

Cizojazyčné resumé

The legal regulations of the unit owners' association and its issues in practice

The questions in regards to the flat ownership and unit owners' association are very topical nowadays, mainly with respect to the fact that this subject affects the daily life of many addressees of law regulations.

The poor elaboration of the legal regulations of the unit owners' association led to a negative response from the public. This legal regulation is rather complicated and inconsistent.

The legislator made the attempt to resolve the imperfections in the legal regulations through several amendments of the flat ownership law; however, these amendments did not abrogate all the moot questions and many times brought other confusions into the legal regulations. I discuss the most important amendments mentioned above at the beginning of my thesis.

The main body of the thesis focuses on the unit owners' association, whereby the law recognises this as a legal entity, which is according to the residential and non-residential ownership law eligible to practise law and commit to subjects related to administration, house operating, and repairs of the collective parts of the house only, eventually is eligible practice activities within the scope of the law and activities related to the collective parts of the house which are used by other individuals or legal entities.

This thesis specifies the formation of the unit owners' association and its dissolution, the membership of the units' owners in the association, and in particular the bodies of the association inclusive of their authority and field of action. Each of these items further describes its principles, the current status of the related legal form, and their evaluations in practice as well as possible suggestions for needed changes.

I find the regulation regarding association's decision making as the most problematic. I assure that it would be more appropriate to simplify this regulation; since, I find quite confusing that the legal form permits five different quorums for decisions' acceptance.

In addition, I propose to allow incorporation of decision making outside of the owners' convention into the legal form concerning associations' decision making - so called "per rollam", which would eliminate current problems to form a quorum and would be certainly appreciated in practice.

Another no less important step, I believe, is the change of the concept of the foundation of the association itself; because, the current legal form for its foundation, with no need of any legal act, causes considerable problems in practice. In regards of this legal form I suggest to get inspired by the legal form of the companies in the Companies Act which go through faces as the formation and creation.

The last section of the thesis focuses on the acceptance of the new flat ownership law which is due to the different approaches of the professional public quite complicated. In that respect I made an attempt to outline directions in which the legislator should proceed, with me emphasising the positive sides of the draft flat ownership law in the form as was introduced to the public by the Office for local development in 2008.

Keywords:

unit owners' association

Klíčová slova:

společenství vlastníků jednotek