Résumé (English)

Thesis title:

**Unit Owners Community as a subject of Law**

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Housing rights and housing politics belong to frequently accentuated topics of general discussion of today. Without question, ownership stands to be a private issue, although its legal regulation is commonly entrusted to the standard means and norms of private law, such as the Civil Code; furthermore, to the rules of public law, be it the Building and Construction Law or the Land Registration Law, tax and accounting standards or remedial law norms.

The thesis’ primary objective is to focus on the law No. 90/1995 Coll., the Law of Apartment Ownership (hereinafter referred to as LAO), and most importantly, on the legal person created under authority thereof – Unit Owners Community (UOC). LAO codifies mainly building co-ownership relations, apartment and non-residential premises ownership bearings, referred to as units located in a building, which are the subject of civil relations.

Owners of residential or non-residential units execute their rights and duties to the circulating areas or co-habited premises within the building by means of Unit Owners Community, a legal person, which according to the enforceable legal regulations comes to inception directly through meeting the LAO conditions, without the necessity of the unit owners’ direct intent. UNC is established for a building with five units or higher, of which three units must be the property of three distinct owners, the least, on the day of receiving an additional document of the record under the Land Registry, which proves the unit ownership of the last unity owner out of those involved.

The UNC membership begins with the unit ownership acquisition, and ceases to exist by conveyance or shifting the unit ownership rights to a different subject, eventually by termination of the UNC alone (its official status as a legal person). Co-ownership rights to the usage of co-habited premises are indivisibly connected to unit ownership and do not generate separate ownership rights.

The supreme authority of UOC is impersonated in an assembly of unit owners, an aggregate authority based on the majority principle of the extent of each owner’s share of co-ownership.

The UOC assembly must be held once a year, the least. On its first meeting, the assembly approves of the UOC statutes, and vote for
additional UOC authorities, which consist of statutory and other authorities. Statutory authority performs legal acts on behalf of the Community. Its activities are mainly internal – towards the unit owners, and external – by which means the authority makes use of its executive competence performed in relations directed to third parties.

UOC is a bearer of presentive legal entity, which stands for implementation of execution of duties, such as administration conduct, functioning operation and repairs of co-habited premises, and other activities linked to the building and its grounds conduct.

For the purpose of such activities, UOC is allowed to attain commodities, rights, other asset values, apartments and non-residential premises. The Community may contract other legal subject towards administration conduct of the building and its co-habited premises.

After its establishing, UOC is filed under the Registry of Unit Owners Communities, provided by competent registry courts. The Community ceases to exist by actual abolishment of the building or agreement of the unit owners concerning a co-ownership's change into a different type of co-ownership, or if all units become the property of one legitimate owner.

The Law of Apartment Ownership has gone through a numerous amendments, which have changed certain disfunctional or otherwise objectionable sections of the norm. The Ministry for Regional Development filed a proposal, which required a complete revision of LAO. However, the proposal has not passed by the Parliament yet due to its initially anticipated co-action with a new, but also not yet adopted, Civil Code.

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