

Three Dimensional Real Estate Formation in Finland

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SUMMARY

Three-dimensional (3D) real estate formation has been a challenge in Finland since the beginning of the 21st century. The clarity of the real property system has been emphasised by the Ministry of Agriculture and Forestry, which is responsible of drafting legislation related to land administration in the country. The trustworthiness and unambiguity of the property and securities system must remain intact. 3D is considered as an additional tool for implementing a local detailed plan (zoning plan). A 3D property has been regarded as the equivalent of an “ordinary” 2D-property when it concerns ownership (freehold), conveyance, parcelling, mortgaging and expropriation (eminent domain). 3D properties can be formed only if ordinary 2D properties are insufficient.

According to the Ministry’s regulations basic 2D properties and 3D properties do not need identical boundaries. Even an old local detailed plan can be the legal grounds for 3D property formation. It has to be possible to get a building permit without registering the parcelling of plot, contrary to what is decreed in the current law. Plot division has been planned to be possible even below ground for parking halls and underground stations, etc.

According to reports there should not be any technical barriers to implementation. Technical questions can be solved. Managing the size and vertical scope of 3D properties is possible. Register entries can be done in the Cadastre. The problem how to show 3D properties on a map can be managed.

A traditional easement can be used to arrange underground access to a parking hall through a volume owned by someone else. Building easements based on decisions by building supervisory authorities are related to the mutual obligations of several 3D properties and other ownership units. A joint arrangement (facility) between properties as specified in section 164 of the Finnish Land

Use and Building Act is probably the most flexible way to manage the relationships between 3D properties. All three alternatives may be needed to organise the contractual relationships between 3D properties.

Regarding the registration in the Cadastre and the cadastral index map, attention can be drawn to laser scanned (or BIM) topographic models, which will replace the cadastral index map in future. In parcelling, the dimensions and extent of a property must be unambiguously defined. Each ownership unit probably has to consist of only one parcel of land.