

## **ABSTRACT**

This thesis deals with the governing bodies of the association of unit-owners and the way of their decision-making. It is focused on usual interpretative problems, which appear in practice in association with this problematic .

An association of unit-owners is an legal entity, which originates on the grounds of The Act of Housing Property. Its existence is always connected with a concrete building divided into residential (in some cases also nonresidential) units. Membership in the association of unit-owners is inseparably linked to the ownership of each unit in this building.

The Act of Housing Property also establishes that the association of unit-owners has only special legal personality. It means it can execute that kind of discretions and duties which deal with an object of their activities, such as administration, operation and repairs of common parts of the building (in case The Act of Housing Property states, also other associated activities) – this whole area is called administration of the building. The Decree of the government, which issues the model statutes of the association of unit-owners, offers more exact features of the activities, rather than The Act of Housing Property. These activities can be summed up as the building administration. Chapter one and two of this thesis deal with this questions in more detail.

An execution of the administration of the building mentioned above is not realized directly by the members of the association of unit-owners, but by its governing bodies. They could be divided into different separate groups according to various standards. The most important diversification distinguishes two basic groups – firstly governing bodies which have to be established in every association of unit-owners - assembly of unit-owners and committee of the association of unit-owners (or an entrusted owner in case the committee has not been elected). In addition to that, each association of unit-owners is allowed to set up other governing bodies (for instance a control body), but only if this possibility is determinated in the basic document of the association of unit-owners – in its statute). The governing bodies of the association of unit-owners in general are

discussed in chapter three of this thesis.

An assembly of unit-owners is the supreme governing body of the association of unit-owners. It associates all owners in the building, for which the actual association of owners was established. This assembly gathers at least once a year and in these meetings it accepts the most significant decisions connected with the administration of the building – so called resolutions. Chapter four of this thesis defines the assembly very closely.

Resolutions of the assembly are executed by a committee of the association of unit-owners or by an entrusted owner – they are also elected by this assembly. Moreover, it also makes its own decision, about less important questions connected with the administration of the building, unless these matters are dealt with directly by the assembly of unit-owners (or eventually by other governing bodies elected by the association of unit-owners). The committee is not only an executive body of the association of unit-owners, but also its statutory body. It means that all legal acts of the association of owners are made by its committee. The committee is mentioned by chapter five of this thesis. The association of unit-owners is allowed to create also another governing bodies, which are discussed in chapter six of this thesis.

This thesis is not only devoted to the specification of every single governing body of the association of unit-owners and to their activities, but it also comprises more details as far as the estimation of current legal regulations (including also concepts *de lege ferenda* in chapter seven) and practice of the Czech court is concerned.