

Abstract

The topic of the diploma thesis is residential lease as one of the most frequent civil law obligations. The work focuses on the comparison of the legal position of the lessor and lessee by means of analysing the lease institutes and individual rights and obligations of the above-mentioned subjects. The aim of the diploma thesis was to answer the question which of the subjects in fact have a better legal position. The diploma thesis is divided into four main parts. All parts emphasise the Czech legislation contained in the Civil Code but all of them also include a foreign excursion that offers an insight particularly into German and Québec legislation. The first part focuses on introducing the general term lease and its conceptual features aiming to introduce the topic as broadly as possible. Attention is then given to defining the term apartment, housing need, subjects of lease and an overview of their rights and obligations. Space is also given to the institute of a lease agreement itself and its formalities. The first part is concluded with provisions laying down the protection of the lessee under rubric Prohibited Arrangements. The second part of the work focuses on analysing the lease obligation, especially rent and security deposit. The question also discussed is routine maintenance, minor repairs, and the related information obligations. Specifics of entrepreneurship in apartment, animals in apartment and sublease of apartment are included in the third part of the diploma thesis. The last fourth part is concentrating on the termination of lease. The notice of termination is analysed in terms of its essentials, but especially in terms of the subjects that apply the notice of termination. Emphasis is placed upon the analysis of statutory termination reasons and specific attention is devoted to termination without notice.

Key words

Lease. Lessor. Lessee.

Název diplomové práce v anglickém jazyce:

Residential lease: Comparing the legal position of the lessee and lessor