellant, the Supreme Court finds that the Appellant has not presented enough evidences for the claimed property rights to be confirmed. All of the provided by the Appellant documents were negatively verified and the KPA could not obtain ex officio any documents supporting the alleged property rights. The appellant after several requests failed to present any other evidences in support of his allegations.
11. Accordingly, the KPCC was correct to refuse the claim. Neither violation of substantive law nor an incomplete determination of the facts has been made. Therefore the Supreme Court finds the Appeal unfounded.
12. In the light of foregoing, pursuant to Section 13.3 under (c) of the Law 03/L-079, it was decided as in the enacting clause of this Judgment.

Legal Advice

Pursuant to Section 13.6 of UNMIK Regulation 2006/50 as amended by Law 03/L-079, this Judgment is final and cannot be challenged through ordinary or extraordinary remedies.

Sylejman Nuredini, Presiding Judge

Krassimir Mazgalov, EULEX Judge

Beshir Islami, Judge

Sandra Gudaityte, EULEX Registrar