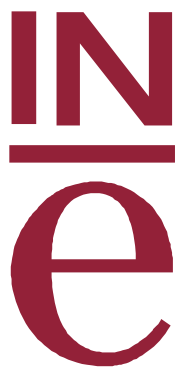


INSTITUTO NACIONAL DE ESTADISTICA



**Statistics on
Lawsuits in Urban
Leases**
Methodology

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1 Introduction

The Statistics on Lawsuits in Urban Leases is statistical research aimed at the study of litigation involving urban leases that are brought forth within the legal arena.

The Statistics on Lawsuits in Urban Leases is carried out by the National Statistics Institute (INE) pursuant to the agreement subscribed by the General Council of the Judiciary Branch (GCJB) on 14 February 1995. An addendum to said agreement allowed for the implementation, as of 1 January 2001, of a new ongoing collection system of the statistical bulletins by means of online forms.

Since 1998 (first year that statistical information became available on the web) up until the reference year 2011, the statistics have focused on the study of judgments handed down by the legal bodies. Since 2012 the methodological focus of the statistic has been redirected, including within its new proposals the extension of the scope of the analysis to encompass, with the research of the judgments, the study of the decrees handed down on this matter by the different courts. As a consequence of the application of new methodological criteria, the results offered by these statistics for the year 2012 are not directly comparable with the previous years, thus this must be borne in mind when it comes to the adequate interpretation of the results.

2 Conceptual framework of the research

The Statistics on Lawsuits in Urban Leases are elaborated with the information provided by the different legal bodies with responsibility in this matter. The data is transferred via the web platform of the Neutral Judicial Point. This information collection system enables the data requests put forth to the different courts to be managed more efficiently, taking advantage to this end of the new information technologies and telecommunications made available to users of the GCJB web.

The objective of these statistics is to ascertain the number of judgments and decrees on urban leases issued by the different courts throughout the reference year, as well as to provide information on some of their main characteristics (type of lease, pronouncement of the judgment, cause of the litigation).

The basic unit of the statistics is the judgment or decree handed down or issued by each legal body.

The reference period is the calendar year, considering to this effect the date that each judgment or decree was handed down or issued. The information is collected in an on-going manner during the reference year t and the first four months of the year $t+1$. This data is published annually.

From a geographical point of view, the statistics cover the whole of national territory.

3 Target variables studied

The target variables studied in these statistics is the number of judgments and decrees issued by the courts in matters relating to urban leases, throughout the information reference year.

Judgment: Court order handed down by a judge that puts an end to the litigation. The judgment declares or recognises the rights of one of the parties, or states who is right, forcing the other to comply with that set forth in said ruling. In civil law the judgment declares or recognises the rights of one of the parties, or states who is right, forcing the other to accept and comply with it.

Decree: Resolution issued by the court clerk with the aim of terminating the procedure for which he or she has exclusive competence when it is necessary or convenient to reason his or her decision. The decree shall always be reasoned and shall contain, in separate and numbered paragraphs, the factual background and the legal grounds on which it is based.

The classification variables considered are the type of lease and the cause of the lawsuit, both in the case of judgements and decrees; and the delivery of the judgement, or the ruling of the decree.

Type of lease: This concept refers to the type of asset leased. The lease may involve use as housing or for use other than as housing. It is analysed both in judgments as well as in decrees.

For the purposes of these statistics, a **housing lease** is said lease over an habitable dwelling the primary purpose of which is to satisfy the lessee's permanent need for housing. The housing lease may also include, if applicable, furniture, storage rooms, parking spaces and any other rooms, leased areas or services provided as accessories of the building by the lessor himself/herself.

A **lease for use other than as housing** is said lease which, involving a dwelling, it has as its primary purpose use other than that as housing. In particular, within this category we find leases of urban buildings for seasonal periods, be it for the summer or any other season, and those leased out so as to hold within said building an industrial, commercial, artisanal, professional, recreational, healthcare, cultural or teaching activity, irrespective of the persons involved therein.

Pronouncement of the judgment: The ruling in the judgment handed down by the judge may:

Uphold the claim: If the judge accepts the plaintiff's claim, that is, if the ruling is favourable to the latter.

Partially uphold the claim: If the court of law accepts only some of the plaintiff's claims.

Dismiss the claim: If the judge rules in favour of the defendant.

Opinion of the Decree: Decision of the Judicial Secretary on:

Termination by delivery of property

Termination by rent payment

Termination by lawsuit filed

Grounds for the lawsuit: The reason that led to the litigation that has given rise to the commencement of the proceedings and the subsequent judgment. The different grounds for the lawsuit that are considered are as follows:

Failure to pay rent.

Subletting or unconsented granting.

Carrying out of bothersome, unhealthy or dangerous activities.

Not used as permanent housing.

Damage to the dwelling, or works performed without consent.

Refusal of extension.

In the case of decrees, only the first of the options, the non-payment of rent, will be possible as a cause.

4 Information collection system: Neutral Judicial Point

The collection of the bulletins corresponding to these statistics is carried out in an on-going manner throughout the year by means of the corresponding online forms.

The whole collection process is implemented within the Neutral Judicial Point platform integrated within the web site of the General Council of the Judiciary Branch.

The Neutral Judicial Point (NJP) is a services network that the GCJB offers the different legal bodies, that dates back more than ten years, and which facilitates direct access to different applications and databases, both from the Council itself, as well as from other bodies that are part of the General State Administration, and from other public institutions. The GCJB decided at the time to promote projects focussed on the use of computing and communications within the Justice Administration, and within this action framework the NJP was designed with the purpose of facilitating and reducing processing times, increasing security and improving the satisfaction of the users of this platform. The main objectives of the application is to support the administration of the legal bodies, provide assistance services to the judge, automate the administration of the government institutions and facilitate the compatibility and inter-operability between the computer systems at the service of the Justice Administration.

Access to the NJP is via a portal that facilitates navigation between the different departments and offers very diverse information to its users.

The INE is one of the institutions of the General Administration of the State that is integrated within the NJP, and through which access is obtained both for the completion of the INE urban leases bulletins (judgments and decrees), as well as to consult auxiliary information to assist with the collection process (user manuals). To obtain access in order to complete the bulletins it is necessary to enter the corresponding username codes and password, which guarantees the security of the information collection process. The management of the collection process via the web not only allows users to enter new bulletins, but also includes options concerning enquiries, modifications and delisting, which enables each court to review, where necessary, the information recorded, correct errors detected in entering the data, and delist specific bulletins where necessary (detection of duplicates, etc.)

5 Processing of the information

In the initial information processing phase the first controls are put into place, essentially aimed at assessing the level of coverage of the information received. Once the weak points have been detected an initial claims process is initiated, re-contacting the respondent units, which focuses on the need to complete this information, the end objective of which is to significantly reduce the rate of non-response. The purpose herein is to attain a level of information of a significant magnitude so as to guarantee the precision and reliability of the statistical input and adjustment procedures that must be applied for the purposes of obtaining the final research results.

During the information editing and filtering process the completeness and coherence of the different recorded data is studied, the first indicators are obtained, as are the rates relative to national, autonomous and provincial coverage, and the degree of compliance of the judgments and decrees, and the first tabulations of the main variables are generated.

Following the new methodological criteria introduced in these statistics as of reference year 2012, once completed the editing process an adjustment and elevation of results is carried out to estimate non-responses and, as a consequence, obtain results that are more realistic of the situation to be described.

Once the first results are tabulated, the last phase, prior to the dissemination of the results, is aimed at analysing the aggregated information and to correct, where applicable, potential errors or inconsistencies that were not detected in earlier phases.

6 Tabulation plan and dissemination of the results

This statistic is published annually.

The tabulation of results offers three levels of geographical breakdown: national, autonomous and provincial.

Each level of geographical breakdown offers tables concerning judgments and tables concerning decrees. The tables concerning judgments provide information on the type of lease, the pronouncement of the judgment, and the cause of the litigation. On the other hand, the tables concerning decrees offers information broken down by the variable type of lease.

It is necessary to point out that prior to the methodological change introduced for the reference year 2012, the focus of the structure of the results tables were somewhat different: national results, on the one hand, and autonomous and provincial results, on the other, and the contents of the tables exclusively referred to judgments, the information being offered according to different classification variables (type of lease, pronouncement, cause of the litigation). In any case, it is necessary to recall that because the methodological criteria used to elaborate these statistics was modified this year, the results as of 2012 are not directly comparable with those disseminated up until said date.

The general structure of the tabulation plan is configured in accordance with the following classification:

URBAN LEASE STATISTICS

TABULATION PLAN

1. National results

1.1 Judgements of Urban Leases according to the decision and cause of litigation.

1.2 Judgements of Urban Leases of properties used as main dwelling according to the decision and cause of litigation.

1.3 Judgements of Urban Leases of properties for use other than the main dwelling according to the decision and cause of litigation.

1.4 Urban Leasing Decrees by type of lease.

1.5 Urban Leasing Decrees according to the ruling of the decree and the cause of litigation: Property for residential use.

1.6 Urban Leasing Decrees according to the ruling of the decree and the cause of litigation: Property for use other than residential use.

2. Results by Autonomous City and Community

2.1 Judgements of Urban Leases by type of lease and cause of litigation.

2.2 Judgements of Urban Leases by type of lease and pronouncement.

2.3 Urban Leasing Decrees by type of lease.

2.4 Urban Leasing Decrees according to type of lease and ruling of the decree.

3. Results by province

3.1 Judgements of Urban Leases by type of lease and cause of litigation.

3.2 Judgements of Urban Leases by type of lease and pronouncement.

3.3 Urban Leasing Decrees by type of lease.

3.4 Urban Leasing Decrees according to type of lease and ruling of the decree.