

This work addresses to the issue of flat ownership, respectively housing units ownership according to the Housing Act. This theme is still very current and often discussed. Content of this work is focused on separate ways of formation and extinction of ownership law to housing unit and considering issues connected to process of housing unit ownership formation.

The flat ownership is characterized by the plurality of the subject of ownership law. Co-ownership of common parts of residential building and co-ownership in common of land are integral part of flat ownership. Another feature of the residential property is a plurality of entities. The Housing Act is *lex specialis* to the Civil Code and therefore provisions of the Civil Code are applied in case of relationships not covered in the Housing Act. Housing Act fix more ways of unit ownership formation (residential or non-residential unit).

This work covers statement of the building owner first. The formation of residential unit is made by the recording of this statement in the Land Register. Necessary condition for the unit formation is existence of two separate units, the residential units or non-residential units. The statement of owner must include elements required by law. Next way of housing unit formation is construction of units according to the construction contract, where all builders agree on cooperation and they define their rights and obligations. Ownership law to unit can be also formed by transfer of rights by one of the ways specified in Civil Code. The Purchase agreement and the contract of donation are the most common ways. Agreements have to include particulars specified in Civil Code and particulars specified in Housing Act. The ownership of the residential units can also be formed by conversion from joint ownership to ownership of housing units based on co-owners agreement or by court decision. Another approach is transforming the building in the discharged undivided co-ownership of spouses to ownership of residential unit by agreement between spouses or by the court decision. Another approach is transforming of the building in the dissolved undivided co-ownership of spouses to ownership of residential unit by

agreement between spouses or by the court decision. At the end of this work I focused on the transfer of ownership law to residential unit without the approval of the previous owner. The most common ways of ownership law succession are inheritance, auction, expropriation, approval in public auction. Cessation of unit ownership can be processed by common ways according to the Civil Code, for example by the ownership transfer, owner extinction etc. But the manners are limited by the nature of unit. Other way of ownership cessation, according to the Housing Act, is transformation of building, consisting of residential units, to house with flats.

The application of the Housing act in practice is accompanied by a number of problems and questions and also therefore new draft of law was prepared already in 2008 but its wording was not approved finally. Currently issues are partially solved by case law but change in housing law is necessary in my opinion.