

This thesis is focused on problems related to the rental housing in the Czech Republic, which is a frequent theme of political as well as legal discussions. Czech population is separated between two sides of the dispute, landlords and tenants, in a way. I have chosen topic „Legal regulation of residential lease with the attention of rent” to familiarize myself with this actual subject. My thesis contains six chapters including the introduction and the conclusion.

To understand the origin of present legal regulation of tenement relations, it is important to analyze it in a historical context. First part of the thesis therefore concentrates on the evolution of civil lease regulation, beginning from Roman law, which has put the basis of modern continental civil law, to our history shortly after the revolutionary year 1989.

Chapter Three defines general grounds of the topic as international and constitutional basement of the right to abode, legal sources of current lease law and also the subject matter of legal relation of residential lease – a flat. It is necessary to remind that there isn't any general legal definition of flat in present civil law.

Chapter Four is concerned with valid law and is subdivided into several parts.

First subchapter describes basic terms of lease in general. Second passage explains the difference of residential and common lease; among other things it is the legal protection of tenant. This protection in favor of the economically weaker part of law relation is provided by mandatory rules which means perceivable limit to the freedom of contract.

Next part of the thesis focuses on ways of rise and ways of cessation of lease.

Especially, I look at a lease contract, the most usual way of rise of apartment tenancy.

Last subchapter deals with main duties and rights of the parties of residential lease.

The most important and comprehensive fifth chapter is dedicated to rent, its range and payment. I tried to outline the history of regulation which led to two diverse levels of rent and that is the reason of discrimination not only among lessors, but also tenants. Legal changes of the last two decades, in which has been the Constitutional court of the Czech Republic participated, are very interesting. This court has expressed controversial opinion about possibility of judge made law. I paid special attention to the amending act n. 107/2006 col., that enabled lessor to increase hire costs without an assent of tenant under very restricted conditions. I mentioned legal regulation of lease *de lege ferenda* also.

My conclusion is that the valid legal regulation of apartment lease can be seen as of good quality, however even after twenty years that the Czech Republic became a democratic state respecting the fundamental rights and freedoms it is still visibly influenced by the heritage of communist past. An essential precondition for the future regulation of apartment tenancy is to cope with all this residues. Upcoming recodification of civil law means a considerable step in finding the adequate balance between the right of ownership and the right of abode.