

Real Estate Brokerage

Abstract

This thesis deals with the impact of Act No. 39/2020 Coll., on real estate brokerage and on amendments to related acts (Act on Real Estate Brokerage) on the legal status of consumers. The aim of this thesis is to assess the impact of the Real Estate Brokerage Act on the legal status of the consumer and to compare the findings with the previous legislation. The focus of this thesis is on issues relating to the conditions of business activities of real estate agents and the real estate brokerage contract. For the conditions of business activities, I have focused on the issue of impeccability and professional competence of real estate agents. In the case of the real estate brokerage contract, I have dealt with selected legal institutes introduced by the Real Estate Brokerage Act, which are of the nature of the so-called “protection rules”. The systematic division of this thesis consists of an introduction, three chapters and a conclusion.

The first chapter contains the basic terminology that appears throughout the thesis. The basic terms include the definitions of real estate brokerage, real estate agent and the interested party as a consumer. This chapter includes a brief summary of the history of legal regulation of real estate brokerage in the Czech Republic. The first chapter concludes with an explanation of the legal regulation concerning consumer protection in real estate brokerage.

The second chapter of this thesis deals with the business conditions of real estate agents. The interpretation contained in this chapter focuses on the analysis and comparison over time of the general and specific conditions for the operation of real estate brokerage. The greatest emphasis in this chapter is placed on the question of the impeccability of real estate brokers and their professional competence, which has undergone a fundamental change in connection with the reclassification of real estate intermediation from a free trade to a bound trade.

The third chapter focuses on selected aspects of the real estate brokerage contract that affect the content of consumer rights within the contractual brokerage relationship. Selected topics include the legal form of the real estate brokerage contract, the issue of the prohibition of the obligation to enter into transfer and future transfer contracts, the prohibition of the promissory notes, the exclusivity clause and the prohibition of automatic prolongation of real estate brokerage contracts.

All the findings of this thesis are set out in its conclusion.

Keywords:

Real Estate Brokerage, Consumer, Real Estate Brokerage Contract