

Division Plan for Jointly Owned Flat Block (Condominium) Tri-dimensional Registration of a Building

Bruno RAZZA, Italy

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SUMMARY

Within the registration of real estate it is necessary to take into account of 3 dimensions; so length and width are not enough, we need to consider also the height.

In order to solve the problem of identifications, of classifications, of return and of rights in buildings erected in more levels, the best technical instrument can be considered the storey condominium.

With this result we can subdivide the real estate property not only in plan but also in height, attributing to the parties entitled the specific properties, both the exclusive and common ones, in a technical and geometric unequivocal representation.

The amounts of the common parts, owing to each of the joint owners, are determined with a technical and proportional valuation that fixes the thousandth division of the common parts of the real estate property.

Through the thousandth representation it is possible to define the consistency of the real estate parts which are common to more persons from a physical, legal, administrative and technical point of view.

This definition is completed with the single registration of flats that are therefore further divided in height forming the real estate “internal” units to each single condominium parcel.

Therefore each cadastral parcel, on which a building will be erected, will be correctly represented with a further vertical subdivision that gives to the entitled parties - in absolute certainty - both exclusive properties and properties in common with others.

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Every building must be accurately inscribed into a cadastral map, making use of the appropriate topographical techniques, in order to achieve the best accuracy and the most reliable cartographical records.

By this technical procedure, it is possible to update the Land Registry, and, at least from the point of view of an accurate measurement, to ensure a reliable official registration. In other words, such a procedure makes it possible to identify a building by its geometrical shape, represented on a bi-dimensional map (a cadastral chart). Every recognised entity, right or value assessment is based on this cadastral record.

However, when these rights, entities and values have to be established taking into account a third dimension (the height), our system doesn't match the task. It has to be created a tri-dimensional form of Cadastre, inclusive of the vertical dimension.. In such a way, it will be complementary to the traditional cartography.

Every building must be represented and classified considering also the "how high" factor. That's to say, taking into account its different components.

Therefore, the building parcel becomes the basic unit of analysis (flats, parking boxes, shops, workrooms, etc.). We are talking about the smallest unit, the one able to originate its own income, have its own recognised entity, and representing an object of independent and exclusive ownership.

After the identification of customary tenure parcels, communally used portions must be identified. In Italy, the rules about these rights are established by the Civil Code, art. 1117.

Obviously, as for buildings with more than a flat and more than a real estate unit, it is necessary to accurately and unquestionably identify the exclusive ownership of every individual and the pertinences shared by all the legal subjects involved.

An example: the owner of an apartment in a jointly owned flat block is bound to share the responsibility of communally used portions.

Among these: the ground where the building is standing, the mere walls, the frame-works, the slabs, the roofing structure, the wells of the stairs, the elevators, all the spaces (indoor and outdoor) that can be shared by different rightful users.

That's the reason why the cadastral parcel inscribed in the Land Registry needs to be subdivided into smaller records. That leads to a further classification that would allow not only

the recognition of the single parcel, but also the identification of the various real estate units co-existent on the same cadastral parcel.

The recording of every real estate unit can be achieved by a specific chart, preliminary stating the entity of the existent units.

After that, every real estate unit can be recorded (according to its assessed entity) by its graphic representation on a chart.

Moreover, every unit must be properly registered according to the quality of its specific architectural details and its structural and functional characteristics. It has to be classified on the base of its real commercial value, considering the fiscal aspect related to such an evaluation.

Nevertheless, in order to identify in a proper way the ownership and the responsibilities over the communally shared portions of a building, it has to be established a “Division Plan for a Jointly Owned Flat Blok”. Through this new procedure, we will be able to establish the right shares of the communally owned portions (usually calculated by millesimal).

Such a technical document will describe the real entity of every specific unit located on each floor, from the point of view both of its topographical dimension, and its value. In other words, such a system will make it possible to estimate the value of every particle.

Therefore, it would be possible to define the individual share for every cost pertaining the communally shared estate, according to the relevance of every unit in the building.

That's to say that every unit that constitute the object of an individual and exclusive ownership will be properly associated to a thousandth-based share of responsibility of the owner of the communally owned parts of the building.

In the sharing of the costs among the owners of every single unit, the thousandth share of ownership is the best way to obtain a fair distribution.

Within a system based on an accurate Building Registry, buildings can easily be registered together with their measurements as to their height.

In a jointly owned flat block, the division plan and the correspondent official recording of the tri-dimensional aspect for all the single units allow: an exact representation of the building, a proper possible making of a deed, a fair distribution of the costs, and a right taxation on the whole property.

BIOGRAPHICAL NOTES

Bruno Razza

Academic experience: Dipl. in Surveying

Current position: Member of the Consiglio Nazionale Geometri e Geometri Laureati

Activities in home and International relations:

FIG, Commissions 3, 5 and 7 Italian delegate

CONTACTS

Bruno Razza

Consiglio Nazionale Geometri e Geometri Laureati

Piazza Colonna, 361 - 00187

Rome

ITALY

Tel. +39 06 4203161

Fax + 39 06 48 14 026

Email: b.razza@cng.it

Web site: <http://www.cng.it>