



**HONG KONG FIG WW May 2007**  
**The Surveyor in the city**  
*Organisation and management of the apartment building*



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A recent idea

In France,  
 The surveyor was first  
 considered to be  
 a specialist  
 in rural planning.



At the time of the creation of the Order, in 1946, France was profoundly rural, and the activity of the surveyor was therefore mostly visible in the country.



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In town, where the building was divided into several apartments, it was generally a leased property, and the occupants were tenants.

The activity of the surveyor often consisted of calculating the rent



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For a long time frozen, dense, limited by its old fortifications, the city bursts under the pressure of increasingly numerous populations. It needs new infrastructures, routes to serve the new districts.



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Moreover, the old leased buildings, occupied by tenants are divided into apartments and shared ownership, with various owners in properties supported by a single real estate, are becoming commonplace.



The surveyor is therefore increasingly called upon to intervene in the city.



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His activity can be classified into two major categories:

- Traditional work
- Work more specifically centred on apartment buildings in order to ensure their organisation and management.

It is this second category that is the subject of this short presentation

We shall consider the following aspects from the perspective of the surveyor:

- 1) The problem
- 2) The history of the organisation of property built under shared ownership
- 3) The various concepts of the joint ownership system
- 4) The organisation of the property under the status of joint ownership in France
- 5) Another solution: division into volumes
- 6) What new technologies can contribute to the organisation of property



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**THE PROBLEM**

The public building is, first and foremost, a "living space" shared by people who, but for fate, would never have lived side by side.

The organisation of the property, therefore, both in terms of architecture and legal functioning, must have the essential aim of allowing them to live together .



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**HISTORY**

In France customary law reveals this system of joint ownership in certain regions such as the custom of Auxerre of 1561 or those of Orleans or of Paris.

However, it is the law of 1965, and its subsequent amendments that are truly the basis of the French legislation.



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**THE VARIOUS CONCEPTS OF JOINT PROPERTY**

The unitary concept is one of general organised joint ownership. This has been adopted in Germany, Austria and Switzerland. In this system the joint owner only possesses a double right of use, over a determined fraction of the property and over the parts of the property assigned for collective use.

The dualist concept, adopted, among others, by France, where one finds in the person of the owner the coexistence of property rights over the purchased location and binding joint ownership rights over the common parts.



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**THE ADVANTAGES OF THE STATUS OF JOINT OWNERSHIP**

- It legally organises the life of the community.
- It clearly defines the private part and the communal part
- It sets out the rights and obligations of the joint owner regarding both the communal parts and the private parts
- It organises the representation of the joint owners, and allows single representation for the divided property.
- It fixes the various levels of majority required, and makes the accounts of the collective management transparent and controllable.
- It provides for a distribution of charges that is equitable and cannot be challenged, making maintenance of the building obligatory, and ensures the durability and conservation of the building



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**THE DISADVANTAGES OF JOINT OWNERSHIP**

It is rigorously formal, which makes the intervention of professionals almost necessary.

Operational difficulties can arise:

- either for joint properties in which there are only two owners, due to the fact that it may not be possible to reach a majority decision
- or within large units due to problems of quorum.



There is a relative incompatibility between public and private joint owners



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**The role of the French surveyor in the organisation and management of the property**

- He draws up the plans of the property and carries out the diagnostics necessary for shared ownership
- He draws up the joint ownership regulations and the statement of division
- He calculates the fractions of joint property and the fractions of charges
- He carries out the management of the joint property
- He makes the calculations of surface areas and the diagnostics necessary during the life of the property or in the event of the sale of a lot.





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**DIVISION INTO VOLUMES**



- In this solution, there is no "joint management" of the entire building, the ground is separate from the constructions that it supports and each volume is independent of the others.
- Each volume is then defined by its position in space, with the coordinates X, Y and Z.
- It is burdened or benefits from easements of support in relation to the volumes below or above it.
- In this case the surveyor is responsible for identifying each volume in space and defining the numerous easements that burden or benefit each volume.



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**TOWARDS A REGISTRY IN THREE DIMENSIONS**

- Currently, in order to identify a fraction of an apartment building, there must first be identification of the parcel that supports the building within which this fraction is situated, and then there must be identification of the lot or the volume in the property.



- With current technology, nothing stands in the way of direct identification of the volume or of the lot.

- The property identification chart, to which the French Order of Surveyors attaches fundamental importance, may become a determining factor that transforms the registry from two to three dimensions.



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Without losing its rural roots, the surveyor has, over time, adopted the city.

He brings to town his specificity and his know-how.



His technical and legal training help him to come to grips with the apartment building in its double complexity. His humanism, his ability to listen and sense of human relations allow him to transcend this double complexity, in order to harmonise individual freedom with the imperatives linked to conservation of the building.

Thank you for your attention.  
François MAZUYER