



APPLIES TO ACADEMIC YEAR 2009/2010

EMS 2221 Real Estate Law I

Programme

Bachelor in Real Estate (2. year)

Responsible for the course

Department

Department of Accounting - Auditing and Law

Term

According to study plan

ECTS Credits

12

Language of instruction

Norwegian

Introduction

In accordance with the new estate agency act, in force from 1 January 2008, formal estate agency competence or legal competence is required of persons involved in the sale and purchase of real estate in the estate agencies. Transitional rules have been adopted as regards the competence requirements, entailing that persons without the formal competence required by the law may apply for permission to use the title "*agent in estate agency business*".

The course EMS 2221 Real Estate Law I, is one of four courses in a competence package that the Financial Supervisory Authority of Norway has approved in accordance with the rules on transitional regulations to the estate agency act of 29 June 2007 no. 73, § 5, b.

The Norwegian School of Management will organize all these "transitional" exams every term up to 1 February 2011.

Objective

The objective of this course is to give students an understanding of the laws that affect practitioners of real estate brokerage.

The course covers contract law and aims to give the students an understanding of the regulations that govern the legal relations between seller and buyer in broker mediated real estate contracts. This includes the laws that apply to breach of contract and relevant regulations pertaining to monetary claims.

The students will become familiar with specific topics within general property law.

Prerequisites

Foundation Programme in Business Administration or equivalent.

Compulsory reading

Books:

Bergsåker, Trygve. 1995. Eiendomshandel gjennom megler : avtaleinngåelse og avtalebrud. 2. utg. Oslo : Juridisk forlag

Bergsåker, Trygve. 2000. Kjøp av ny bolig : med kommentarer til bustadoppføringoppslova. Oslo : T. Bergsåker : I samarbeid med Norges eiendomsmeglerforbund

Bergsåker, Trygve. 2003. Kjøp av fast eiendom : med kommentarer til avhendingsloven. 4. utg. Oslo : T. Bergsåker : I samarbeid med Norges eiendomsmeglerforbund

Langfeldt, Sverre F. og Tore Bråthen. 2008. Lov og rett for næringslivet. 15. utg. Oslo : Universitetsforlaget : Focus forlag

Rosén, Karl og Dag Torsteinsen. 2008. Eiendomsmegling : rettslige spørsmål. 2. utg. Oslo : Gyldendal Akademisk

Wyller, Christian Fr.. 2009. Boligrett. 5. rev. utg. Stavanger : C. F. Wyller

Recommended reading

Books:

Bergsåker, Trygve, Ingvild Ericson og Monica Viken, red. 2007. Rettspraksis om eiendomsmeglingsloven. Oslo : Rettspraksis.no

Course outline

1. Introduction to law

Langfeldt, Sverre F. og Tore Bråthen. *Lov og rett for næringslivet*. Oslo: Focus Forlag og Universitetsforlaget. Latest ed. Ch. 1.

2. Real Estate Law, part I

- Laws relating to the profession of real estate brokerage, including the Act on Estate Agency, provisions on Estate Agency, marketing and ethical rules.

Dag Torstensen og Karl Rosén: *Eiendomsmegling - rettslige spørsmål*, Gyldendal Akademisk, Oslo 2008.

3. General property law

- Basic principles of contracting and the source of law in contract law.
- Legal problems in connection with contracting through real estate brokers, and the claims, transfer of claims and limitation of claims.

Bergsåker, Trygve. 1995. *Eiendomshandel gjennom megler: Avtaleinngåelse og avtalebrudd*. 2. utg. Oslo: Juridisk forlag.

Bergsåker, Trygve. 2003. *Kjøp av fast eiendom: Med kommentarer til avhendingsloven*. 4. utg. Oslo : T.Bergsåker. The following pages are not included in the syllabus: 28-48,54-58,62-68,127-132,141-147,317-321,332-338,356-360,365-367.

Bergsåker, Trygve. 2000. *Kjøp av ny bolig: Med kommentarer til bustadoppføringsoppslova*. Oslo: T.Bergsåker/Norges Eiendomsmeidlerforbund.

4. Real estate legislation

- Housing cooperatives.
- Rules on proprietor units and establishing procedures.
- Laws on property rental.

Wyller, Christian Fr. 2009. *Boligrett*. 5 utg. Stavanger: Christian Fr. Wyller.

5. State and public administration law

- Basic rules on the organization of central, county and local government.
- The provisions of the Public Administration Act concerning procedures in administrative affairs and the provisions of the Freedom of Information Act concerning access to information.

Langfeldt, Sverre F. og Tore Bråthen. *Lov og rett for næringslivet*. Oslo: Focus Forlag og Universitetsforlaget. Latest ed. Chap 16.

6. Marketing law

Obligatorisk litteratur:

Langfeldt, Sverre F. og Tore Bråthen. *Lov og rett for næringslivet*. Oslo: Focus Forlag og Universitetsforlaget. Latest ed. Selected parts of ch. 2.

Computer-based tools

Computer-based tools are not used in this course.

Course structure

The course consists of 84 lecture hours. Students are expected to make a considerable individual effort - reading the syllabus, doing group work and assignments etc.

Examination

A five-hour written exam concludes the course.

Exam code(s)

EMS 22211 - written exam which accounts for 100% of the grade in EMS 2221, 12 studiepoeng.

Examination support materials

The Norwegian Code of Laws, reprints and photocopies of laws, draft laws and regulations. Ethical rules for the Norwegian Association of Real Estate Agents.

Exam aids at written examinations are explained under exam information in our web-based Student handbook. Please note use of calculator and dictionary.
<http://www.bi.edu/studenthandbook/examaids>

Re-sit examination

A makeup exam is held in every term.

Additional information