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Decision no. 700a/2011

Application

Applicant, Status

Michael Anthony B., Recommendation
Paul Roderick B., Recommendation
Philip William B., Recommendation
Margaret Helen S., Recommendation
David S., Recommendation
George Leopold S., Recommendation
Gregory John S., Recommendation
Peter Mark S., Recommendation
Robert Edmund S., Recommendation

Public owner

Stadtgemeinde Bad Vöslau

Type of property

immovable

Real estate in

KG Vöslau (04035), Bad Vöslau, Niederösterreich | [show on map](#)
KG Leopoldstadt (01657), Wien, Wien | [show on map](#)
KG Brigittenau (01620), Wien, Wien | [show on map](#)
KG Penzing (01210), Wien, Wien | [show on map](#)
KG Hadersdorf (01204), Wien, Wien | [show on map](#)
KG Wieden (01011), Wien, Wien | [show on map](#)
KG Landstraße (01006), Wien, Wien | [show on map](#)
[Show all on map](#)

Decision

Number

700a/2011

Date

30 Sep 2011

Reason

Award of a comparable asset pursuant to Sec. 34 of the GSF Law

Type

substantive

Decision in anonymous form

Entscheidung 700a 2011 (PDF, 17.56 KiB)

English translation: Decision 700a 2011 (PDF, 94.34 KiB)

Related decision

Decision no. 700/2010

Press release

Lower Austria, Bad Vöslau

On 30 September 2011, in supplementation of its decision 700/2010, the Arbitration Panel for In Rem Restitution recommended that the applicants be awarded a comparable asset of 41,000 Euros. In decision 700/2010, the restitution application for a property owned by the Municipality of Bad Vöslau was already positively decided with regard to a 1/6 share. As a public traffic thoroughfare owned by the municipality is currently situated on the land, the Arbitration Panel considered restitution in rem impractical. In such cases, the Entschädigungsfondsgesetz (“General Settlement Fund Law” – GSF Law) provides for the award of a comparable asset.

The entire property ownership of the former Jewish owner, Hans S. had been expropriated without compensation during the course of the National Socialist assumption of power. In 1943, the Municipality of Bad Vöslau purchased various small areas – including 1,743 m², one sixth of which had formerly belonged to Hans S. – in order to construct/extend municipal roads. The majority of these areas have been used as municipal public road areas ever since. After 1945, these areas of land formerly belonging to Hans S. were neither restituted nor was a settlement by agreement reached with the former owner.

As such, an open question of compensation in accordance with the law existed. The Arbitration Panel therefore recommended the restitution of 1,643 m² to the nine applicants. 100 m² was no longer owned by the Municipality of Bad Vöslau on the cut off day pursuant to the GSF Law, 17 January 2001. Due to the fact that these areas are still used as a public road, a restitution in rem is not practical. Therefore, the Arbitration Panel recommended the Municipality of Bad Vöslau to pay to the applicants the current market value.

For use by media; not legally binding upon the Arbitration Panel for In Rem Restitution.

For further inquiries contact: presse@nationalfonds.org