

## Recent VAS Decisions on Real Property



The VAS Presidium refused to recognise the right of ownership of a building which had been reconstructed on the basis that the company which claimed ownership of the reconstructed building never applied for a construction permit. The lower courts previously upheld the company's claim on the following grounds: (a) the land plot on which the reconstructed building is located is owned by the company, (b) reconstruction of the building was in accordance with the land plot designation, (c) reconstruction of the building meets the applicable technical requirements and specifications and (d) the preservation of unauthorised construction does not violate the rights and legal interests of others and is not detrimental to life and health. VAS Presidium Decision № 11066/09 of 26.01.2010.

On 25 February 2010 the VAS Presidium decided that the Moscow Mayor is not entitled to annul decisions of executive bodies of the City of Moscow. In particular the VAS decision refers to a permit for the construction and commissioning of a building in operation issued by Mosgosstroy nadzor, and which was subsequently annulled by the Mayor. This is because the City Construction Code does not provide for the Mayor to exercise such power. The validity of the granting by Mosgosstroy nadzor of the above construction permit was not considered by VAS. Copy of the Decision is to be published on VAS official site [www.arbitr.ru](http://www.arbitr.ru)



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