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METHODOLOGY FOR DETERMINING THE AMOUNT OF COMPENSATION FOR NON-CONTRACTUAL USE OF PROPERTY

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Abstract. This paper attempts to design a reliable method for the determination of the amount of compensation for non-contractual use of property. The compensation is equated with the concept of economical and usually means payment being effected service. This applies mainly to pay for work done or made available or acquired right to the conditions specified in the contract. The compensation for non-contractual use of property should, therefore, account for the anticipated income from a lease or rent agreement that would have been concluded if the owner's rights to property had not been limited. In a market economy, the amount of compensation should be determined based on market data, but this approach can be fraught with problems. The authors discuss practical problems associated with the determination of rental income generated by agricultural property, and they propose a modified method for determining the amount of compensation for non-contractual use of property.

Key words: value, lease, property

INTRODUCTION

The right to ownership of property is the cornerstone of every market economy. Its significance has been emphasized in the legislative provisions of the Constitution of the Republic of Poland.

1. Everyone shall have the right to ownership, other property rights and the right of succession.

2. Everyone, on an equal basis, shall receive legal protection regarding ownership, other property rights and the right of succession.

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3. The right of ownership may only be limited by means of a statute and only to the extent that it does not violate the substance of such right.

In recent years, Poland has become an arena for a variety of infrastructure development projects, such as the construction of roads, water supply, gas supply and sewer networks, power supply lines and poles. In the course of this development process, the right to ownership of property was frequently restricted due to an absence of agreements regulating property use. The above has resulted in claims for compensation in virtue of non-contractual use of property. The concept of non-contractual use of property is defined by art. 224 § 2 of the Civil Code, which states that those who make use of property without a legal title are liable to compensate for the use of that property and are held responsible for the wear and tear, deterioration and lhas the right to claim compensation for non-contractual use of his property, and the amooss of property.

Those who use property without the owner's consent are liable to make a payment to its legal owner as compensation for the shared use of property [Konieczny, Kowalczyk 2010a]. Pursuant to the provisions of art. 224 and art. 225 of the Civil Code, the owner unt of compensation [Rudnicki 2002] should be equal to the value of remuneration that the autonomous possessor would pay to the owner had he exercised a legal right to use the property.

The compensation for non-contractual use of property should, therefore, account for the anticipated income from a lease or rent agreement that would have been concluded if the owner's rights to property had not been limited. The compensation for non-contractual use of property (art. 224 § 2, art. 225 of the Civil Code) is determined in the form of a single payment covering the entire period during which the property was used by an autonomous possessor [Konieczny, Kowalczyk 2010b].

COMPENSATION FOR NON-CONTRACTUAL USE OF PROPERTY

The amount of compensation due is determined by market rental rates applicable to the type of property, the circumstances of use and the period of time during which the property remained in the use of an autonomous possessor (decision of the Supreme Court of 7 April 2000, case No. IV CKN 5/2000, decision of the Supreme Court of 15 September 2005, case No. II CK 61/2005). Pursuant to the Resolution of the Supreme Court of 17 June 2005, case No. III CZP 29/05, the owner of property has the right to claim from an autonomous possessor relevant compensation for the use of property, regardless of the claim instituted pursuant to art. 222 § 2 of the Civil Code. It should be noted, however, that claims for compensation in virtue of non-contractual use of property expire after 10 years, and this legal provision significantly restricts the owner's claims. If infrastructure and devices had been developed by an autonomous user on the property at an earlier date (more than 10 years prior to the institution of the claim), the owner is not entitled to compensation in virtue of the entire period of non-contractual use of property, but may claim compensation only for the preceding 10 years. Therefore, the relevant claim can be instituted only in respect of the above 10-year period [Puch 2002].

The right of lease is regulated by art. 693 §1 of the Civil Code. Under the contract of lease, the landlord provides the tenant with the right to use and generate profits from

property over a specified or unspecified period of time, and the lessee undertakes to pay the agreed rent to the landlord. Tenant rights are laws of obligation, they are non-hereditary, and they are awarded for a specific period of time, which means that a lease contract can be concluded for both specified and unspecified term. The manner of property use is monitored by the owner in accordance with the provisions of the lease contract. The contract also sets forth the terms for the calculation of rent due in virtue of leased property.

The lessor-lessee relationship is governed by a number of dependencies that follow from the "legal validity" of each right. The owner who holds a legal title to property may expect streams of income over an unspecified period of time, whereas the lessee is entitled to use the property only during the period stated in the lease contract.

The amount of compensation for non-contractual use of property is determined based on the present-day value of rent due for each year of property use. In line with the limitations imposed by art. 118 of the Civil Code, the amount of compensation is determined based on the following formula:

$$W_{bk} = \sum_{i=1}^{L} D_i \cdot k \cdot P \tag{1}$$

where:

W_{bk} – single payment made in compensation for non-contractual use of property,

D_i – present-day value of annual streams of rent income generated in successive years of property use (*unitary rental income*),

P – area of developed land,

k – coefficient determining an autonomous possessor's participation in the shared use of the developed part of property (if land has been permanently excluded from productive use, e.g. in store yards of excavated soil, k = 1.0). An autonomous possessor's participation in the use of property can be expressed by a multiplier that corresponds to the proportions of shared use.

L – number of periods during which property was used without a legal title.

Coefficient k may not equal zero because this value would defy the principle of shared property use, and it would undermine the legal grounds for the Resolution of the Supreme Court of 17 June 2005, case No. III CZP 29/2005 which states that „...the amount of compensation shall be proportional to the degree of an autonomous possessor's intervention in the legal title, it shall account for the value of property, and the value of anticipated income in virtue of infringement of the legal title to property should be assessed in view of the above considerations. The amount of compensation shall not exceed the property's value".

Based on formula (1) and pursuant to the decision of the Supreme Court of 15 September 2005, the amount of compensation for non-contractual use of property should be determined based on rental rates that fulfill market criteria.

Market rates for property lease are defined as the amount for which the property is leased for a given period of time, provided that this amount is approved by both the lessor and the lessee on the terms stipulated in the lease contract, and that both parties are fully informed, act with due diligence and without coercion [Źróbek, Hłasko 2003].

Market rental rates are determined based on the principle of the most effective use of property, which is defined as the optimal and legal use of free land or undeveloped property that is physically possible, adequately justified, financially feasible and most beneficial.

DETERMINATION OF THE VALUE OF PROPERTY INCOME STREAMS

For the purpose of verifying the presented method of determining the amount of compensation for non-contractual use of property, we have analyzed the discussed procedure with the use of real data from the agricultural property market. The proposed approach stems from the authors' extensive experience in the area, and its use is justified by the fact that even the most effective and theoretically ideal model, algorithm or calculation procedure may be rendered useless when applied in a real market environment.

The study was carried out in the region of Warmia and Mazury, Frombork municipality, Wierzno Wielkie cadastral district. The object of our investigations was hypothetical agricultural property which was used on a non-contractual basis (a part of the property was occupied due to construction works) between 1 October 2006 and 31 December 2010.

The first step in the applied procedure involved the determination of the value of unitary rental income (Di), as per formula (1). For this purpose, we have analyzed contracts for the lease of agricultural property concluded by the Agricultural Property Agency (APA), the largest supplier of leasehold agricultural property. In the third quarter of 2010, the APA concluded 258 lease contracts covering a total area of 3211 ha, marking a nearly two-fold drop from the number of contracts concluded in the second quarter of 2010. In Frombork municipality, Wierzno Wielkie cadastral district, the most recent lease contracts were concluded in 2006, as shown in Figure 1 where the area of leased land plots is represented by the size of the corresponding spheres.

In lease contracts concluded between the lessor (APA) and the lessee, the applicable rental incomes are set by multiplying the traded quantity of wheat in quintals (1 q = 100 kg) by wheat prices published by the Central Statistical Office (CSO). The prices of 1 q of wheat in 2006–2010 are presented in Table 1.

The data presented in Table 1 point to significant variations in the prices of 1 q of wheat per ha between 2006 and 2010, and the above contributed to differences in rental incomes generated in the analyzed years. If the amount of compensation for non-contractual use of property were to be determined by rental rates quoted on the market, the correlation between changes in the price of 1 q of wheat per ha and changes in the price of 1 ha of arable land has to be examined. Our practice seems to indicate that there are no fixed correlations between lease rates stipulated in APA contracts and the market value of agricultural land. In the analyzed area, the most recent lease contracts were concluded in May 2006. Those prices have to be adjusted, but the applied adjustment method does not account for changes that have taken place on the property market. The adjustments, performed based on the consumer price index, are presented in Table 2 (annual indices) and Table 3 (monthly indices for 2006).

It has been assumed that in the analyzed locality of Frombork municipality, Wierzno Wielkie cadastral district, the annual income generated by the APA per m^2 of land would

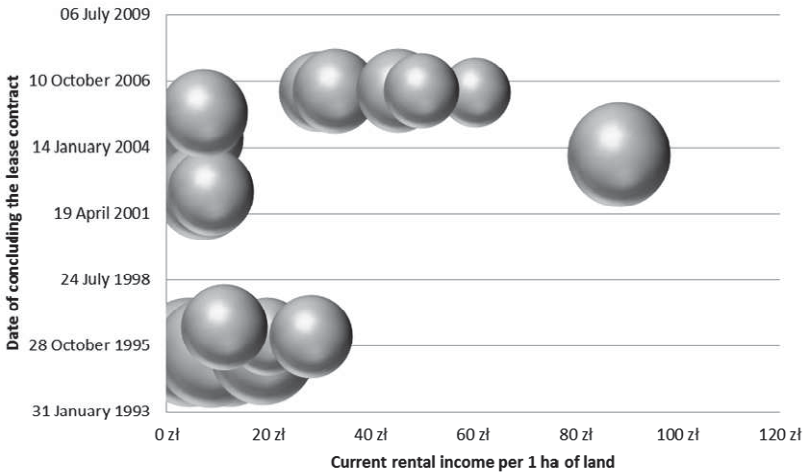

Fig. 1. Value of annual income per ha of arable land based on the contracts concluded by the APA (Frombork municipality)
Rys. 1. Wysokość rocznego czynszu dzierżawnego 1 ha gruntu rolnego na podstawie umów zawartych przez ANR (gmina Frombork)
Source: own compilation
Źródło: opracowanie własne

Table 1. Prices of 1 q of wheat published by CSO in 2006–2010
Tabela 1. Cena 1 dt pszenicy publikowana przez GUS w latach 2006–2010

Period	Value of indicator	Date of publication by CSO
1st half of 2010	PLN 48.03 per 1 q	20-07-2010
2nd half of 2009	PLN 46.49 per 1 q	19-01-2010
1st half of 2009	PLN 51.39 per 1 q	20-07-2009
2nd half of 2008	PLN 53.70 per 1 q	19-01-2009
1st half of 2008	PLN 87.75 per 1 q	18-07-2008
2nd half of 2007	PLN 74.04 per 1 q	17-01-2008
1st half of 2007	PLN 62.35 per 1 q	18-07-2007
2nd half of 2006	PLN 48.17 per 1 q	17-01-2007
1st half of 2006	PLN 39.56 per 1 q	18-07-2006
2nd half of 2005	PLN 35.51 per 1 q	17-01-2006
1st half of 2005	PLN 38.95 per 1 q	18-07-2005

Source: www.stat.gov.pl
Źródło: www.stat.gov.pl

be equal to the product of the average quantity of wheat (in quintals) and the price of 1 q of wheat published by the CSO each year. The consumer price index published by the CSO was used to calculate the adjusted total income (rental income) for the period between 1 October 2006 to 31 December 2010. The incomes from each analyzed year were adjusted to current prices as of 31 December 2010, and they are presented in Table 4.

Table 2. Annual consumer price indices
Tabela 2. Roczny wskaźnik zmiany cen towarów i usług

Year	Consumer price index Previous year = 100
2006	101.0
2007	102.5
2008	104.2
2009	103.5
2010	102.5*

*estimate
*wartość szacunkowa
Source: www.stat.gov.pl
Źródło: www.stat.gov.pl

Table 3. Monthly consumer price indices from October to December 2006
Tabela 3. Miesięczny wskaźnik zmiany cen towarów i usług w okresie październik – grudzień 2006

Year	Month		
	October	November	December
2006	101.6	101.6	101.4

Source: www.stat.gov.pl
Źródło: www.stat.gov.pl

The data shown in Table 4 (columns *b*, *f* and *g*) were used to develop Figure 2 which presents the correlations between annual rent and date. Oval-shaped areas with empty fields denote the amount of rental income per hectare in a given year (column *f*), and black dots indicate the value of adjusted rental income (column g). Adjusted incomes for each year form "clouds" of observations in the range of PLN 121/ha to PLN 236/ha. In the analyzed case, the compensation for non-contractual use of property determined based on the coefficient of shared property use k = 1 will amount to PLN 853.72 per hectare (as per formula 1) and PLN 0.08 per m^2 of land. The resulting "cloud" of adjusted rental incomes results from an absence of direct correlations between rental incomes in each analyzed year and the applied adjustment indices. The use of adjustment indices that are correlated with factors based on which rental incomes were determined in each year would result in a smaller spread between the adjusted rental incomes.

The weakness of the proposed method lies in the fact that market rental rates are difficult to acquire. Present-day rental rates, the price of 1 q of wheat and adjusted rental incomes were determined based on a hypothetical set of data presented in Figure 1, implying that formula (1) cannot be used to determine unitary rental income (Di) or the amount of compensation for non-contractual use of property.

In an attempt to determine the value of unitary rental income (Di) and, consequently, the amount of compensation for non-contractual use of property, with the involvement of formula (1), we have also considered the option of analyzing the compensation for temporary occupation of agricultural property for investment purposes. We have acquired local market data pertaining to lease contracts for the temporary occupation of agricultural land for the needs of a project to upgrade road S22. Annual rental incomes quoted in the above agreements are presented in Table 5.

Table 4. Total rental incomes adjusted by the consumer price index (CPI) as of 31 December 2010

Tabela 4. Suma wpływów z przykładowej dzierżawy waloryzowanej wskaźnikiem zmiany cen towarów i usług na 31 grudnia 2010 r. grudnia

No.	Date	CPI	Total CPI [CSO]	Price of 1 q of wheat in preceding year [from Table 1]	Rent income per ha at the average rate of 3 q/ha [PLN]	Income adjusted as of 31 December 2010 [PLN/ha]
a	*B*	*c*	*d*	*e*	*f* *3q/ha x col. e*	*g* *col. d x col. f*
1	1 October 2006		1.131	PLN 38.95	29.21*	33.03
		0.998				
2	31 December 2006		1.133	PLN 35.51	106.53	120.71
		1.025				
3	31 December 2007		1.105	PLN 48.17	144.51	159.75
		1.042				
4	31 December 2008		1.061	PLN 74.04	222.12	235.64
		1.035				
5	31 December 2009		1.025	PLN 53.70	161.10	165.13
		1.025				
6	31 December 2010		1.000	4 PLN 6.49	139.47	139.47
	Total adjusted rent incomes in PLN/ha					853.72

*for the period from 1 October to 31 December
*dotyczy okresu od 1 października do 31 grudnia
Source: own compilation
Źródło: opracowanie własne

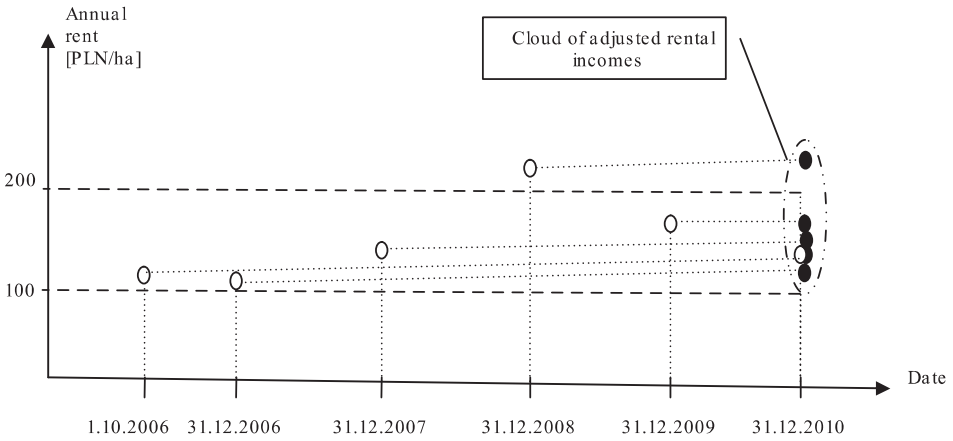

Fig. 2. Adjustment of rental incomes based on adjusted rental incomes from Table 4

Rys. 2. Waloryzacja czynszów dzierżawy nieruchomości z wykorzystaniem zwaloryzowanych czynszów z tabeli 4

Source: own compilation

Źródło: opracowanie własne

Table 5. Specification of lease contracts for agricultural property situated in the vicinity of road S22
Tabela 5. Zestawienie umów dzierżawy gruntów rolnych położonych w sąsiedztwie drogi S22

No.	Cadastral district	Area [ha]	Lease start date	Lease end date	Monthly rental income per m^2	**Annual rental income per m^2**
1	Karszewo	6.0000	2007-09-19	2008-08-31	PLN 0.004	PLN 0.05
2	Wielkie Wierzno	0.0060	2007-07-16	2008-09-30	PLN 2.49	PLN 29.86
3	Nowe Monasterzysko	2.2100	2007-07-01	2008-08-31	PLN 0.02	PLN 0.19
4	Nowe Monasterzysko	1.9995	2007-02-08	2009-02-08	PLN 0.02	PLN 0.20
5	Błudowo	1.0000	2007-03-21	2008-03-21	PLN 0.02	PLN 0.25
6	Wielkie Wierzno	25.0000	2008-03-15	2008-10-01	PLN 0.01	PLN 0.11
7	Nowe Monasterzysko	0.3897	2007-05-07	2008-04-30	PLN 0.05	PLN 0.64
8	Nowe Monasterzysko	0.3897	2008-04-30	2008-09-30	PLN 0.08	PLN 0.91
9	Gronowo Górne	1.0000	2006-12-06	2008-06-30	PLN 0.01	PLN 0.13
10	Nowe Monasterzysko	1.9995	2007-02-08	2009-02-08	PLN 0.02	PLN 0.20
11	Nowe Monasterzysko	1.0000	2007-03-30	2009-02-08	PLN 0.02	PLN 0.26
12	Karszewo	1.4112	2008-01-17	2008-09-30	PLN 0.05	PLN 0.60

Source: own compilation
Źródło: opracowanie własne

The lease contracts presented in Table 5 regulate the relationships between the owners of agricultural property and developers. Lessees use the property for non-agricultural purposes, and the lease contract is concluded for the period required to perform construction works. Agricultural land is occupied temporarily for the needs of investment projects, and lease contracts stipulate additional conditions for land use, e.g. the lessor undertakes to handle all waste which is regarded as dangerous under statutory provisions, such as loam, tree stumps and topsoil, to return the land plot to its original condition and sign waste management documents. In the analyzed case, the proposed rental rates seem to diverge from actual market rates.

PROPOSED METHOD FOR DETERMINING THE AMOUNT OF COMPENSATION FOR NON-CONTRACTUAL USE OF PROPERTY

The amount of compensation for non-contractual use of property is determined based on formula (1):

$$W_{bk} = \sum_{i=1}^{L} D_i \cdot k \cdot P \tag{1}$$

where:
W_{bk} – single payment made in compensation for non-contractual use of property,
D_i – present-day value of annual streams of rental income generated in successive years of property use (*unitary rental income*),

P – area of developed land,
k – coefficient determining an autonomous possessor's participation in the shared use of the developed part of property (if land has been permanently excluded from productive use, e.g. in store yards of excavated soil, k = 1.0). An autonomous possessor's participation in the use of property can be expressed by a multiplier that corresponds to the proportions of shared use,
L – number of periods during which property was used without a legal title.

on the assumption that the amount of income generated from leased property can be reliably established based on market rental rates. If, however, the applied market rental rates appear to have a random character (Section 2), the proposed method has to be modified.

According to Jäger [2009], the general principle is that land users pay rent to land owners based on the lessees' ability to efficiently use the land. Those who can use it most efficiently pay the highest rent. The highest land values should occur when lessees are willing to pay the highest rent, which implies that value is directly based on income. Davaney [2010] subscribes to this theory by observing that the total capitalized value of future income determines the value of property. The above implies that in an absence of information about annual incomes generated from the lease of agricultural property (D_i), the value of earnings can be determined based on the relationship between the value of property appraised by a property expert and the income generated from that property. Pursuant to the provisions of the Regulation of 21 September 2004 on property valuation and appraisal reports, the value of property is defined as the product of regular streams of annual income that can be obtained from the analyzed property and the capitalization ratio or as the quotient of regular streams of annual income and capitalization rate. This dependency is illustrated by the below formula:

$$W_i = \frac{D_i}{R_i} \tag{2}$$

where:
W_i – market value of property,
D_i – annual income generated by property,
R_i – capitalization rate.

Formula (2) can be transformed to present the correlation between the market value of property in a given year and the capitalization rate reported for that year. If W_i is the unitary market value (m^2), the unitary rental income generated by agricultural property can be determined based on the following formula:

$$D_i = W_i \cdot R_i \tag{3}$$

If we account for the correlation between income and property value (capitalization rate), the amount of compensation for non-contractual use of property can be determined based on the following modified equation:

$$W_{bk} = \sum_{i=1}^{L} W_i \cdot R_i \cdot k \cdot P \tag{4}$$

where:
W_i – unitary market value of undeveloped property in successive years,
R_i – capitalization rate,
P – area of land excluded from use,
k – coefficient determining an autonomous possessor's participation in the shared use of the developed part of property (if land had been permanently excluded from productive use, e.g. in store yards of excavated soil, k = 1.0). An autonomous possessor's participation in the use of property can be expressed by a multiplier that corresponds to the proportions of shared use,
L – number of periods during which property was used without a legal title.

Figure 3 presents annual rent incomes (oval areas with empty fields), calculated based on formula $D_i = W_i \cdot R_i$, and adjusted in view of the price index of similar properties as of the date on which the amount of compensation for non-contractual use of property was determined (31 December 2010).

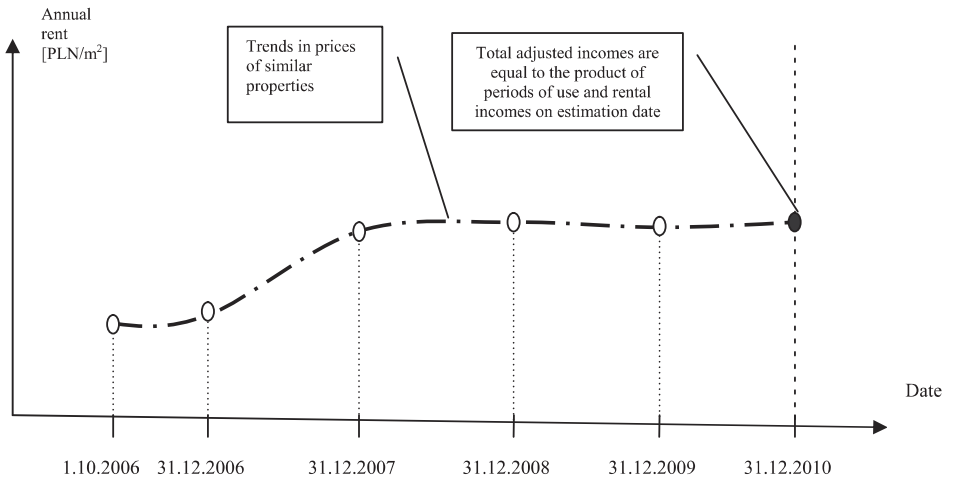

Fig. 3. Adjustment of rental incomes based on trends in the prices of similar properties
Rys. 3. Waloryzacja czynszów dzierżawy nieruchomości z wykorzystaniem trendu zmiany cen nieruchomości podobnych
Source: own compilation
Źródło: opracowanie własne

In line with the above methodology, rental income generated in the past on date X will be adjusted with the use of the property price index. The price index should be determined for properties similar to the analyzed property. The market value of property valid on date X (past) can be converted to market value valid on date Y (present) with the use of the price index of similar properties. This relationship is described by the below formula:

$$W_Y = W_X \cdot (1 + w_{y-x}) \quad (5)$$

where:
W_Y – present market value,
W_X – past market value,
$w_{y–x}$ – price index of similar properties in the period between X and Y.

The rental rate is a derivative of market value, therefore rental rates are adjusted with the involvement of the price index of similar properties based on the following formula:

$$D_Y = D_X \cdot (1 + w_{y–x}) \tag{6}$$

where:
D_Y – present value of annual rental income,
D_X – past value of annual rental income,
$w_{y–x}$ – price index of similar properties in the period between X and Y.

Reliable information on market rental rates is very difficult, if not impossible, to acquire; therefore, incomes were determined by multiplying the present market value of property by its capitalization rate ($W_Y \cdot R$):

$$W_Y \cdot R = D_X \cdot (1 + w_{y–x}) \tag{7}$$

where:
R – capitalization rate for undeveloped property on date Y.

Total rental incomes from the analyzed periods can be calculated with the use of the following formula:

$$D_{X1} \cdot (1 + w_{y–x1}) + D_{X2} \cdot (1 + w_{y–x2}) + \ldots + D_{Xn–1} \cdot (1 + w_{y–xn–1}) = D_{Xn} \cdot L = W_Y \cdot R \cdot L \tag{8}$$

where:
D_{Xi} – rental income in period Xi (e.g. D_{X1}, D_{X2} …. $D_{Xn–1}$),
W_Y – market value of property on date Y,
$w_{y–xn–1}$ – property price index in the period between $X_{n–1}$ and Y,
L – number of periods that have to be taken into account when rental incomes are adjusted to the level valid on the day when compensation is determined.

The below formula can be used to calculate the single payment made in compensation for non-contractual use of property, assuming that the present value of income lost due to non-contractual use of property is determined based on the property price index:

$$W_{bk} = W_1^* \cdot R \cdot L \cdot P \cdot k \tag{9}$$

where:
W_1* – market value of property on the day when the amount of compensation is determined,
P – are of land that was used without a legal title,
R – capitalization rate for undeveloped property,
L – number of lease periods.

CONCLUSIONS

In a market economy, the value of remuneration for non-contractual use of property should be determined based on market data to provide owners with fair compensation in virtue of the period when their ownership rights were limited. The said compensation should be determined in view of the present-day value of streams of income generated from property lease, land area, the coefficient of shared property use and the number of periods during which property was used without a legal title.

This study discusses problems in determining the stream of incomes for each year of property use, and it proposes an alternative methodology for adjusting rental incomes to the level valid on the day when compensation is determined.

Rental incomes for the period of non-contractual property use may be adjusted to the present level with the involvement of:

- consumer price index published by the Central Statistical Office,
- price index of similar properties.

Our analysis indicates that adjustments involving the price index of similar properties produce the most reliable results. In most cases, the income generated by property is reinvested on the property market, and changes in property prices are directly proportional to changes in the value of capital assets invested on the property market.

To verify the proposed method, the amount of compensation has been calculated based on a practical example. The market value of undeveloped property in the analyzed area is PLN 2.2/m^2, and the capitalization rate for agricultural property is 11%. The length of one year was set at 365 days, and the coefficient of shared use was adopted at 0.5 (the coefficient of shared use is applied to determine compensation for non-contractual use of property). Formula (9) was applied to determine the amount of compensation for non-contractual use of property from 1 October 2006 to 31 December 2010 per m^2 of land area:

$$W_{bk} = \text{PLN } 2.2/\text{m}^2 \cdot 0.11 \cdot 4.25 \cdot 0.5 = \text{PLN } 0.51/\text{m}^2$$

The amount of compensation has been calculated based on real market data, which suggests that correct estimation of compensation components supports reliable determination of the current amount of compensation.

The compensation determined in accordance with the method presented in Section 2 is weakly correlated with real market data. The above results from the use of the consumer price index published by the Central Statistical Office as well as limited access to the rental rates quoted in preceding years.

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METODOLOGIA OKREŚLANIA WYSOKOŚCI WYNAGRODZENIA Z TYTUŁU BEZUMOWNEGO KORZYSTANIA Z NIERUCHOMOŚCI

Streszczenie. W artykule przedstawiono problematykę z obszaru rynku nieruchomości, dotyczącą zagadnienia ustalania wysokości wynagrodzenia z tytułu bezumownego korzystania z nieruchomości. Wynagrodzenie jest utożsamiane z pojęciem ekonomicznym i z reguły oznacza zapłatę za zrealizowaną usługę. Dotyczy to głównie zapłaty za wykonaną pracę albo udostępnioną rzecz lub nabyte prawo na warunkach określonych w umowie. Wynagrodzenie za bezumowne korzystanie z nieruchomości powinno więc obejmować spodziewane korzyści z tytułu ewentualnej umowy najmu lub dzierżawy, która zostałaby zawarta, gdyby nieruchomość nie została zajęta. W gospodarce rynkowej wynagrodzenie takie powinno opierać się na danych rynkowych, co jednak może wiązać się z trudnościami z uwagi na ograniczony dostęp do zawartych umów dzierżawy. W pracy autorzy przedstawili problemy związane z praktycznym wyznaczeniem strumieni dochodów z nieruchomości rolnych, a następnie zaproponowali własną metodykę dotyczącą wyznaczania wynagrodzenia za bezumowne korzystanie z nieruchomości.

Słowa kluczowe: wartość, dzierżawa, nieruchomość

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