

## **Residential co-ownership - common areas**

### **Abstract**

The diploma thesis deals with the legal regulation of residential co-ownership contained in the Civil Code, with an emphasis on the common areas of an immovable thing. The aim of the thesis was to focus and discuss some issues of residential co-ownership, which are not completely clarified and cause interpretation difficulties. As the institute of residential co-ownership is relatively new and constantly evolving, there is indeed a wide range of topics that could be discussed. Therefore, due to the breadth of the topic, the thesis focuses on issues related to common areas. The subject of the thesis is also to shed some light on important changes adopted by the Act No. 163/2020 Coll.

The diploma thesis itself is divided into five chapters. The first chapter offers a historical development of the institute of residential co-ownership together with an introduction to general theoretical concepts on which residential co-ownership may be based. The second chapter then describes the institute of residential co-ownership in the Civil Code in general, but above all it defines the basic legal concepts on which the regulation of residential co-ownership is based. In particular, it is a matter of defining the unit and the method of its creation, although this is limited to the declaration of the owner for reasons of scope. Sufficient space is also devoted to the importance of this juridical act. The conclusions of the first and second chapters represent a rather underlying foundation, without which it would not be possible to think critically about the issues presented in the following chapters.

The third chapter deals with the common areas of an immovable thing, how are they defined pursuant to Act No. 72/1994 Coll., ownership of flats, and pursuant to the Civil Code, the consequences of the change in legislation on the nature of common areas focusing on some specific common areas such as balconies, terraces, loggias or windows.

The following chapter deals with the administration of the common areas with an emphasis on the administration provided in the absence of the association of unit owners, the wording of which after the adoption of Act No. 163/2020 Coll. has undergone changes worthy of a few remarks. The construction modifications of the common areas are also discussed.

The last chapter is devoted to the rights and obligations of unit owners related to the common areas. The content focuses on the rights and obligations of unit owners when disposing with the thing. Due to its possible impact on practice, the first-instance decision of

the Municipal Court in Prague which confirmed the opportunity of the association of unit owners to regulate the provision of accommodation services in units is analyzed.

### **Key words**

residential co-ownership

common areas

administration of a building and tract of land