

# **Apartment lease termination in terms of substantive and procedural law**

## **Abstract**

The diploma thesis is focused on particular reasons of the apartment lease termination, according to the Civil Code no. 89/2012 coll. and act no. 90/2012 coll., corporate law. The legal regulation in the civil code no. 89/2012 coll. is not comprehensive, and therefore this thesis deals with the reasons that are set out in both the special provisions on the apartment lease termination the termination of an apartment and a house, as well as the reasons arising from the general provision on the lease and termination of obligations.

The thesis consists of an introduction, seven chapters and a conclusion. It is based on valid legal regulations, case law, professional literature and other sources.

The first chapter outlines the historical development of the institute of renting an apartment and its demise. The basic law became the General Civil Code, which applied in the territory of the Czech republic on the basis of the Reception Act of 1918. The discontinuity with the previous legislation occurred in 1948 after the Communist Party took over political power. Then the Civil Code No. 141/1950 Coll. and the Civil Code No. 40/1964 Coll. were adopted.

The second chapter discusses the institute of tenancy, lease agreement and the concept of apartment.

The following chapter deals with the individual reasons for the apartment lease termination, with the exception of a notice. First, it deals with the lease termination agreement, where the question of non-compliance with the written form and the consequences associated with it arise. The following reasons for termination of tenancy are also briefly mentioned: settlement, expiry of the period and related institute of renewal of tenancy, merger of tenant and landlord, termination of flat, withdrawal from contract, termination of lease of a special purpose apartment, termination of service apartment lease, termination of cooperative apartment lease. The last reason, which is elaborated more in detail, is the death of the tenant and the transfer of the lease to members of the tenant's household or heir.

The main part of this work focuses on the issue of notice from apartment lease. First, the general requirements of the notice, the course of the notice period and the duration of the notice reason at the time of delivery of the notice are discussed. Then the termination is discussed by the tenant for an indefinite and definite period. The termination by the tenant's heir is also outlined. An analysis of a notice from the landlord due to reasons on the landlord's or the tenant's part follow. The individual reasons for which the landlord is entitled to terminate the

lease with a three-month notice period, a two-month notice period, or without a notice period are described. Part of this subchapter is devoted to objections to the dismissal and a motion to review the validity of the dismissal by the court.

The following two chapters discuss the institutes related to the termination of the lease. This involves handing over the apartment, a neighbour action and a lawsuit for eviction.

The aim of the thesis is to analyze the legal regulation of individual reasons for the apartment lease termination and to point out the unclear provisions that occur in the Civil Code, which are explained by the applicable case law and opinions as per the specialized literature.

**Key words:** apartment lease termination, lessee, notice