

GEODETIC EXPERT EVIDENCE OF A BUILDING AFTER UNAUTHORISED RENOVATION IN THE CIRCUIT OF A SEPARATE ROOM

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In practice, in the courts, the question often arises about the need for a geodetic expert evidence in relation to buildings, unauthorized reconstruction of which was carried out in the contour of separate premises. On the one hand, the legislation indicates the need for such expert evidence, and on the other hand, the right holders of such a premises are perplexed why they should investigate the entire capital facilities if they have changed the parameters of only one premise. The article explains why such expert evidence is necessary. The unauthorized reconstruction in the contour of an individual residential building, as a result of which new rights objects are formed (residential or apartment buildings), also deserves special attention. This exceptional case is described in the article. In addition, the article describes technical aspects of the state cadastral registration of reconstructed buildings in the contour of individual rooms, and proposes a classification of reconstruction for these purposes. The authors propose a distinction between the cadastral registration of the formed and the changed object, the state cadastral registration of which is carried out as a result of reconstruction. Also, the article presents the author's algorithm for conducting geodetic expert evidence in relation to unauthorized reconstruction of a building, the room in which changed the outline of the building itself.

Keywords: geodetic expert evidence, cadastral registration, room, reconstruction, unauthorized construction, capital facility, building

REFERENCES

1. Federal Law of December 29, 2004 No 190–FZ. Urban Planning Code of the Russian Federation. Retrieved from ConsultantPlus online database [in Russian].
2. Karpik, A. P., & Lisitsky, D. V. (2020). Prospects for the development of geodesic and cartographic production and the new paradigm of geospatial activity. *Vestnik SGUGiT [Vestnik SSUGT]*, 25(2), 19–29 [in Russian].
3. Resolution of the Plenum of the Supreme Court of the Russian Federation of June 23, 2015 No 25. On the application by the courts of certain provisions of section I of part one of the Civil Code of the Russian Federation. Retrieved from ConsultantPlus online database [in Russian].
4. Zhukov, B. N. (1994). *Geodezicheskij kontrol' sooruzhenij pri jekspluatacii i rekonstrukcij [Geodetic control of structures during operation and reconstruction]*. Novosibirsk, 126 p. [in Russian].
5. Maksimenko, L. A. (2017). *Tipologiya ob"ektov nedvizhimosti. Podgotovka planov zdaniy v grafich-eskom redaktore AutoCAD [Typology of real estate objects. Preparation of building plans in the graphic editor AutoCAD]*. Novosibirsk: SSUGT Publ., 175 p. [in Russian].
6. Federal Law of Desember 30, 2009 No. 384–FZ. (2010). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 1, Art. 5 [in Russian].
7. Federal law of July 13, 2015 No. 218–FZ. On state registration of real estate. (2015). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 29 (Part I), Art. 4344 [in Russian].
8. Letter of Rosreestr of January 09, 2014 No. 14-out/00072-GE/14. On the direction of letters on the issue related to the isolation and isolation of premises in a building or apartment Retrieved from ConsultantPlus online database [in Russian].
9. Karpik, A. P., Lifashina, G. V., & Repin, A. S. (2016). *Tekhnologiya stroitel'stva. Raschet veroiatnoi osadki i krena fundamenta zdaniia, sostavlenie proekta vertikal'noi planirovki kvartala zhiloi zastroiki, chtenie arkhitek-turno-stroitel'nykh chertezhei [Construction technology. Calculation of the probable settlement and*

tilt of the building foundation, drawing up a draft of the vertical layout of a residential area, reading architectural and construction drawings]. Novosibirsk: SSUGT Publ. [in Russian].

10. Demytyeva, O. A., & Seredovich, A. V. (2009). The use of ground-based laser scanning in the complex of survey works for the reconstruction of technological objects. In *Sbornik materialov GEO-Sibir'-2009: T. 1, ch. 1 [GEO-Siberia-2009: Vol. 1, Part 1]* (pp. 144–148). Novosibirsk: SSGA Publ. [in Russian].

11. Kaluga region Rosreestr Letter of June 23, 2021 No. 13/1-00256/21. About consideration of the appeal. Retrieved from ConsultantPlus online database [in Russian].

12. Novosibirsk region Rosreestr Letter of July 7, 2021 No. 01-01-26-0285/21. On the implementation of registration and registration actions on a part of a residential building. Retrieved from ConsultantPlus online database [in Russian].

13. Cassational determination of the Supreme Court of the Russian Federation of February 20, 2019 No. 15-KG18-54. Retrieved from ConsultantPlus online database [in Russian].

14. Federal Law of July 22, 2008 No. 123-FZ. Technical regulations on fire safety requirements. (2010). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 30 (Part 1), Art. 3579 [in Russian].

15. Klyushnichenko, V. N., Martynov, G. P., & Yurina, G. I. (2021). On the determination of the area of the land plot in the absence of the required coordinate support. *Vestnik SGUGiT [Vestnik SSUGT]*, 26(3), 138–146 [in Russian].

16. Giniyatov, I. A. (2017). *Monitoring zemel' i ob'ektov nedvizhimosti: Ch. 2 [Monitoring of lands and real estate objects: Part 2]*. Novosibirsk: SSUGT Publ., 130 p. [in Russian].

17. Fedorov, A. I., & Lebedev, O. V. (2007). Features of the performance of geodetic works during the reconstruction of NPP structures. In *Sbornik materialov GEO-Sibir'-2007: T. 1, ch. 1 [GEO-Siberia-2007: Vol. 1, Part 1]* (pp. 88–91). Novosibirsk: SSGA Publ. [in Russian].

18. Zharnikov, V. B., & Stegnienko, E. S. (2021). On the content of interaction between the territorial bodies of Rosreestr and the Federal Tax Service in order to improve the fiscal policy of the state. *Vestnik SGUGiT [Vestnik SSUGT]*, 26(1), 147–154 [in Russian].

19. Zhuravleva, L. A., Fedyunina, T. V., Evsyukova, L. Yu., Rusinov, A. V., Kolganov, D. A., & Pototskaya, L. N. (2020). Features of investing in reconstruction of reclamation objects by the example of irrigation systems of the saratov region. *Revista Turismo Estudos & Práticas*, S4, P. 19.

20. Biryukov, A. N., Kravchenko, I. N., Dobryshkin, E. O., Biryukov, Yu. A., & Kondrashchenko, V. I. (2020). Efficiency evaluation of apartment houses reconstruction with optimizational criteria application. *International Journal for Computational Civil and Structural Engineering*, 16(1), 14–24.

21. Federal Law of April 30, 2021 No. 120-FZ. On amendments to the Federal Law "On state real estate registration" and certain legislative acts of the Russian Federation. (2021). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 18, Art. 3064 [in Russian].

22. Mitrofanova N. O. (2012). Modern trends in improving the system of the state cadastration maintaining. In *Sbornik materialov Interekspo GEO-Sibir'-2015: Mezhdunarodnoy nauchnoy konferentsii: T. 3. Ekonomicheskoe razvitie Sibiri i Dal'nego Vostoka. Ekonomika prirodnopol'zovaniia, zemleustroistvo, lesoustroistvo, upravlenii e nedvizhimost'iu [Proceedings of Interexpo GEO-Siberia-2015: International Scientific Conference: Vol. 3. Economic Development of Siberia and the Far East. Environmental Economics, Land Management, Forestry Management and Property Management]* (pp. 115–120). Novosibirsk: SSGA Publ. [in Russian].

23. Butyrin, A. Yu., Stativa, E. B., & Manukhina, O. A. (2021). Eight laws of logic for a forensic expert-builder. *Teoriia i praktika sudebnoi ekspertizy [Theory and Practice of Forensic Examination]*, 16(1), 19–32. Retrieved from <https://doi.org/10.30764/1819-2785-2021-1-19-32>.

24. Goldzitskaya, E. Yu. (2020). *Teoriia i praktika sudebnoi ekspertizy [Theory and practice of forensic examination]*. Irkutsk: Baikal State University. Institute for Advanced Studies [in Russian].

25. Karpik, A. P., & Lisitsky, D. V. (2020). Prospects for the development of geodetic and cartographic production and a new paradigm of geospatial activity. *Vestnik SGUGiT [Vestnik SSUGT]*, 25(2), 19–29 [in Russian].

26. Karpik, A. P., & Khoroshilov, V. S. (2012). The essence of the geoinformation space of territories as a single basis for the development of the state cadastre of real estate. *Izvestiya vuzov. Geodeziya i aerofotos'emka [Izvestiya vuzov. Geodesy and Aerophotosurveying]*, 2/1, 134–136 [in Russian].

27. Federal Law of November 30, 1994 No. 51-FZ. Civil Law of the Russian Federation. (1994). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 32, Art. 3301 [in Russian].

28. Karpik, A. P., Musikhin, I. A., & Vetoshkin, D. N. (2021). Intellectual information models of territories as an effective tool for spatial and economic development. *Vestnik SGUGiT [Vestnik SSUGT]*, 26(2), 155–163 [in Russian].
29. Giniyatov, I. A., Antipov, I. T., Antonovich, K. M., Astashenkov, G. G., & Vylegzhanina, V. V. (2018). On some results of identifying registry errors that prevent state registration of rights. *Vestnik SGUGiT [Vestnik SSUGT]*, 23(2), 143–153 [in Russian].
30. Malinovsky, M. A., & Ivanova, T. V. (2020). On the issue of using Bim-technology in the development of a project for the reconstruction and planning of the territory of an educational institution. In *Sbornik materialov Interekspo GEO-Sibir'-2020: Mezhdunarodnoy Mezhdunarodnoi nauchno-tekhnologicheskoi konferentsiia studentov i molodykh uchenykh: T. 7, no. 2. Molodezh'. Innovatsii. Tekhnologii [Proceedings of Interekspo GEO-Siberia-2020: International Scientific and Technological Conference of Students and Young Scientists: Vol. 7, No. 2. Youth. Innovation. Technologies]* (pp. 83–88). Novosibirsk: SSUGT Publ. [in Russian].
31. Avruney, E. I. (2019). Use Of Active Basic Stations In The Performance Of Cadastral Works With Respect To Real Estate Objects. *Vestnik SGUGiT [Vestnik SSUGT]*, 24(1), 135–145 [in Russian].
32. Tararin, A. M. (2021). Digital transformation of urban planning. *Vestnik SGUGiT [Vestnik SSUGT]*, 26(1), 110–121 [in Russian].
33. Dubrovskiy, A. V., & Ershov, A. V. (2017). Elements of inventory works geoinformation support. *Vestnik SGUGiT [Vestnik SSUGT]*, 22(4), 100–112 [in Russian].
34. Gumarova, A. F. (2021). Complex reconstruction of the existing development: principles and features. *Eurasian Union of Scientists. Series: economic and legal sciences [Eurasian Union of Scientists. Series: Economic and Legal Sciences]*, 6(87), 10–12 [in Russian].
35. Federal Law of October 25, 2001 No. 136-FZ. Land Code of the Russian Federation. (2001). *Sobranie Zakonodatel'stva Rossiyskoy Federatsii [Assembly of the Russian Federation]*, No. 44, Art. 4147 [in Russian].
36. Antonov E. S., Lisitsky D. V., & Yankelevich S. S. (2021). Theoretical and methodological representation of the direct transition from geoinformation to geoscience. *Vestnik SGUGiT [Vestnik SSUGT]*, 26(2), 82–90 [in Russian].

Received 04.08.2021

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