

## **APARTMENT OWNERSHIP**

### **ABSTRACT**

The general aim of this work is to provide a comprehensive overview of fragmented and inconsistent current and older case law and expert opinions on individual aspects of the topic of apartment ownership and to evaluate the situation comprehensively in the light of individual, often completely different opinions. On the way to fulfilling the set goal (i) individual theoretical concepts of apartment ownership were explained; (ii) an analysis of historical development of legal regulation of apartment ownership in the territory of Czech lands was performed (for the application of the historical and teleological interpretive method of today's relevant legal regulations of this matter); (iii) an overview of individual aspects related to the matter of apartment ownership, including its basic concepts, was provided; a comprehensive analysis of which was performed.

The concept of apartment ownership has changed a lot over time throughout Europe, as well as in the territory of Czech lands. These changes have always been closely linked to economic development and the political situation. Act No. 52/1966 Coll., The Personal Ownership Act, can be considered the first modern legal regulation of apartment ownership in our territory. Historical development in Czechoslovakia in the 1960s and the need to resolve existing at that time housing crisis led to the enshrinement of legal regulation of personal apartment ownership. After 1989, due to a change of political and economic conditions there was an extensive housing privatization and the emergence of market for privately owned apartments, as a result of which there was an urgent need to redefine apartment ownership. This happened in May 1994, with the entry into force of the Apartment Ownership Act No. 72/1994 Coll. Due to this legal regulation and the understanding of the institute of apartment ownership that was brought by this Act, the ownership of apartments became rather main form of housing in cities. Although this legal regulation was modern and the institute of apartment ownership was regulated following the modern model of legal regulations elsewhere in the world, it also had its shortcomings. In January 2014, the current Civil Code No. 89/2012 Coll., came into force, which also included the whole legal regulation of apartment ownership and which responded to most of the insufficiencies of previous legal regulation. However, this new civil law has brought many changes that have led and still lead to a wide range of issues, from the interpretation of basic concepts of apartment ownership such as housing unit or apartment, to legal requirements for the validity of an agreement dealing with the apartment; the method

of calculating the share in the common parts of the house; the creation or termination of ownership of the housing unit; respectively the establishment or dissolution of the community of housing unit owners itself. The reason for the elaboration of the subject topic of this work was the existence of wide number of difficulties of interpretation, to which the Czech professional public and judicial practice do not yet have sufficiently comprehensive answers.