

The relationship between lessee and lessor compared to Airbnb service

Abstract

The aim of this diploma thesis is to analyze the legal aspects of lease pursuant to the general and special provisions of the Civil Code as well as to point out the different and currently ambiguous legislation of the Airbnb online service. As the lease provisions are strongly protectionist in relation to the lessee, who stands as a weaker party to the lessor, I also elaborate on the fundamental rights and obligations of each of the parties. Not only the Civil Code together with other national provisions, which now regulate in detail most institutes related to lease, represent a basic source of the diploma thesis, but also an unforgettable foreign legislation, which is especially with regard to the Airbnb service a very interesting source of inspiration for the future development not only in the Czech Republic.

The content itself is divided into five parts. The first of them defines the lease according to the general provisions of the Civil Code together with its essential characteristics, which thus enables an easier understanding of the special regulation of the residential lease. It also suggests in what legislation the housing right, as one of the fundamental human rights, can be found.

The second part reviews the Airbnb service, which remains one of the most discussed and up-to-date topics in relation to housing and lease. It focuses on its legal classification, the European Union regulation, the main advantages and disadvantages of this service, the position of the Prague 1 district, which is constantly struggling with issues related to this online platform, and possible solutions to this service from the legal point of view demonstrated on the regulation established in other world cities.

The third part is devoted to the legal relationship between the lessee and the lessor. It consists of the definitions of the contracting parties, their rights and obligations according to the general and special provisions of the Civil Code, but also of the analysis of legal regulation of the so-called neighborhood law and relevant case law. The fourth part discusses the rights and obligations of the contracting parties, however not those of the lessee and the lessor, but the accommodated and the host, as the contracting parties under the Airbnb regulation.

The last part of the thesis provides a list of the most relevant legal grounds for the termination of the lease, in accordance with both the general and special provisions of the Civil Code and the accommodation contract, together with their justification and it emphasizes the differences between these provisions.

Key words: [Lease, Residential lease, Airbnb]