

Lease of Non-residential Premises Used for Business Activities and its Specifics

Abstract

As apparent from the title, the thesis deals with the lease of non-residential premises, which are used for business activities and its specifics, i.e. special legal regulation for this type of lease in particular. It is divided into four parts by themes. The first one addresses the previous legal regulation, which has been repealed, however it affects existing legal relationships. The second one, as the most extensive, includes effective legal regulation contained in Act no. 89/2012 Sb., the Civil Code, as later amended, in particular. The main aim is to provide the reader with basic orientation in the complexity of lease of non-residential premises used for business activities; however, taking into account the extent, the interpretation is not exhaustive. Although the legal regulation concerning the lease of non-residential premises used for business activities is included in principle in one piece of law, this legal institute is present in various places of the Civil Code, causing confusion in many cases. Taking into account issues dealt with in the previous part, the third one provides the parties, i.e. the tenant and landlord, with recommendations regarding the practices when concluding this type of lease agreement. Finally, the last part focuses on thoughts under the applicable law (*de lege lata*) as well as *de lege ferenda* thoughts and proposes solutions for some of problematic issues.

Due to relatively new legal regulation (although effective for nearly seven years), the parties must cope with its interpretation, thus the theme is still evolving and dynamic. The conclusions are based on information gained from literature as well as articles from the field of law. The latest higher courts decisions are of high importance, as they clarify some of the issues included in the thesis. However, even the higher courts decisions did not have the opportunity to bring solution to all problems solved in real cases. Thus the thesis aims to overcome these issues by legal interpretation. The final aim is to evaluate the effective legal regulation critically and provide essential orientation in the lease of non-residential premises used for business activities, considering the fact that this interesting legal concept undoubtedly offers numerous practical applications.

Key Words

lease of non-residential premises used for business activities, landlord, tenant