

Summary

This dissertation examines the issue of the ownership of units under Act 72/1994 Coll., which sets forth certain co-ownership relations to buildings and certain ownership relations to apartments and non-residential premises, and supplements certain other Acts (the Act on the ownership of apartments).

By way of introduction I offer a brief account of the historical development of the concept of the ownership of a unit from antiquity up to the present day, showing the different ways the concept has been interpreted in the legislation of various countries. Four basic theoretical legal conceptions of the ownership of apartments and non-residential premises are analysed. I also examine valid legislation contained in the Act on the ownership of apartments and show its relationship to the Civil Code. The basic and most important concepts relating to the topic in question are analysed in more detail with reference to problematic, unclear or completely absent provisions of the Act. Attention is given to the individual methods by which the ownership of a unit and co-ownership of a building can come into being, including a more detailed examination of the declaration of a building owner and the construction agreement.

I also examine practical questions arising during the transfer of ownership right to units, with reference to special provisions of the Act on the right to preferential acquisition of apartments or studios and the preferential right of a tenant of an apartment. I also examine the specific question of the transfer of units which are part of building cooperatives into the ownership of individuals, which also relates to the problematic in question.

Another practical issue which could not be overlooked when examining the ownership of units is the association of unit owners, which an amendment to the Act on ownership of apartments no. 103/2000 Coll., established as independent legal entities for the first time with effect from 1 July 2000. Problematic aspects of this legislation are examined in respect of the bodies

and Articles of Association of the association, including proposals *de lege ferenda*.

Another important and very sensitive topic which this dissertation examines is the restriction of the ownership right of building owners, i.e. landlords, in the form of the regulated rent. This involves a conflict of two equal rights guaranteed by the Charter of Basic Rights and Freedoms, namely protection of the ownership right of a building owner and protection against unauthorised interventions in the private and family life of a tenant. The issue is treated from the point of view of judicial practice in the Czech Republic, which culminated in the eradication of a non-constitutional situation and the acceptance of Act 107/2006 Coll., on the unilateral increase of a rent on an apartment, as amended, as well as the judicial practice of the European Court for Human Rights. However, the new legislation was not welcomed with enthusiasm by either building owners or tenants, which simply goes to show how complex it is to find a balance between the principle of the protection of ownership and the principle of the protection of tenants.

Another practical aspect examined by this dissertation involves the tax duties relating to the ownership of apartments and non-residential premises.

The final section of the dissertation examines the new amendments to the Act on the ownership of apartments in the pipeline, which is a much discussed topic at present. The most criticised as well as the most appreciated points of previous drafts of the Act are examined. Given that the new legislation was not passed in the previous term of office, its acceptance has again been postponed with the commencement of a new term of office.