



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

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FIFTH SECTION

Application no. 18556/20
Oleg Mykolayovych RYEZNIK
against Ukraine
lodged on 14 April 2020
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The case concerns the applicant's obligation to pay for heat supply services which were never provided to him.

In 2009 the applicant got his flat disconnected from the district heating network after the competent local authority had approved his application to that effect. On 11 August 2009 the applicant and representatives of the aforementioned authority and the installation company signed a report confirming that the disconnection had taken place.

In February 2018 the district heat supply company initiated civil proceedings against the applicant claiming that, in the absence of its representative's signature in the above report, the disconnection had not been made in accordance with the applicable rules and had not put an end to the applicant's contractual obligations. The company sought recovery of the debt allegedly owed by the applicant to it for the heat supply starting from 1999.

While on 23 October 2018 the Kirovohrad Leninskyy District Court rejected the claim, on 4 April 2019 the Kropyvnytskyy Court of Appeal, sitting as a three-judge panel, quashed that judgment and delivered a new one allowing the company's claim in part. It obliged the applicant to pay the company UAH 49,321 (equivalent to about EUR 1,600 at the material time) for the heat supply in 2015-2018 and rejected the remainder of the claim (in respect of the earlier period) as being time-barred. The presiding judge wrote a dissenting opinion, in which he stated that, although the disconnection had

not been documented in accordance with all the requirements, the fact that it had taken place was not disputed. He therefore considered it unjust and disproportionate to oblige the applicant to pay for the services which he had never received. On 11 October 2019 the Supreme Court declared the applicant's appeal on points of law inadmissible *ratione valoris*. On 28 October 2019 the above ruling was sent to the applicant.

The applicant complains that there has been a violation of his rights protected by Article 1 of Protocol No. 1. He additionally complains under Article 6 § 1 of the Convention about the allegedly poor reasoning given by the Kropyvnytsky Court of Appeal in its judgment of 4 April 2019.

QUESTIONS TO THE PARTIES

Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1?

If so, has that interference been in the public interest, in accordance with the conditions provided for by law and did it impose an excessive individual burden on the applicant within the meaning of Article 1 of Protocol No. 1 (see *Immobiliare Saffi v. Italy*, [GC], no. 22774/93, § 59, ECHR 1999-V)?