

Termination of apartment lease and its legal consequences

Abstract

This thesis deals with the termination of apartment lease and its legal consequences, both in the light of substantive and procedural law. The aim of the thesis is to provide an insight into this matter, including the interpretation of basic terms and to point out frequent problems or incorrect procedures of persons in relation to the termination of apartment lease. The lease of apartment is one of the classical institutes of civil law, through which the housing needs of a tenant are satisfied. However, this thesis also explores possible overlap of rental housing into other areas of law. The thesis provides a comprehensive analysis of the process of termination of apartment lease and the legal implications for the persons involved.

The first chapter of this thesis characterizes lease as an institute of civil law. This chapter focuses on the definition of the nature of the lease itself and the duration of lease relationship. The chapter concludes with the most common ways of terminating any lease. The subject of the second chapter are specifics of the apartment lease, which result from the special provisions and are also relevant with respect to termination of lease. In addition to characteristics of an apartment and the purpose of rental housing, this chapter also contains explanation of lease agreement, tenant protection and payments related to apartment lease. The third chapter contains characteristics and analysis of specific ways of termination of the apartment lease, with the largest space given to termination notice. It also deals with expiry of the lease term, agreement on termination of the lease, merger of landlord and tenant, termination of the subject matter of the lease, withdrawal from agreement and situations when the tenant dies.

The second part of the thesis deals with the situation that arises after the termination of apartment lease. The fourth chapter focuses on the legal consequences related to the termination of apartment lease arising from the special provisions on apartment and house lease. It deals mainly with the manner of handing over the apartment and its condition at the end of lease. The penultimate chapter of the thesis focuses on protection of the right of ownership after the termination of apartment lease and also presents the procedure foreseen by law, which the owner should use to protect himself. The topic of the last chapter is the criminal law aspects of the termination of the lease of an apartment. The chapter contains an analysis of specific criminal offences, the perpetrator of which may be the landlord or the tenant.

Key words: termination of lease, apartment lease, vacating