

Summary – Governing Bodies of the Unit Owners’ Association and Their Decision-Making

The aim of my thesis is to analyze the system of governing bodies of the unit owners’ association, their decision-making, powers and liability. The thesis also attempts to focus on and to clarify certain legal questions relating to the provisions of the Unit Ownership Act that cause problems of interpretation with the professional public, courts and unit owners.

The thesis is composed of five chapters. Chapter One is introductory and outlines the legal framework of the topic and relevant Czech legislation, and sets out the aims of the thesis.

Chapter Two examines the nature of the unit owners’ association as a legal entity endowed with limited (special) legal personality that is formed by operation of law (*ex lege*). The association may exercise only such powers and only to the extent expressly permitted and set forth in the provisions of the Unit Ownership Act (No. 72/1992 Coll.) such as administration, operation, maintenance, repair, and replacement of common elements of the building. Each unit owner in the building submitted to the Unit Ownership Act is entitled to undivided ownership of common elements, and also becomes a member of the relevant association.

Chapter Three addresses the issue of the Articles of Association as a fundamental internal document of the association that governs the relationship between the association and its members, and concentrates on problems resulting from the relationship between the Articles of Association and the Government Decree Articles of Association.

Chapter Four is subdivided into four parts and gives extensive view of individual governing bodies of the association. Part One deals with the General Assembly as the supreme body of the association that is composed of all the unit owners and is convened at least once a year. It focuses on its powers set out in the Act and the Articles, modes of its decision-making and other questions of its administration. Part Two and Three characterises the Committee of the Association as the collective authorized representative (or the Designated Unit Owner as the individual authorized representative), both as mandatory bodies of each association. Part Four discusses optional bodies that may be elected if provided for in the Articles of Association.

Conclusions are drawn in Chapter Five. There are certain aspects that cause problems and these have been pointed out and relevant suggestions made.