

CITY OFFICE OF KRAKOW	Service sheet / external procedure no. AU-13
	CERTIFICATE OF INDEPENDENCE OF A RESIDENTIAL UNIT OR A PREMISES ABOUT DESTINATION OTHER THAN RESIDENTIAL
<p><b>1. Handle the matter electronically</b> Not applicable.</p> <p><b>2. Appendices</b> Application form for a certificate of independence of the premises.</p> <p><b>3. Sign language version</b> Not applicable.</p> <p><b>4. Matter handled by</b> Architecture and Urban Planning Department - 41 Mogilska, 31-545 Krakow.</p> <p><b>5. Documents from the Applicant (client)</b></p> <p>The application for the issue of a certificate of independence of a residential premises or premises intended for non-residential purposes must be accompanied by:</p> <ol style="list-style-type: none"> <li>Two copies of the technical documentation or building inventory with the premises marked on the plans of the respective floors, together with the associated rooms, containing confirmation of compliance of the technical documentation (inventory) with the actual state and date, made by the author of the study (a person authorized to prepare architectural and construction inventory) .</li> <li>The cadastral map (located in the geodetic and cartographic resources) - and in the case where premises are located outside the building in which the separated premises are located - mark on this map the requested adjacent rooms.</li> <li>In the case of acting by a proxy or an attorney - a power of attorney to represent the applicant or a document confirming the granting of a power of attorney / <b><i>original or its officially certified copy</i></b> - A lawyer, legal advisor, patent attorney, and a tax advisor can themselves authenticate a copy of the power of attorney granted to them and copies of other documents showing their authorization. A document confirming the granting of a commercial power of attorney can also be a current excerpt from the National Court Register (issued in court or downloaded independently in accordance with Article 4 (4aa) from the Act on the National Court Register).</li> <li>If the application is submitted by an entity not subject to the obligation to enter in the National Court Register - documents confirming the manner of representing the applicant / <b><i>original or certified copy of the original</i></b> by a notary public or by the party's attorney who is a lawyer, legal advisor, patent attorney or tax advisor /.</li> </ol> <p><b>NOTE:</b> <b>Documents submitted to the case file should be submitted <u>in the original</u></b> (article 76 § 1 of the Code of Civil Procedure).</p>	

If the document required in a given case is in the files of another administrative body or entities which by virtue of law or agreement is authorized to deal with individual cases resolved by administrative decisions or issuing certificates, it is sufficient for a party to provide f an extract or excerpt from this document officially certified by that body or entity (art. 76a § 1 of the Code of Administrative Procedure).

Notaries, as well as legal representatives of the party who are lawyers, attorneys-at-law, patent attorneys, tax advisors and an authorized employee of the body conducting the proceedings to whom the document was presented are authorized to certify copies of documents (art. 76a § 2 and 2b of the Code of Civil Procedure).

## **6. Fees**

### **Stamp duty:**

1. For submitting a document confirming the granting of a power of attorney or proxy - **PLN 17** (does not apply to powers of attorney granted to a spouse, ascendant, descendant or sibling or when the principal is an entity exempt from stamp duty).
2. from issuing a certificate of independence for each premises - 17 PLN.

Stamp duty payments can be made to the bank account of the Krakow City Office (e.g. at the post office, bank transfer) or without additional fees at the branches of PKO Bank Polski SA in Krakow and at the Office's cash points. Original proof of payment of the stamp duty to be paid must be attached to the application.

### **ACCOUNT NUMBER**

**ACCOUNT NUMBER** - Stamp duty - **49 1020 2892 2276 3005 0000 0000**

## **7. Form of consideration**

Certificate issued by the Mayor of the City of Kraków or a decision refusing to issue a certificate.

## **8. Time of consideration**

The certificate should be issued without undue delay, but no later than within 7 days from the date of submission of the complete application (in the event that the issue of the certificate does not require an investigation - Article 218 § 2 of the Code of Civil Procedure).

## **9. Documents obtained in the proceedings**

None.

## **10. Appeal procedure**

The decision can be appealed against to the Local Government Appeal Board in Krakow through the Mayor of the City of Krakow - the Architecture and Urban Planning Department of the City Office of Krakow within 7 days from the date of delivery of the decision.

## **11. Legal basis**

1. Art. 3 par. 2, art. 4 par. 3 of the Act of 24 June 1994 on the ownership of premises Journal of Laws of 2015 item 1892, as amended)
2. Art. -219 of the Act of 14 June 1960 Code of Administrative Procedure (unified text: Journal of Laws of 2017 item 1257)
3. Act of 16 November 2006 on Stamp Duty (unified text, Journal of Journal of of Laws of 2016, item 1827, as amended).

## **12. Additional information for the client**

### **1. Drawings (attachments to the certificates) should contain:**

- building address,
- apartment number (symbol) and, in the case of associated rooms, a record specifying which apartment the associated room belongs to,
- floor designation,
- graphic designation of the premises borders, adjoining rooms (according to the Act on the ownership of the premises), common parts together with the legend of markings,
- function of the premises (in accordance with the provisions of the Act on the ownership of premises),
- description of the functions of the chambers and ancillary rooms of the extracted premises and associated rooms (if any),
- description (characteristics) of the walls separating the premises, associated rooms, with an explanation whether they are permanent walls (in accordance with the provisions of the Act on the ownership of premises),
- the author's statement on the compliance of the documentation with the existing - actual - state of the date (day, month, year),
- signature of the author of the study (a person authorized to prepare architectural and construction inventories) with a legible stamp,
- legend of markings,
- determining whether the access / access to the premises leads from the common use / common part of the building (marking in the drawing).

2. In the case of replacing floor plans with floor plans, part plans and the corresponding floor plans of the entire story (in the same drawing), drawings of floor plans for parts of the story should include the abovementioned data. However, floor plans should include:

- building address,
- floor designation,
- graphic designation of premises and associated rooms borders,
- graphic designation of common areas,
- determining how to enter the building from outside,
- original signature of the author of the study,
- legend of markings.

3. Graphic designation of premises borders should show the separation of premises with permanent walls and indicate the outline of the premises in such a way that the walls separating the premises and openings in the walls (if any) and embedded in these walls, e.g. windows, doors, etc. are visible.

4. The documentation should be submitted in two identical copies.

Developed by:  
Tomasz Libera  
Date:

Opinion presented by: Legal  
Advisor Tomasz Dyrdycki-  
Borowy Date:

Approved by: Director  
Jadwiga Warat-Hapońska  
Date: