

Ownership of Flats

Summary

In his diploma thesis “Ownership of Flats”, the author focuses on applicable law of flat ownership in the Czech Republic, especially the Flat Ownership Act 72/1994 Sb. The author puts the contemporary regulation in historical context; he describes the theoretical principles underlining the current applicable law and defines in detail the basic legal terms used by the Flat Ownership Act. Original and derivative forms of flat ownership acquisition are explained, namely a contract of construction, a contract of sale and a so-called declaration of the house owner. Forms of cessation of flat ownership are briefly described. The author provides an analysis of general owner’s rights and specific owner’s rights and duties regulated by the Flat Ownership Act. A significant part of the thesis is dedicated to the analysis of the legal framework regulating the legal entity of commonhold association, the residents’ management corporation. Provisions of the Flat Ownership Act regulating the internal organisation of commonhold association are critically discussed in relation to the rights and duties of the respective flat owners. The author points out the shortcomings of the statutory regulation of the commonhold association’s internal structure and describes practical problems caused by these shortcomings. Using several higher court cases involving flat ownership issues, the author demonstrates how are the important and problematic provisions of the Flat Ownership Act interpreted and applied. In the final chapter the author focuses on the future development of flat ownership regulation. He compares the current regulation of selected legal issues in the Flat Ownership Act and in the proposal of the new civil code that is most probably going to replace the current applicable law by 2014.