



Course syllabus

Speciell fastighetsrätt Land Use Law

VFTN45, 7,5 credits, A (Second Cycle)

Valid for: 2023/24

Faculty: Faculty of Engineering, LTH

Decided by: PLED L

Date of Decision: 2023-04-20

General Information

Elective for: L5-fr

Language of instruction: The course will be given in Swedish

Aim

The objective of the course is to deepen knowledge and skills within the area of real estate planning with a particular focus on legal assessments. The course is to contribute to participants in their future professional activities being able to reason and communicate with other parties in planning and zoning processes.

Learning outcomes

Knowledge and understanding

For a passing grade the student must

Be able to apply the law - both substantive and procedural - with respect to the following areas:

- Property Formation;
- Expropriation;
- Rights of public use;
- Servitudes; and
- Rights of adjoining properties.

Competences and skills

For a passing grade the student must

Be able to:

- Analyze case law within the areas the course addresses;
- Prepare an application for a property survey decision in which there are circumstances that legally are complicated;
- Draft a protocol from a property survey decision and in the protocol address legal difficulties; and
- Present oral and written arguments in moot court.

Judgement and approach

For a passing grade the student must

Be able to understand the relationship between the discretionary regulations within land use law and the manner by which decisions and judgments ought to be formulated in order to have authoritative effect.

Contents

The course consists of seminars and moot courts in the form of judging panels before which the groups are to argue against each other. The following areas will be addressed in the course:

Real Property Formation: The perspective taken in the course with respect to the Swedish Real Property Formation Act is that of a land surveyor's legal authority. This means that property formation (as are involuntary rights in accordance with the Joint Facilities Act and Utility Easements Act) are the focus.

Planning, building and zoning acts: Two areas in which disputes often arise with respect to the application of the real property formation act are with respect to building permit matters and zoning issues. The objective of the course here is to describe the rights of a property owner as against the public.

Expropriation: Of particular interest here are the reasons for granting expropriation (as found in Chapter Two of the Expropriation Act), while the compensation regulations are dealt with elsewhere in the education. The cases as decided by the Swedish Government in permit issues are an important component.

Rights of Public Use: The two main rights granted within the rights as to public use are the right to be on another's land and the right to take yields from another's land. Both of these will be examined. The rights of public use in cities will also be addressed through a study of the regulations concerning public order and unlawful entry.

Finally, certain studies of voluntary servitudes and rights of adjoining property will also be made.

Examination details

Grading scale: TH - (U,3,4,5) - (Fail, Three, Four, Five)

Assessment: The course contains compulsory exercises that includes attendance. The grade is determined by a final written exam.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Admission

Admission requirements:

- VFTF10 Real Property Formation

The number of participants is limited to: No
The course overlaps following course/s: VFR180

Reading list

- Bertil Bengtsson: Speciell fastighetsrätt, Miljöbalken. Iustus förlag, ISBN: 978-91-7678-765-6.
- Kurskompendium, Innehållande material till seminarier/övningar.

Contact and other information

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Course homepage: <http://www.lantm.lth.se>