

Abstract

The legal reasons of termination of residential lease - current and future legislation

The thesis is composed of five separate chapters and a comparison table as an annex. The paper analyzes the different reasons for the termination of a lease of flat according to currently active legislation and the legislation that comes into force on January 1, 2014. The author chose this topic because the issue of housing and residential lease affects all of us and it is thus important to recognize the exact content of individual reasons for termination. Given that a radical change awaits us in this field, the author decided to compare and evaluate the future legislation.

The first chapter outlines a historical development of the reasons for termination in our modern democratic history. Primarily, it focuses on the changes that have been brought upon the termination reasons by the Act No. 107/2006 Coll. and 132/2011 Coll.

To maintain a better consistency of the paper, the second chapter examines the basic terminology and assess where and how they are regulated today and how they will be in a few months time. In particular, the author provides the definitions of a flat, lease contract, parties to the lease contract, and describes various options of termination of the lease of flat. Similarly, the author deals with a shelter and housing compensation which cannot be found in the new legislation anymore.

The third chapter provides a necessary interpretation of notice of termination as a lessor's unilateral act, together with its essential requirements. Subsequently, the author analyzes the individual reasons for termination according to the legislation that is currently in force. The chapter is divided into two parts; the first deals with the reasons for termination that are "with the consent" and the second part "without the consent" of the court. This chapter uses extensively the case law of not only the Supreme Court but also of the ordinary courts.

The fourth chapter is concerned with the future legislation. It tries to analyze and specify the different reasons for termination with the obligatory period of notice and without it. Moreover, the author compares the individual reasons for termination

with the reasons under current law and evaluates the differences between them. In the case of an entirely new reason for termination, the author tries to theoretically interpret and evaluate it.

Due to the fact that the new Civil Code is inspired by the German legislation on the reasons for termination of the lease, the author decided to focus on it in the fifth chapter, and also compare it with the text of the Civil Code in force and with the new Civil Code as well.