

Unit Owners Association as a Subject of Law

Objective of my thesis is to describe development of legal regulation of the Unit Owners Association, to analyse the current legal regulation of the Unit Owners Association in the Act No. 72/1994 Coll., on apartment ownership and to compare the current legal regulation with latest legal regulation in the new Civil Code. This topic is very live, because the issue of apartment ownership concerns more and more residents. The unit owner is also co-owner of common parts of a building. The Unit Owners Association is a legal entity determined for administration of common parts of the building.

The thesis is composed of four chapters. Chapter One describes development of the legal regulation of the Unit Owners Association in the Act No. 72/1994 Coll., on apartment ownership, which was amended several times.

Chapter Two analyses the current legal regulation of the Unit Owners Association mainly from the point of view of its legal capacity and internal arrangement. Legal capacity of the Unit Owners Association is restricted, because this legal entity is legally competent to execute rights and to commit itself only in the cases related to administration, operation and repairs of common parts of a building. This chapter consists of six parts which focused on formation of the Unit Owners Association, on incorporation into the Register of Unit Owners Associations, legal capacity, capacity to sue and capability of being sued, way of act and dissolution of the Unit Owners Association.

Chapter Three is subdivided into three parts and is dedicated to bodies of the Unit Owners Association. Part One deals with unit owners assemblies, with the method of decision-taking and with the possibilities to review its decisions. Part Two is dedicated to the Board of the Association, to the conditions and terms of performing duties of the Board member and to responsibilities of the Board members. Part Three is concentrated on facultative bodies.

Chapter Four describes the core changes in the latest legal regulation of the Unit Owners Association in new Civil Code, which will come into force on 1st January 2014, by comparing them with the current legal regulation. The two-phase formation and dissolution of the Unit Owners Association is the core change of the latest legal regulation.