

Lease of an apartment

Abstract

The theme of this diploma thesis is an institute of lease of an apartment, which is an important and still current institute. Regarding the constant increase of prices in the real estate area, the attractiveness of this institute is only expected to grow in the future. The diploma thesis contains not only general characteristics of the lease as a legal relationship but also the specification of an apartment and a house as the subject of the lease, entities of the lease or the specific purpose for which the lease is concluded. Considerable attention is paid to the lease agreement, rent or the ways how the lease may end. The part concerning the historical evolution of the apartment lease is omitted.

The thesis addresses selected issues related to the protected lease of an apartment regulated by the Civil Code, both issues theoretical and practical. The thesis deals mainly with those issues that resonate the most among experts. The aim of the work is to provide a comprehensive and detailed image of the regulation of lease in the Czech Republic, primarily with the help of the case law of the Supreme Court, which helps to overcome its various shortcomings. With that in mind the thesis summarizes and presents opinions of the Supreme Court contained in its decisions concerning long-standing contentious issues related to the lease of an apartment. Summarized are for example conclusions regarding (in)validity of the lease agreement caused by the circumstances that the apartment is not legally free at the time of conclusion or the possibility to include the lessor's consent in the lease agreement to sublease only part of the apartment. Among other things, the thesis is answering the question of whether the automatic prolongation of lease according to § 2285 of the Civil Code applies only to the lease enclosed for a definite period of time or whether the lessee is obliged to use the apartment.

In the absence of a decision of the Supreme Court, interpretation problems and questions are solved primarily by comparison, analysis and evaluation of opinions already expressed in literature. As a result of this process, the thesis contains not only a summary of expert opinions, but also the reasoning of my conclusions. In this way, the thesis presents for instance conclusions regarding an accessory of an apartment or the possibility of restricting the lessee's right to keep an animal in the apartment with regard to section 2258 of the Civil Code.

The thesis also not only describes the current regulation of lease of an apartment in the Civil Code, but also presents a comparison with a foreign regulation.

For comparison regulation contained in the German legal system was chosen, mainly due to the mutual similarity of the legal regulation, both in terms of its content and form. Significant attention is also paid to suggestions for legislative improvements *de lege ferenda*.

Key words: lease of an apartment, lease agreement, housing need