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Decision no. 27d/2012

Application

Applicant, Status

Elisabeth Selma K., Dismissal

Public owner

Republik Österreich

Type of property

immovable

Real estate in

KG Josefstadt (01005), Wien, Wien | [show on map](#)

Decision

Number

27d/2012

Date

26 Jan 2012

Reason

Deadline expired

Type

substantive

Decision in anonymous form

Entscheidung 27d 2012 (PDF, 257.71 KiB)

English translation: Decision 27d 2012 (PDF, 228.02 KiB)

Related decisions

Decision no. 27/2005

Decision no. 27a/2006

Decision no. 27b/2007

Decision no. 27c/2008

Decision no. WA6/2009

Press release

Press Release Decision No. 27d/2012

Vienna, Josefstadt

On 26 January 2012, the Arbitration Panel for In Rem Restitution dismissed a claim for restitution of a property in Vienna Josefstadt, as it had not been filed within the deadline. The property, which was owned by the Republic of Austria (Bundesimmobiliengesellschaft) on the cut off day, 17 January 2001, had already been restituted. As the application deadline for restitution of property owned by the Federation had already expired on 31 December 2007 and the present application was not submitted to the Arbitration Panel until 10 January 2012, the application had to be dismissed as it was late.

In decisions no. 27/2005, 27a/2006, 27b/2007, 27c/2008 and WA 6/2009 re 27c/2008, the Arbitration Panel decided on several applications for restitution of the property in Vienna, Josefstadt, on which a sanatorium had previously been run. The implementation of the recommendations for in rem restitution by transferring the property to the 39 heirs took place between 2009 and 2010.

In January 2012, Dr. Elisabeth Kre. filed an application for in rem restitution with the Arbitration Panel and stated that she had only discovered in December 2011 that she was also a member of one of the lines of heirs to the former property owner Dr. Lothar F. She was therefore just as eligible an heir as her sister Dr. Helene T., whose eligibility to file an application was confirmed by the Arbitration Panel in 2006 with decision no. 27a/2006. As one of the descendants of the grandparents of the original owner Lothar F., she also counted among his statutory heirs.

In its decision, the Arbitration Panel held that on the basis of the submitted new documents, the applicant, whose existence was unknown until she filed an application in 2012, is an eligible heir of Dr. Lothar F. As, however, the deadline for filing applications expired on 31 December 2007, the application had to be dismissed as it was late.

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

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