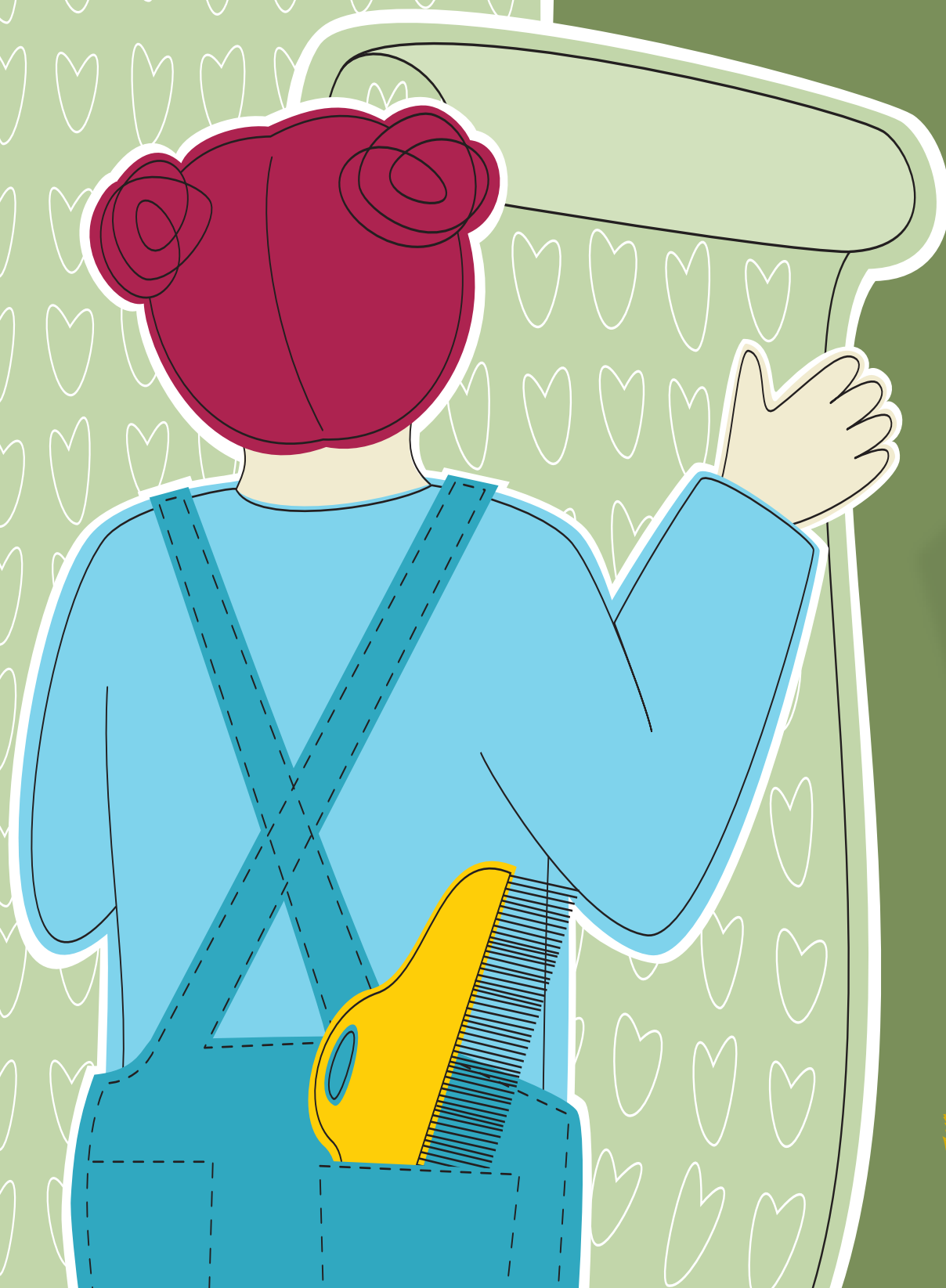


Responsibilities regarding the upkeep of tenant owner apartments

– FOR TENANT OWNER ASSOCIATIONS THAT HAVE ADOPTED THE STANDARD STATUTES
OF THE HSB NATIONAL FEDERATION 2003



Guide for upkeep responsibility

In a tenant owner association it is in general the tenant owner who is responsible for the upkeep of the apartment's interior, with the exception of pipes and other connections for drainage, heating, gas, electricity and water if the association has equipped the apartment with such pipes and connections and these serve more than one apartment. The same applies to ventilation ducts and devices for the transfer of information. If the apartment's pipes or fixtures need to be painted, this is the tenant owner's responsibility. The apartment also includes the balcony, patio, store, etc. if such are covered by the lease. Upkeep responsibility also includes the responsibility of repairing any damage that arises.

The tenant owner association is responsible for the upkeep of everything beyond the upkeep responsibility of the tenant owner.

The responsibility for upkeep is stipulated in its entirety by the regulations in Section 7, §§2, 4 and 12 of the Swedish Tenant Owner Act with those clarifications and exceptions given in the paragraph on maintenance in the association's statutes*. These regulations are included at the end of this booklet.

Since it can be difficult to draw the line between the association's and the tenant owner's upkeep responsibility based solely on the guidance of the regulations, the following pages offer a more detailed review of who is responsible for what in a tenant owner apartment. This guide should always be read as a supplement to the Act and the statutes. Certain items in the review are not

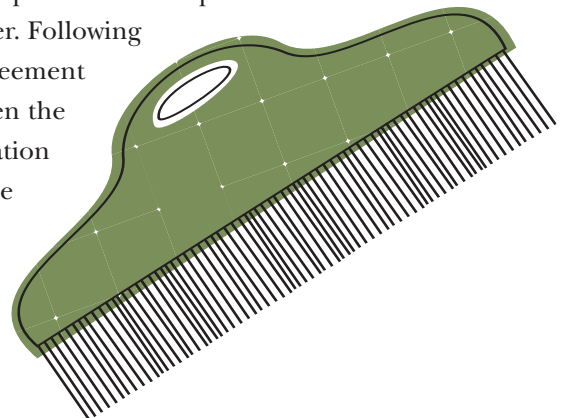
expressly specified in the Act or the statutes, but are an interpretation of these or of case law within the area concerned.

WHAT AM I RESPONSIBLE FOR?

The implication of upkeep responsibility is that the liable party, irrespective of whether it is the tenant owner or the association, shall effect the necessary repairs and maintenance measures on the one hand, and cover the cost of such measures on the other. This applies regardless of whether the damage is due to carelessness or an accident.

In other words, the tenant owner is, at his own expense, responsible for upkeep measures such as wallpapering, painting, bathroom maintenance and repairing any damage that occurs in order to keep the apartment in good condition. "Good condition" is not defined by law or regulations but may be assessed in relation to the building's age, for example. The bathroom shall be fully functional and be able to withstand the actual usage in the apartment concerned.

Naturally, the tenant owner may contract someone else to execute the measures for which he is responsible. The tenant owner is responsible for ensuring that the work is performed in a professional manner. Following an agreement between the association and the tenant



owner, the association can carry out such work. The association is then equal with any other contractor.

FIRE OR WATER PIPE DAMAGE

An exception to this allocation of responsibility concerns repairs following fire or water pipe damage that has affected something that would normally be the responsibility of the tenant owner. "Water pipe damage" is considered to be damage resulting from a leaking pipe providing tap water (hot or cold water). In such a case, the tenant owner is only responsible for repairing damage arising from his own carelessness or negligence, or that of someone belonging to or visiting his household. The tenant owner is equally responsible for someone staying in his apartment or performing work there on his behalf. However, for damage in the apartment resulting from the leaking of drainage or heating pipes, the allocation of responsibility specified for interior upkeep responsibility applies (see above). With regard to fire damage not caused by the tenant owner, he is only responsible if he has failed to observe due care and attention.

COMPENSATION

The party responsible for upkeep is naturally entitled to attempt to obtain compensation for his maintenance and repair costs from another party who is liable to pay for a reason other than that of upkeep responsibility. Thus, in an actual case of damage, the ultimate payment responsibility may, for example in accordance with the principles of Swedish law on damages, fall upon the person who, through carelessness or negligence, caused the damage. There are also special stipulations in Section 7, §§2 and 4 of the Swedish Tenant Owner Act which, among other things, states that the associ-

ation will be held ultimately liable to pay costs if the damage in the apartment has been caused by the association neglecting its repair liability as regards that for which the association bears upkeep responsibility. The party who is liable to pay costs can naturally claim compensation from his insurance company in accordance with the terms of his policy. The party who is ultimately liable has, however, nothing to do with the allocation of upkeep responsibility.

IF THE ASSOCIATION TAKES OVER A MAINTENANCE DUTY FOR WHICH THE TENANT OWNER IS RESPONSIBLE

In connection with extensive maintenance or rebuilding of the association's building affecting the tenant owner's apartment (e.g. thorough renovation), the association may, through a resolution at the AGM, even against the will of an individual tenant owner, undertake to carry out and fund such measures that are usually the duty of the tenant owner.

Maintenance measures in the apartment shall have a natural connection with the association's other measures and shall be carried out to the usual standard.

If the measures in question involve alteration of the apartment, e.g. the bathroom carpet being replaced by tiles, it is a requirement that the tenant owner consents to the alteration or that a decision regarding the alteration has been passed with a two-thirds majority at the AGM and subsequently approved by the Swedish rent tribunal.

**The contents of this publication emanate from the paragraph regarding maintenance as phrased in the 2003 standard statutes for HSB tenant owner associations.*

The allocation in the list below applies to property installed in the apartment by the association. The tenant owner is always responsible for his own installations and those installed by previous tenant owners.

COMPONENT	TOA's RESP.	TO's RESP.	COMMENTS
Walls in the apartment			
Walls between apartments and load-bearing walls	■		
Non-load bearing interior walls		■	
Wall surface, including underlying treatment required to attach surface		■	Interior surface of walls between apartments and load-bearing walls, e.g. wallpaper and plaster, incl. damp-proof layer in wet rooms
Floor			
Flooring, including underlying treatment required to attach surface		■	E.g. wire butt or chemically welded flooring, ceramic tiles. Damp-proof underlay, parquet flooring incl. sand underlay
Ceilings in apartment			
Ceiling, including underlying treatment required to attach surface		■	E.g. plaster and stucco
Doors			
Surface treatment, outside of exterior door	■		For French windows (balcony doors) see separate heading
Exterior doors, including surface treatment inside, strips, cases, frame, sealing strips, lock including lock cylinder, lock casing, mounting, keys, handle, mounting, bell etc		■	When replacing doors, the applicable norms for noise and fire classification must be adhered to
Interior doors		■	
Windows and French windows etc			
Frame and bow	■		
Exterior painting	■	■	
Glass, bar, putty		■	
Mountings, espagnolette, handles, hinges, sealing strips etc		■	
Internal painting plus painting between the bows		■	
Heating, water and sanitation devices			
Discharge pipe with floor drain	■		The association is responsible for cleaning the discharge pipe; TO is responsible for cleaning the floor drain
Ring clip		■	
Washbasin. Mixer tap, water trap, stop valve, bottom valve and seal. Bath, shower cubicle and shower hose. WC		■	
Washing machine, tumble dryer. Drying cupboard. Sink and draining board		■	
Hot and cold water pipes, including fittings		■	For those parts that are visible in the apartment and only supply the individual apartment
Ventilation and heating			
Ventilation ducts, extractor fans and cooker hoods that form part of the building's ventilation system	■		If it serves more than the individual apartment in question
Ventilation device		■	
Ventilation device, slot air valve		■	
Ventilation filter and filter for extractor fan and cooker hood		■	

COMPONENT	TOA's RESP.	TO's RESP.	COMMENTS
Water radiator, heating pipe, valve, thermostat	■		Tenant owner is responsible for painting
Electrical underfloor heating, heated towel rail		■	Supplied by tenant owner
Kitchen equipment			
Dishwasher, sink unit, refrigerator and freezer, cooker and microwave oven		■	
Electrical items			
Distribution box and electrical wiring in the apartment		■	For those parts that are visible in the apartment and only supply the individual apartment
Light fittings, electricity points, circuit breaker and earth fault breaker		■	
Changing fuses		■	In apartment and associated areas
Store, communal areas etc			
Communal areas	■		
Store leased with tenant owner apartment and similar areas belonging to the apartment		■	Same rules as for maintenance of the apartment.
Garage leased with tenant owner apartment		■	Same rules as for maintenance of the apartment.
Grounds, patio etc			
Upkeep of grounds that are not leased with the tenant owner apartment	■		Unless otherwise regulated in right of use agreement with tenant owner
Upkeep of grounds that are leased with the tenant owner apartment		■	Same rules as for maintenance inside the apartment. Must follow association's instructions concerning care.
Clearing snow and cleaning		■	Applies to e.g. balcony, terrace or patio
Drainage of surface water from roof terrace		■	
Balcony and terrace			
Painting of balcony roof, side and outside of balcony front	■		
Surface treatment of balcony floor and inside of balcony front		■	Surface treatment and painting to be carried out as per the association's instructions
Glass in glazed balcony/terrace		■	Corresponds to that applicable to glazing supplied by the association. Other cases are regulated by agreements between TO and TOA
Other			
Fireplace, hearth, open fireplace, tiled stove		■	
Cleaning of flue for open fireplace etc, supplied by the association	■		The association is not responsible for flue of tiled stove
Interior joinery fittings, skirting boards, cases and edgings		■	
Spice rack, bathroom cabinet, clothing shelf and other fixtures		■	
Drying rack in bathroom		■	
Internal stairs in apartment		■	Also internal ladder to attic
Device for information transfer		■	For those parts that are visible in the apartment and only supply the individual apartment
Smoke detector		■	

* TOA = Tenant Owner Association TO = Tenant Owner

Excerpt from HSB's lengthy standard statutes (2003) for tenant owner associations
TENANT OWNER'S RIGHTS AND RESPONSIBILITIES

§ 36

The tenant owner shall, at his own expense, keep the apartment in good condition.

This means that the tenant owner is responsible for upkeep and repairs to the apartment and for paying for these measures. The association is responsible for ensuring that the building and the association's property in general is well maintained and kept in good condition.

The tenant owner should take out insurance to cover his maintenance and repair liability as laid out in legislation and these statutes.

The tenant owner shall follow the instructions laid down by the association concerning installations with regard to drainage, heating, gas, electricity, water, ventilation and devices for information transfer. Permission for certain measures affecting the apartment must be sought from the Board in accordance with §41. Those measures carried out by the tenant owner in the apartment must always be carried out in a professional manner.

The apartment includes:

- the surfaces on the rooms' walls, floors and ceilings as well as any underlying treatment required to attach the surface in a professional manner. The tenant owner is also responsible for damp-proof layers in bathrooms and wet rooms,
- non-load bearing interior walls, stucco,
- fittings in the apartment and other areas associated with the apartment, e.g.: sanitary ware, kitchen fixtures, white goods such as refrigerator/freezer and washing machine; the tenant owner is also responsible for electricity wiring and water pipes, stop valves and, where

appropriate, connectors on water pipes for these fixtures,

- exterior and interior doors of the apartment, with associated strips, cases, frames, sealing strips, locks including keys etc; the tenant owner association is, however, responsible for painting the outside of the exterior door. When replacing the apartment's exterior door, the new door must comply with the fire and noise classification norms that apply at the time of replacement,
- glass in windows and doors plus bars on windows,
- mountings, handles, hinges and sealing strips etc. associated with windows and French windows, plus painting; the tenant owner association is, however, responsible for painting externally visible sections of windows/French doors,
- painting of radiators and heating pipes,
- pipes for drainage, gas, electricity, water and devices for information transfer for the sections that are visible in the apartment and serve only that particular apartment,
- water fittings (mixer taps, shower nozzle etc) including sealing, stop valves and water pipe connectors,
- Ring clip round floor drain, cleaning of floor drain and water trap,
- hearths and fireplaces,
- extractor fan, carbon filter fan, cooker hood, ventilation device and ventilation fan, with the exception of the tenant owner association's upkeep responsibility as per the last section. Installation of devices that affect the building's ventilation system requires the permission of the Board as per §41,

- group centre/fuse box and any externally visible electrical wiring leading from it into the apartment, switches, electrical sockets and fixtures,
- smoke detectors,
- electrical underfloor heating, supplied by the tenant owner,
- heated towel rail; if the tenant owner association equipped the apartment with a water-heated towel rail as part of the heating provision for the apartment, the association is responsible for its maintenance,
- own installations.

The tenant owner is only responsible for repairs due to fire damage or water pipe damage (damage due to outflowing tap water) in limited circumstances as per the Swedish Tenant Owner Act. This also applies in applicable parts if the apartment is infested with vermin.

If the lease includes a store, garage or other supplement to the apartment itself, the tenant owner has the same maintenance and repair responsibilities for these areas as for the apartment as above. This also applies to grounds leased with the apartment.

If the apartment has a balcony, terrace or grounds/patio included in the lease, the tenant owner is responsible for keeping them clean and cleared of snow. The tenant owner is responsible for painting the inside of the front of any balcony/terrace and the floor. Painting is to be carried out as per the instructions of the tenant owner association. If the apartment has a roof terrace, the tenant owner must also ensure that drainage of surface water is not obstructed. With regard to grounds/patios, the tenant owner is obliged to follow the instructions of the association concerning care of grounds/patios.

The tenant owner is obliged to report to the association any faults or defects in such apartment equipment /pipes and connections for which the association is responsible as per these statutes or the legislation.

The tenant owner association is responsible for repairs to pipes/connections for drainage, heating, gas, electricity and water, if the association has equipped the apartment with these pipes and connections and these serve more than one apartment. The same applies to ventilation ducts.

The association is also responsible for maintaining pipes and connections for drainage, gas, electricity, water and devices for information transfer supplied by the association which are not visible in the apartment. The tenant owner association is also responsible for maintenance of any radiators and heating pipes in the apartment that are supplied by the association.

The association is also responsible for flues (not flues for tiled stoves) and ventilation ducts supplied by the association, as well as for cooker hoods/extractor fans that form part of the building's ventilation system.

§ 41

The tenant owner may not carry out certain measures in the apartment without the permission of the Board, including:

1. interfering with a load-bearing construction,
2. altering existing pipes for drainage, heating, gas or water, or
3. other substantial alterations to the apartment.

The Board may not refuse to give permission for a measure such as those referred to in the first paragraph unless the measure will cause manifest damage or inconvenience for the association.

TENANT OWNER'S RESPONSIBILITY FOR THE APARTMENT'S CONDITION

2 §

If, when possession is first taken of the apartment after it is leased, the apartment is not in the condition the tenant owner has the right to expect in accordance with §1, he may remedy this at the expense of the association, unless once notified the Board attends to the matter as soon as possible. If the fault cannot be remedied without delay or the Board, once notified, fails to attend to the matter promptly, the tenant owner is entitled to give notice and give up the tenant owner apartment and right.

This should only happen, however, if the fault is substantial. Once the fault has been remedied, giving up the apartment is not an option. For the period when the apartment is in a defective condition, the tenant owner is entitled to a reasonable reduction in the annual fee.

The tenant owner is also entitled to compensation for damage, if the defect is due to neglect on the part of the association.

4 §

Once the tenant owner has taken possession, the association is obliged to keep the apartment, building and grounds in good condition, to the extent this responsibility does not rest with the tenant owner in accordance with §12. The regulations in §2 apply if the association ignores its repair obligations or if in some other way obstacles or injuries arise in the right of use through the carelessness of the association.

12 §

The tenant owner must, at his own expense, keep the apartment in good condition, unless otherwise determined in the statutes or in the second to fifth paragraphs. This applies also to grounds, if such are included in the lease. The tenant owner is not responsible for repairs to pipes/connections for drainage, heating, gas, electricity and water, if the association has equipped the apartment with these pipes and connections and these serve more than one apartment. The same applies to ventilation ducts.

For repairs resulting from fire or water pipe damage, the tenant owner is only responsible if such damage occurred through

1. his or her own carelessness or negligence, or
2. the carelessness or negligence of
 - a) someone belonging to his or her household or visiting him or her as a guest, b) any other person staying in the apartment, or c) someone performing work in the apartment on his or her behalf.

For repairs resulting from fire damage arising through the carelessness or negligence of anyone other than the tenant owner himself, this person is only responsible if he or she has failed to pay due care and attention.

The third paragraph applies in applicable parts if the apartment is infested with vermin.

