

1.	Abandoned property	<p style="text-align: center;">GLOSSARY OF TERMS</p> <p>Abandoned property</p> <p>Any property, which the owner or lawful possessor and the members of his/her family household have either permanently or temporarily, other than for an occasional absence, involuntarily ceased to use the property and which is either vacant or illegally occupied, see section 1 of UNMIK Regulation 2000/60.</p>
2.	Administered Property	<p>Administered Property</p> <p>The HPD is authorized to administer abandoned housing for the purpose of providing for the housing needs of displaced persons and refugees. It may make an order placing a property under its administration in any one of the following circumstances:</p> <ul style="list-style-type: none"> (a) By agreement of the parties in settlement of a claim; (b) On the request of the claimant, following a decision by the Commission confirming the property right of the claimant; (c) Following eviction of the current occupant, if the claimant fails to repossess the property within 14 days of being notified of the execution of the eviction; (d) Where no claim has been submitted for the property, and the property is either vacant, or the current occupant of the property does not assert any property right to the property; or (e) Where no claim has been submitted for the property, on the request of the owner or occupancy right holder of the property. <p>For as long as the property is under the administration of the HPD, the rights of possession of the owner or occupancy right holder are suspended in the public interest.</p> <p>The HPD may grant temporary permits to persons to occupy property under its administration subject to such terms and conditions as it sees fit and it is obliged to establish criteria for the allocation of properties on this basis. This should not be misconstrued as placing an obligation on the HPD to address humanitarian/social housing issues; this responsibility clearly lies with the PISG, and is discussed below under the heading “housing needs – humanitarian housing”.</p> <p><u><i>Eviction Orders in relation to property under HPD administration</i></u></p> <p>Where the owner or occupancy right holder of a property under administration gives notice to the HPD that they wish to return to the property, the HPD will deliver an eviction order requiring the current occupant to vacate the property within 90 days. Where the current occupant does not comply with the order to vacate the property, the HPD will proceed to issue a warrant authorizing the</p>

		<p>execution of the eviction order.</p> <p>It should be noted that the HPD may also issue an eviction order in relation to a property under its administration at any time in any one of the following circumstances:</p> <ul style="list-style-type: none"> - where the current occupant does not qualify for a temporary permit; - where a temporary permit has expired; - where the holder of a temporary permit ceases to qualify for accommodation on humanitarian grounds or does not comply with the terms and conditions of the temporary permit. <p>The administration of the property by the HPD terminates upon repossession of the property by the owner or occupancy right holder, see further section 12 of UNMIK Regulation 2000/60 - click here to go directly to section 12.</p> <p>As to evictions where the property is not under HPD administration, see section 13 of UNMIK Regulation 2000/60, considered below under the heading "Eviction".</p>
	Allocation right holder	<p>Allocation right holder</p> <p>This is the name given to the socially owned enterprise that had the right to allocate a socially owned apartment to a party, in accordance with the applicable law, see section 1 of UNMIK Regulation 2000/60.</p>
3.	Applicable law	<p>Applicable law</p> <p>The applicable law governing residential property rights in Kosovo is contained in UNMIK Regulation 1999/23 and UNMIK Regulation 2000/60 as described above. There is also a body of law on housing and property rights that was in force in Kosovo on 22 March 1989 that is still applicable today by virtue of UNMIK Regulation 1999/24, which prescribes that these laws form part of the applicable law:</p> <ul style="list-style-type: none"> - The Law on Housing Relations (Official Gazette of the SAP Kosovo, No. 11/83, 29/86, 42/86); - Law on Co-ownership of an Apartment (Official Gazette of the SAP Kosovo, No. 43/80, 22/87); - Law on Construction of Annexes to Buildings and the Conversion of Common Premises into Apartments (Official Gazette of the SAP Kosovo, No. 14/88); - Law on the Transfer of Real Property (Official Gazette of SAP, Kosovo, No. 45/81, 29/86, 26/88); - Law on the Registration of Real Properties in Social Ownership (Official Gazette of SAP, Kosovo, No. 37/71). <p>Further, UNMIK Regulation 1999/10 on the Repeal of Discriminatory Legislation affecting Housing and Rights in Property repealed post 1989 laws which were deemed to be discriminatory.</p> <p>A compilation of the UNMIK Regulations and other laws cited above are available on our website by clicking on the following link: http://www.hpdkosovo.org/Legalframework.htm</p>

4.	Associated property	<p>Associated property</p> <p>This means land and buildings owned and/or used by a claimant, which form a physical unit with a residential property, see section 1 of UNMIK Regulation 2000/60.</p>
5.	B claim order	<p>B claim order</p> <p>Any person who can prove that s/he acquired ownership of a property through an informal transaction based on the free will of the parties between 23 March 1989 and 13 October 1999 is entitled to an order for the registration of his/her ownership in the appropriate public record. Such an order does not affect any obligation to pay any tax or charge in connection with the property or the property transaction, see section 2.4 of UNMIK Regulation 2000/60.</p>
6.	Call Center	<p>The Call Center</p> <p>The Call Center contacts and receives calls from claimants on a daily basis in order to provide them with updates on the status of their claims, to arrange for the notification/collection of decisions and deal with issues relating to the processing and implementation of claims and decisions respectively.</p> <p>The Call Centre's Hot Line is + 381 (0) 38 249 936 or you may contact the call center by email at administrator@hpdkosovo.org or on any of the phone numbers or faxes numbers designated on the "HPD Offices and Staff" at http://www.hpdkosovo.org/contactus.htm.</p>
7.	Claim	<p>Claim</p> <p>A claim is a claim which the HPD has jurisdiction to receive and register pursuant to Section 1.2 of UNMIK Regulation 1999/23 and Section 2 of UNMIK Regulation 2000/60 as follows:</p> <ul style="list-style-type: none"> (a) Claims by persons whose, ownership, possession or occupancy right to residential property has been revoked between 23 March 1989 and 24 March 1999 on the basis of discrimination – known as category A claims; (b) Claims by persons who entered into informal voluntary transactions of residential property between 23 March 1989 and 13 October 1999, which transactions were rendered unlawful due to discriminatory laws, and which would otherwise have been lawful – know as category B claims; (c) Claims by persons who were the owners, possessors or occupancy right holders of residential property prior to 24 March 1999 and who do not now enjoy possession of their property and where they have not voluntarily disposed of their property right – known as category C claims. <p>The procedure for initiating a claim is set out in Section 8 of UNMIK Regulation 2000/60.</p>

8.	Claimant	<p>Claimant</p> <p>A person who files a claim with the HPD pursuant to section 1.2 of UNMIK Regulation No. 1999/23, or, where that person is unable to make a claim, a member of the family household of that person, who files a claim on that person's behalf, see section 7.2 of UNMIK Regulation 2000/60.</p> <p>Note also that a claimant may be represented by an authorized person with a valid and duly executed Power of Attorney, see section 7.3 of UNMIK Regulation 2000/60.</p> <p>As to the content of claims and the rights of the parties to a claim, see sections 8 and 9 of UNMIK Regulation 2000/60.</p>
9.	Closure	<p>Closure</p> <p>This is one of the options available to a claimant who has been informed that his/her claim has been successful. Where a claimant requests closure of the case, he/she permanently waives the right to request any further action in relation to their property from the HPD. Jurisdiction over the property is with the closure of the case referred back to the local judiciary.</p>
10.	Commission/ Commission session/ Commissioner	<p>Commission/Commission session/Commissioner</p> <p>The Housing and Property Claims Commission (HPCC) which was established pursuant to section 2 of UNMIK Regulation 1999/23. The rules of procedure and general rules governing the HPCC are set down in Chapter III of UNMIK Regulation 2000/60. For more information on the rules of procedure of the HPCC; its composition; decisions; etc. click here – link to UNMIK Regulation 1999/23 and 2000/60.</p>
11.	Connected claim	<p>Connected claim</p> <p>A connected claim is where more than one claim has been filed in respect of the same property – two similar category claims maybe filed or different categories of claims may be filed over the one property, e.g., a category “A claim” and a category “C claim”.</p>
12.	Compensation and Restitution	<p>Compensation</p> <p>Compensation is payable in cases where the HPCC has determined that a Category A-claimant had an occupancy right over a claimed property, which was cancelled as a result of discrimination, and a Category C-claimant had an ownership right over the same property. In such cases, the Category A-claimant will have the right to ownership of the property upon payment to the HPD of a sum to be determined and the C-claimant who loses his/hers ownership will be entitled to receive compensation.</p> <p>Secondly, where an A-claimant does not pay the sum determined by the</p>

		<p>Directorate or where it is not possible for the HPCC to award restitution of the apartment to an A-claimant, the latter will be issued with a certificate entitling him/her to receive fair compensation; a C-claimant in such case will be entitled to possession of the claimed property.</p> <p>The execution of this procedure can only be effected after the final calculation of the amounts to be paid. With the caseload completed by mid 2005, HPD will thereafter commence with the calculation of the individual amounts of compensation payable in each case.</p> <p>As to the general principles governing the relief which may be granted to successful claimants, see further sections 2, 3 and 4 of UNMIK Regulation 2000/60.</p>
13.	Compensation for damaged or destroyed property	<p>Compensation for damaged or destroyed property</p> <p>The HPCC does not have jurisdiction to receive claims for compensation for damage or destruction of property, see section 2.6 of UNMIK Regulation 2000/60.</p>
14.	Damage to properties under administration	<p>Damages to property under administration</p> <p>The Directorate is under an obligation to make reasonable efforts to minimize the risk of damage to any property under its administration, but it does not bear any responsibility for damage to property under its administration or for loss of or damage to its contents, see further section 12.8 of UNMIK Regulation 2000/60.</p>
15.	Deadlines	<p>Deadlines/Limitation periods applicable to HPD/HPCC proceedings</p> <p><u>Filing a claim</u> The deadline for filing a claim with the Housing and Property Directorate was 1 July 2003.</p> <p><u>Reconsideration Requests</u> The deadline for a party to submit to the HPD a request to the HPCC for the reconsideration of its decision is 30 days from the date of being notified of that decision. An interested person who is not a party to a claim is required to submit a reconsideration request within 30 days of learning of the decision but no later than one year from the date of the HPCC decision.</p> <p>However, it should be noted that in the interests of the efficient and fair resolution of claims, the Directorate may, in specific cases, extend any deadline or dispense with any procedural rule in this Chapter, where there is good reason to do so and this would not materially prejudice the rights of any party, see section 9.10 of UNMIK Regulation 2000/60. Further the HPCC may in specific cases, proceed notwithstanding non-compliance with any procedural rule by any party or by the Directorate in the interests of the efficient administration of justice, where there is good reason to do so and this would not materially prejudice the rights of any party, see section 19.6 of</p>

		<p>UNMIK Regulation 2000/60.</p> <p><u>Implementation</u></p> <p>The HPD's mandate will be fully implemented by the end of 2005 and the HPD will exit Kosovo. In order to ensure the implementation of all decisions, claimants have two weeks on being informed that a decision has been granted in their case, within which to collect that decision at the HPD office. Thereafter, they have a further two weeks within which to notify the HPD as to their preferred option for implementation. If the decision is not collected by the claimant and/or the claimant does not inform the HPD of his/her preferred choice for implementation of the decision, the HPD will proceed to close the case. Any future request from the claimant to have the decision implemented will have to be directed to and addressed by the local authorities, see the notices to the public on our web-page at http://www.hpdkosovo.org/index.htm</p>
16.	Decisions – power to issue	<p>Decisions</p> <p>Both the Housing and Property Directorate (HPD) and the Housing and Claims Commission (HPCC) may resolve claims and issue decisions. However the jurisdiction of the HPD to do so is limited to the following types of claims:</p> <ol style="list-style-type: none"> 1. Where a claim manifestly falls outside the HPCC's jurisdiction, the HPD may issue a written decision, rejecting such a claim, see section 10.3 of UNMIK Regulation 2000/60. However note that where a claimant contests the HPD's rejection of his/her claim, the claim must be referred to the HPCC for a decision. 2. Where a party submits a claim alleging that s/he voluntarily entered into an informal transaction of residential property on the basis of the free will of the parties between 23 March 1989 and 13 October 1999 (i.e. also known as a category B claim) and where that claim is uncontested, and the HPD is satisfied that there is sufficient evidence that the claimant acquired the property right through the informal transaction, the HPD may issue an order for registration of the claimant's informal transaction in the appropriate public record, see section 11 of UNMIK Regulation 2000/60. <p>All other claims which fall outside of these two categories must be referred to the HPCC for resolution.</p>
17.	Decisions of the HPCC	<p>Decisions of the HPCC</p> <p>In its decision, the HPCC may make any one of the following orders:</p> <ol style="list-style-type: none"> a. Dismiss the claim, not granting any property right to the claimant; b. Dismiss the claim, not granting any property right to the claimant, but referring the property dispute to the local court; c. Grant the claim and order repossession for the claimant (for category A and C claims); d. In circumstances where the property is destroyed, grant a declaratory

		<p>order in relation to the property (for category A and C claims);</p> <p>e. Grant the claim and order registration in the appropriate public record (for category B claims);</p> <p>f. Where there are two claims filed over the same property, it may grant the claim and order ownership to one claimant and compensation to the other claimant (i.e. where there is a successful category A and C claim in relation to the same property).</p> <p>For more information on the decisions of the Housing and Property Claims Decision, click here – or see section 22 of UNMIK Regulation 2000/60.</p>
18.	Declaratory order	<p>Declaratory order</p> <p>The HPCC issued declaratory orders in cases where the property over which a claim has been filed is destroyed. This order recognises the property right of the claimant over the said property at the time when the property was destroyed. The order may be used in court proceedings to contest any subsequent illegal occupation of the land on which the destroyed property stands, or to facilitate reconstruction of the property or prove ones entitlement to benefit from any future compensation scheme.</p> <p>It should be noted that disputes related to the destruction of the property, compensation for destruction or issues concerning the unauthorised use of the land are outside the jurisdiction of the HPCC, and must be addressed to the local courts.</p>
19.	Eviction	<p>Eviction</p> <p>The procedure for executing an eviction is set down in section 13 of UNMIK Regulation 2000/60. Firstly the HPD is required to deliver a certified copy of the HPCC's decision and any order to the current occupant of the claimed property. Where the current occupant does not vacate the property, the HPD shall then deliver an eviction order issued by the HPCC to the current occupant. The HPD may, at its discretion, delay execution of the eviction order for up to 6 months, pending resolution of the housing needs of the current occupant, or under circumstances that it deems fit. The HPD must inform the current occupant and the claimant of the reason for the delay, see further section 13 of UNMIK Regulation 2000/60.</p> <p>It should be noted that the execution of a pending eviction order shall be stayed from the time of lodging a reconsideration request until the HPCC has decided on the reconsideration request, unless the HPCC decides otherwise, see section 14.3 of UNMIK Regulation 2000/60. As to reconsideration requests generally, see section 14 of UNMIK Regulation 2000/60 considered below under the heading "Reconsideration Requets".</p> <p>As to eviction orders where the property is under HPD administration, see section 12 of UNMIK Regulation 2000/60, considered above under the heading "Administered Property".</p>

20.	Evidence	<p>Evidence</p> <p>As a general rule the HPCC decides claims on the basis of written submissions and documentary evidence. No party is entitled to give oral evidence before the HPCC unless invited to so do. Where a party is invited to give oral evidence before the HPCC, the hearing must take place in public and be conducted under the direction of the Chairperson; the HPCC and due notice must be given to the parties, see section 19.2 of UNMIK Regulation 2000/60.</p> <p>In so far as the submission of written or documentary evidence is concerned, parties to a claim are required to submit originals or certified copies of any documents on which they wish to rely in support of their claim and which are relevant to the claim and within their possession or procurement (i.e. may be reasonably obtained from a public record), see section 9.5. The HPCC may require the HPD to obtain more information from a party, or to conduct additional investigations, see section 21.2.</p> <p>In so far as the conduct of plenary sessions is concerned, the HPCC may be guided but is not bound by the rules of evidence applied in local courts in Kosovo. Further, it may consider any reliable evidence, which it considers relevant to a claim, including evidence presented by the Directorate concerning the reliability of any public record, see section 21 of UNMIK Regulation 2000/60.</p>
21.	Exit strategy	<p>The HPD Exit Strategy</p> <p>The HPD's exit strategy will focus on the following areas of activity:</p> <ul style="list-style-type: none"> • The implementation of HPCC decisions; • The hand-over of all claims files to the local courts together with a consolidation of the HPCC's jurisprudence. • The hand-over of best practices to local authorities • The enhancement of a database to be handed over to the designated local authorities; • The development of a rental scheme for administrated properties;
22.	The Housing and Property Claims Commission	<p>The Housing and Property Claims Commission (HPCC)</p> <p>The HPCC is the independent judicial organ of the HPD which was established under section 2 of UNMIK Regulation 1999/23. It is mandated to resolve disputes concerning residential property referred to it by the HPD pursuant to section 10.4 of UNMIK Regulation 2000/60.</p> <p>Its rules of procedure and evidence are set down in Chapter III of UNMIK Regulation 2000/60 and it is assisted in the performance of its judicial functions by a Registry. It sits in plenary session ordinarily six times per year in Pristina and/or conducts proceedings through telephone conferences and electronic means.</p> <p>As to the rules of procedure of the HPCC and provisions governing plenary</p>

		<p>sessions, see Chapter III of UNMIK Regulation 2000/60 – click here to go directly to section 2 of UNMIK Regulation 1999/23 and Chapter III of UNMIK Regulation 2000/60.</p> <p>As to its rules of evidence generally, see section 19 and 21 of UNMIK Regulation 2000/60, considered above under the heading “Evidence”.</p>
23.	The Housing and Property Directorate	<p>The Housing and Property Directorate (HPD)</p> <p>The Housing and Property Directorate (HPD) has been entrusted with the lead role in matters relating to the resolution of claims concerning residential property in Kosovo. Section 1.1 of UNMIK Regulation 1999/23 mandates the HPD to:</p> <p><i>“provide overall direction on property rights in Kosovo until the Special Representative of the Secretary-General determines that local governmental institutions are able to carry out the functions entrusted to the Directorate.”</i></p> <p>Section 1.1 of this Regulation also prescribes a range of duties and responsibilities entrusted to the HPD which flow from its mandate as follows:</p> <ol style="list-style-type: none"> 1) To conduct an inventory of abandoned private, state and socially owned housing; 2) To supervise the utilization or rental of such abandoned property on a temporary basis for humanitarian purposes; 3) To provide guidance to UNMIK, including CIVPOL and UNHCR, as well as KFOR on specific issues related to property rights; and 4) To conduct research leading to recommended policies and legislation concerning property rights. <p>Further, section 1.2 of the Regulation determines that the HPD’s jurisdiction overrides that of the Kosovo judiciary in respect of the three categories of claims over residential property as set out under the heading “A Claim” above.</p> <p>The HPD is mandated to administer abandoned residential properties until they are repossessed by the lawful property right holders, see section 12 of UNMIK Regulation 2000/60, considered under the heading “Administration” above. – click here to go directly to section 1 of UNMIK Regulation 1999/23 and UNMIK Regulation 2000/60.</p>
24.	Housing needs - humanitarian cases	<p>Housing needs - humanitarian cases</p> <p>In response to a claim, a current occupant who is notified that there is a claim filed over the property in which he resides, may request the HPD to take his/her housing needs into consideration. In making such a request, he/she should provide HPD with all information relevant to an assessment of his/her housing needs, see section 9.6 of UNMIK Regulation 2000/60.</p> <p>In response to such a request, the HPD may grant temporary permits to occupy property under its administration, subject to such terms and conditions as it sees fit. Temporary permits shall be granted for a limited period of time, but may be renewed upon application. The HPD has established criteria for the allocation of properties under administration on a temporary humanitarian</p>

		<p>basis, see further, section 12.4 and 12.5 of UNMIK Regulation 2000/60.</p> <p>As to the issuing of an eviction order in respect of such a property, see section 12.6 of UNMIK Regulation 2000/60.</p> <p>It should be noted however that the HPD's mandate is not an humanitarian, but a legal one, namely to settle disputes concerning residential property and to execute/implement decisions so as to enforce the rule of law.</p> <p>The obligation to provide for and address social housing issues rests firmly with the PISG (Provisional Institutions of Self Government) and in particular the Municipalities. This responsibility was transferred from UNMIK to the PISG pursuant to Section 1.3(k) of UNMIK Regulation 2000/45.</p>
25.	Implementation	<p>Implementation</p> <p>Implementation is the process by which a decision of the HPD/HPCC is actually enforced. Successful category A and C claimants have three options regarding the implementation of their claims. They can choose between:</p> <ul style="list-style-type: none"> (1) Closure of the case without any further implementation; (2) HPD-administration; or (3) Repossession. <p>By requesting closure of the case the claimant permanently waives his/her right to request the HPD to undertake any further action on his/her behalf. Jurisdiction over the property is on closure referred back to the local judiciary.</p> <p>Where a party requests that the property be placed under "HPD-administration", this means that he/she authorizes the HPD to temporarily take possession of the property until he/she requests repossession. The HPD will then allocate the property in line with its internal allocation criteria.</p> <p>Where a claimant opts for repossession the HPD will secure the handover of the property. A claimant is entitled to one eviction only. He/she will be informed that the eviction is scheduled to take place a maximum of seven days in advance of the eviction and within 24 hours after its execution, which is considered to be the time of legal repossession of the property. From this point on the case is closed from the HPD's side. Repossession is considered in further detail under the heading "Repossession" below.</p> <p><u><i>Deadlines for Implementation of HPCC Decisions</i></u></p> <p>Some successful claimants have failed to indicate how they wish to have their claims implemented. This creates delays in the implementation of property rights decisions as the HPD cannot take action if the owner does not indicate what s/he wishes to do with the property. Since the HPD's mandate will be implemented by the end of 2005 and the HPD will exit Kosovo, claimants have two weeks on being informed that a decision has been granted in their case, within which to collect the decision at the HPD office. Thereafter, they have a further two weeks within which to notify the HPD as to their preferred option for implementation. If the decision is not collected by the claimant and/or no request is notified to the HPD regarding implementation, the HPD will proceed</p>

		<p>to close the case. Any future request from the claimant to have the decision implemented will have to be directed to and addressed by the local authorities.</p> <p>Successful category B type claims are considered implemented where the HPD/HPCC as the case may be, orders that the ownership of the claimant be registered in the appropriate public record, discussed above under the heading "Decisions".</p>
26.	Informal transaction	<p>Informal transaction</p> <p>Any real property transaction, which was unlawful under the provisions of the Law on Special Conditions Applicable to Real Estate Transactions (Official Gazette SRS 30/89, as amended by the laws published in Official Gazette SRS 42/89 and 22/91) or other discriminatory law, and which would otherwise have been a lawful transaction, see section 1 of UNMIK Regulation 2000/60.</p>
27.	Inventory case	<p>Inventory Case</p> <p>Property placed under HPD administration <i>ex officio</i>, pursuant to the mandate of the HPD as set out in section 1.1 of UNMIK Regulation 1999/23.</p>
28.	Languages	<p>Languages</p> <p>The official language of the HPCC is Albanian, English and Serbian. The HPD also conducts its business in these three languages and a claim form and a reply to a claim may be submitted to the HPD in any one of the three languages, see sections 9.9 and 17.5 of UNMIK Regulation 2000/60.</p>
29.	Limitation periods	<p>Limitation periods</p> <p>The limitation periods applicable to proceedings filed before the HPD/HPCC are considered above under the heading "Deadlines".</p>
30.	Mandate	<p>Mandate</p> <p>The mandate of the HPD and HPCC is considered above under the headings "HPD" and "HPCC" respectively or see further sections 1 and 2 of UNMIK Regulation 1999/23 by clicking here.</p>
31.	Missing claimants	<p>Missing Claimants</p> <p>Approximately 1,000 claimants have changed addresses or contact numbers without notifying the HPD thus rendering any attempts to contact them unsuccessful – thus know as "<i>missing claimants</i>".</p> <p>For this reason there are claims that cannot be processed because the claimant is not available to provide the Directorate with the necessary information, and decisions that cannot be implemented because notifying the claimant of a successful decision in his/her case is not possible.</p>

		<p>To try to remedy this situation, the HPD regularly distributes a list of missing claimants – via the Pristina and Belgrade media and on its internet site at www.hpdkosovo.org. It also forwards such lists to NGOs and IGOs working with Internally Displaced Persons (IDP) – with the claim numbers of those of whom it has not been possible to contact.</p> <p>If you have reasons to believe that your contact information is not updated please use HPD's Call Centre's Hot Line on + 381 (0) 38 249 936, or any of the phone numbers and faxes available in the "HPD Offices and Staff" page at http://www.hpdkosovo.org/contactus.htm. Alternatively, you can email the HPD at the following email address: administrator@hpdkosovo.org</p>
32.	Occupancy right	<p>An Occupancy Right</p> <p>This is the right to use a socially owned apartment – in order to prove an occupancy right a person must be able to demonstrate compliance with the provisions of the Law on Housing Relations (Official Gazette of the SAP Kosovo, No. 11/83, 29/86, 42/86), in that s/he must prove that they have:</p> <ul style="list-style-type: none"> • an allocation decision in his/her favour evidencing the fact that the property was allocated to him/her by the Allocation Right Holder; • concluded a contract on use or a contract on lease with the Public Housing Enterprise • entered into lawful possession of the said property, see section 11 of the Law on Housing Relations, cited above. <p>An occupancy right cannot be acquired over an apartment designated for use for official purposes ('service apartments') or apartments used as temporary accommodation, or leases of socially owned apartments, see section 1 of UNMIK Regulation 2000/60.</p>
	Parties to a claim	<p>Parties to a claim</p> <p>The parties to a claim are the claimant, the current occupant of the claimed property and any other natural person with a legal interest in the said property who informs the HPD of their intention to participate in the proceedings within 30 days of being notified of the claim by the HPD, see sections 9.1 and 9.2 of UNMIK Regulation 2000/60.</p> <p>A person with a legal interest in the claim, who did not receive notification of a claim, may be admitted as a party at any point in the proceedings, provided the claim has not been finally adjudicated.</p> <p>After receipt of a claim, the HPD is required to notify the current occupant of the claimed property if any, and shall make reasonable efforts to notify other persons with a legal interest in the property. In appropriate cases, such reasonable efforts shall take the form of an announcement in an official publication of the Directorate.</p>

		<p>Where a current occupant or interested party indicates their intention to participate in the proceedings, they are required to notify the HPD of an address for the delivery of documents. The HPD is required to deliver copies of the Claim Form to each party.</p> <p>Within 30 days of receiving a copy of the Claim Form, the receiving party may respond to the claim and the HPD is then required to deliver copies of the reply to the claim to the other parties. In appropriate cases, the Directorate may provide the parties with summaries in the language of their choice of any document presented by another party. Any party may respond to any matter raised in the reply to the claim within 30 days, see further section 9 of UNMIK Regulation 2000/60.</p> <p>Claimants generally are considered under the heading “Claimants” above.</p>
33.	Post-decision options for successful claimants	Discussed under the heading “Implementation” above.
34.	<i>Prima facie</i> Evidence	<p><i>Prima Facie</i> Evidence</p> <p>Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted.</p>
35.	Residential Property	<p>Property</p> <p>Real property which at 24 March 1999 was used as a residence. It may be a house or an apartment, any socially owned apartment, and any associated property, see section 1 of UNMIK Regulation 2000/60. Associated property is described under the heading “associated property” above.</p>
36.	Property right	<p>Property right</p> <p>Any right of ownership of, lawful possession of, right of use of or occupancy right over a residential property, see section 1 of UNMIK Regulation 2000/60.</p>
37.	Provisional measures	<p>Provisional measures</p> <p>Upon the recommendation of the HPD, whether at the request of the claimant or otherwise, the HPCC may issue what are known as provisional measures of protection where it appears likely that, if such a course of action is not taken, a party would suffer harm, which cannot subsequently be remedied.</p> <p>In exceptional circumstances, on the recommendation of the responsible law enforcement agencies and where necessary to control a continuing threat to public security, provisional measures may include the eviction of the current</p>

		<p>occupant of the claimed property. This may only occur where the HPCC is satisfied that there is evidence of prior uncontested occupation of the property by the claimant. An eviction order issued under in these circumstances may be executed by the responsible law enforcement authorities without notice, see section 24 of UNMIK Regulation 2000/60.</p>
38.	Reconsideration Request	<p>Reconsideration Request</p> <p>Any party to a claim may submit to the HPD a request to the HPCC for the reconsideration of a decision of the HPCC within 30 days of being notified of that decision (see section 14 of UNMIK Regulation 2000/60) provided they are in a position to:</p> <p>(a) present legally relevant evidence, which was not considered by the Commission in deciding the claim; or</p> <p>(b) plead that there was a material error in the application of the law as set down in UNMIK Regulation 2000/60.</p> <p>As to the timelines for filing a Reconsideration Request same is considered above under the heading “deadlines/limitation periods”.</p> <p>It should be noted that the execution of a pending eviction order shall be stayed from the time of lodging a reconsideration request until the HPCC has decided on the reconsideration request, unless the HPCC decides otherwise, see section 14.3 of UNMIK Regulation 2000/60.</p> <p>As to decisions on reconsideration requests, see section 25 of UNMIK Regulation 2000/60.</p>
39.	Repossession	<p>Repossession</p> <p>After being notified that a claim has been successful, the claimant may request repossession of the claimed property – this is one of the options of implementation which the claimant may choose as discussed above under the heading “Implementation”. The request must be made in writing, preferably by filling out and signing a form entitled “<i>Request for eviction</i>”. Following the receipt of such a request from a successful claimant, the HPD will request any occupant of the property to vacate it within 90 days.</p> <p>If the occupant does not vacate the property voluntarily, the HPD will issue a warrant authorizing his/her eviction from the said property. Evictions are discussed under the heading “Eviction” above.</p> <p>A claimant will be informed a maximum of seven days in advance of the eviction, and within 24 hours after it is executed. After the eviction is carried out the claimant is required to IMMEDIATELY enter into repossession of the claimed property.</p> <p>After the eviction, the HPD is fully absolved of any further responsibility for the property. The case is deemed to be closed and HPD will take no further action.</p> <p>A similar procedure applies where a successful claimant places property under HPD’s administration and, at some point, informs the HPD that he/she wishes</p>

		to terminate the administration and repossess his/her property, see further section 12 of UNMIK Regulation 2000/60.
40.	Representation (of claimant or party to a claim)	<p>Representation of a claimant or party to a claim</p> <p>A claimant or a party to the claim may be represented by an authorized person with a valid and duly executed power of attorney. In exceptional cases, where the provision of a power of attorney is problematic the HPD may certify an alternative document authorizing representation of a claimant; see section 7.3 of UNMIK Regulation 2000/60.</p>
41.	Restitution	<p>Restitution</p> <p>Section 2.2 of UNMIK Regulation 2000/60 prescribes that any person whose property right was lost between 23 March 1989 and 24 March 1999 as a result of discrimination has a right to restitution in accordance with the provisions of this Regulation. Restitution may take the form of restoration of the property right (hereafter “restitution in kind”) or compensation; see section 4 of UNMIK Regulation 2000/60.</p> <p>Restitution and compensation are considered above under the heading “Compensation and Restitution”.</p>
42.	Restitution in kind	See restitution, <i>ibid</i> .
43.	UNMIK Regulation 1999/23	<p>UNMIK Regulation 1999/23</p> <p>Issued on 15 November 1999 - established the Housing and Property Directorate and the Housing and Property Claims Commission, click here to go directly to the Regulation.</p>
44.	UNMIK Regulation 2000/60	<p>UNMIK Regulation 2000/60</p> <p>Issued on 31 October 2000 - determines the rules of procedure and evidence of the HPCC and the HPD, click here to go directly to the Regulation.</p>
45.	Summary procedure	<p>Summary procedure</p> <p>A claim in which the claimant alleges that s/he was the owner, possessor or occupancy right holder of residential real property prior to 24 March 1999 (otherwise known as a category C claim) filed with the HPD pursuant to section 1.2(c) of UNMIK Regulation No. 1999/23, which is uncontested, may be considered by the HPCC under a summary procedure.</p> <p>In such cases the HPCC may make an order for the recovery of possession of the property if satisfied that there is evidence that the claimant was in</p>

		uncontested possession of the property prior to 24 March 1999, see further section 23 of UNMIK Regulation 2000/60.
46.	Temporary permit/authorization	Temporary permit/authorization Considered under the heading “Humanitarian Housing” above.
47.	Uncontested claim	Uncontested claim A claim may be classified as uncontested when there is evidence that the claimant was in uncontested possession of the property prior to 24 March 1999.
48.	Withdrawal	Withdrawal A withdrawal of a claim occurs where a claimant notifies the HPD that s/he wishes to withdraw his/her claim prior to a final decision having been taken on the merits of that claim by the HPCC.