

# **The Role of a Swedish Land Administrator**

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## **SUMMARY**

The intention of this paper is to outline the role of a Swedish land administrator.

As a Swedish Land Administrator at Lantmäteriet, Sweden's mapping, cadastral and land registration authority, I work independently within land administration and manage the Swedish cadastral system by implementing changes in the cadastral system. I work within the guidelines of Swedish legislation, finance and technology.

Issues regarding the cadastral procedure come to me directly, which I manage as an individual. An application from a property owner requesting changes with his/her property comes directly to my office so I can register it as a case. Lantmäteriet is an independent authority and we are obliged to assess every application requested on behalf of the property owner. Although I often work alone, I can request assistance from colleagues and further support from our head office in Gävle. Some cases can be quite a 'bundle' to handle alone!

Beyond this first stage, I work in direct contact with the property owners, companies and or municipalities and if necessary I hold meetings with the persons involved and make field inspections.

As a comparison to explain my role I act much like an impartial judge. I weigh and compare property owners' opinions and requests in the different cases, and based on data and facts I arrive at a decision that hopefully works in everyone's best interests.

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## **1. THE SWEDISH CADASTRAL SYSTEM**

The modern Swedish cadastral system is based on cadastral books from about 1530, established for taxation purposes. These books list real properties, village by village and give every unit a number in the village. This numbering system is still used for designation of real properties.

During the 17th century these books were complemented by village cadastral maps, showing all real parcels in the village. The purpose of these maps was mainly to improve the taxation of land and make it more equal, by surveying the area and value of each land parcel. In order to carry out this task, Lantmäteriet (National Land Survey) was created 1628 as a governmental organisation. Almost all older material and maps are scanned in to a digital archive that is accessible via the property register.

Every procedure done to a property is registered on that property and it is possible to follow each property's history via the property register. All changes that are made to a real property unit must be done through a cadastral procedure. New properties can be formed and existing properties reformed; a cadastral procedure can also involve checking boundaries and creating rights so that, for example, several properties can jointly use a road or a water and sewage system. Real property owners, purchasers or holders of other rights who want cadastral procedure to be carried out must apply to Lantmäteriet.

### **1.1 The process of a procedure**

A cadastral procedure begins when a written application is submitted to Lantmäteriet. The cadastral surveyor discusses the implications of the application including price and delivery times with the applicant.

The applicant's and other interested parties' rights are checked. The size and type of the involved real properties, easements and other rights and joint properties are investigated. Existing approved land use plans and other regulations affecting the use of land are also checked. If there are mortgages that affect the involved real properties, it may be necessary to take measures.

The cadastral surveyor/ land administrator decides whether the cadastral procedure can be carried out in consultation with the local building committee, the county administrative board and other involved authorities. It may be necessary to inspect the area to demarcate and survey new boundaries.

Sometimes it may be necessary for the cadastral surveyor and the involved parties to meet before a decision is taken.

The cadastral surveyor or land administrator makes the decision regarding changes to the subdivision into properties. The decision is documented on a map and in documents, copies of which are sent to the involved parties.

There is an interval of four weeks before the result of the procedure gains legal force. If a party is dissatisfied with the decision, it is possible to appeal against it in a court of law. When the procedure has gained legal force, the results are registered in the Real Property Register. The complete documentation including minutes map and descriptions are sent to the appointed interested parties. The cadastral dossier is placed in Lantmäteriet's archive.

A cadastral procedure is a legally secure procedure in which all parties have an opportunity to participate.

#### 1.1.1 Different types of procedures

The different procedures that can be handled at Lantmäteriet are;

**Subdivision** entails that an area from a property is separated and created in to its own new property unit.

**Reallotment** means that a piece of land is transferred from one property to another or an easement is changed, created or annulled.

**A property definition** can be done if there is uncertainty of where the boundaries or markers of property units are located. We then make a redefinition of the boundaries. The decision of the redefinition is based on what we can find out in the field, old markers like carvings in stones etc and old maps and documents. All old maps and document are scanned in to our digital archive that we easily access.

**An amalgamation** allows two or more property units to merge to form a new property unit.

**A partition** allows a property unit that is owned by multiple owners to be divided in to new property units, each one so that one owner gets his or her share in a new unit.

**An establishment of joint facilities** is a facility that is needed for the benefit of more then one property unit. Private roads, garages, water and sewage pipes are examples of joint facilities.

We also transfer **fixtures to real property** such as buildings or similar fixtures that belong to one real property to another.

The owner of utilities that are used for common good, for example water, sewage, electricity, broadband etc, can acquire the land needed for this purpose in a **utility easement procedure**.

**Adjudication** is the investigation and establishment of ownership.

**Legalisation** can be done when informal subdivision of land carried out before 1972.

## 2. THE ROLE OF THE LAND ADMINISTRATOR

The role of a land administrator is very well rounded. In a cadastral procedure, the land administrator is like a spider in the net and takes on the role as a project manager. Not only does he/she need to be an expert in property law and property economics. The land administrator does also need to be an investigator, mediator and technically endowed.

### 2.1 Legislation

Swedish legislation is being used to try the cases; decisions are always supported by different acts of the Swedish property law.

I also compare the applied procedure to the actual urban or rural plan for the area, if there is such a plan for the specific area. We keep a dialogue with the municipalities to ensure we are not making decisions that contradict their intention with an area.

We also have to make sure there are no relics or specific rights that are affected by the procedure, if there is we have to consult the County Administrative Board. We also consult them in questions concerning wildlife or water issues. Their role is to protect wildlife and the all men's law, which is, in an easy way explained as, the right for every person in Sweden to enjoy nature no matter whose property it is.

### 2.2 Economics

When land is changing owner or an easement is a burden to somebody else's property, the property owner being burdened had the right to compensation. I can choose to estimate the value myself or if it is too complicated I can appoint an expert to do the evaluation. No matter which way I go it is still my final decision that dictates the compensation. The compensation is one of the many verdicts of the end result of the procedure.

## **2.3 Research**

A procedure can demand a lot of research and investigations of older material. To find old property boundaries we sometimes have to go back using maps and documents from the 17<sup>th</sup> century. The documents are often handwritten in old Swedish so we actually have to take courses on how to read old writing.

## **2.4 Technology**

When everything that needs to be considered has been considered, we go outdoors for fieldwork and measurements of the borders of the real property, if we need to put down new markings we put down iron tubing in to the ground. The measurements are most often done with a GPS and we can have an accuracy of 25 mm.

Our register index map is available in two mapping programs, one that works more like an information map where we can take out the area needed and put it in to another mapping program where we actually do the work, it is in this program we can import data from our fieldwork as well and make changes in the register index map.

## **2.5 Mediation**

The most important part of the role is the mediating one where we as an unbiased authority have to be the “go- between” if the contending parties can’t agree. Our goal is for the parties to come to an agreement but sometimes that is not possible and at the same time sometimes it is possible to make decisions against one parties will and we have to weigh what is best for the individuals and compare to what is best for the major mass.

## **2.5 Security**

Before I make the decision of the procedure I finish all the paperwork and a colleague of mine go thru my whole case and make sure everything is correct. Register experts also check the procedure to make sure that whatever is going to get registered in the cadastral register is correct before register. After the decision of the case, everybody that is involved in the case, including the municipalities and the Swedish County Administration Authority, have the right to appeal within four weeks from the day the decision was made. If there is an appeal it is up to the court to proceed with the case further. If there is no appeal, I register whatever change I have made in the cadastral register and the cadastral index map.

Our administration program is connected to the Swedish property register and we can insert any property in Sweden to the procedure we are working with. We can also see easements, mortgages and other properties that come along with the real property.

All land in Sweden is subdivided into real property units. Lantmäteriet is responsible for ensuring an efficient and legally secure real property subdivision and for maintaining a register containing information about real property, such as ownership and mortgages.

Lantmäteriet's Real Property Register contains approximately 3.2 million objects, which, together, form Sweden's greatest economic asset. The management of the system by Lantmäteriet is a guarantee for rapid and easy purchase, sale and mortgaging of real property.

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