

Summary

”STATUTES OF UNIT OWNERS ASSOCIATION”

The thesis deals with the statutes of a unit owners association as they are regulated in the Czech law (hereinafter referred to as the “Statutes”). The Statutes are the basic legal document of any unit owners association, through which the rights and obligations of the individual unit owners are exercised. The Statutes should provide any unit owners association with a framework for its smooth functioning in relation to its members (unit owners), as well as in relation to third parties.

Much like other juridical (legal) persons, a unit owners association is created when registered to the public register. Its creation is preceded by a founding legal act of the future unit owners, i.e. the future members of the association. Statutory law (i.e. the new Civil Code No. 89/2012 Coll.) stipulates under what conditions the founding members are allowed to establish the unit owners association. For a successful registration of the association in the public register, ordinarily, the Statutes have to be approved by the founding members. The legislation sets out certain mandatory requirements, nonfulfillment of which would lead to a dismissal of the registration.

The initial part of the thesis deals with the historical development of the legislation on flat ownership. Further, the author discusses the changes brought about by the recodification of Czech private law, i.e. mainly by the new Civil Code, in force since the beginning of 2014. The core part of the thesis is dedicated to the Statutes themselves, especially their essentials. A separate chapter is devoted also to Model Statutes which were issued in the form of a government regulation in 2004 as a useful tool for the practice, also cancelled lately by the coming in force of the recodification legislation. A considerable attention is paid to the general meeting of unit owners as the supreme body of the unit owners association. The author focuses primarily on the voting in the general meeting and outside it.

The thesis also compares the new regulation with the former one and discusses some proposals (lay, as well as professional) aiming to revise certain provisions in force. The author’s attitude to these proposals has been widely influenced by his practical experience of his own membership in a unit owners association.

In the final part of the thesis, the author discusses the efforts of some unit owners associations to punish its members for a variety of offenses and the legality of such a conduct, as well as possibilities of the unit owners associations to defend themselves against those owners, whose actions infringe the rights of the other owners or the functioning of the association.