

Abstract

This thesis deals with selected institutes of legislation related to tenancy under recent Civil code No. 89/2012 Sb. With respect to a limited extend, the thesis focuses only on selected issues, such as definition of basic principles and concepts or unclear provisions.

The thesis consists of 4 connected chapters, leading reader from past to present to gain historical and practical view on the matter

First chapter is focused on legal history of lease of immovable since antiquity to nineties of last century.

Second chapter covers basic principles and concepts of tenancy such as object of a lease (suitability of a rented space is now determined by agreement not by some official decision), parties of agreement, determination of rent (if it is not agreed in contract). This chapter also contains an explanation, why legal entity can not lease a flat for living and why a subsequent sublet is not a sublet but regular lease.

Third chapter describes provisions considered unclear by professionals or laymen. These provisions contains new conception of surety, limits of making business or working in a flat without of consent of the landlord, receiving new members to the household (and of course definition of household) and sublet. This chapter also contains rules for maintaining order in a building. Provisions about pet animals is skipped intentionally. Basically Civil cone No 89/2012 Sb. allows less limitations to be applied by landlord, provided a tenant do not disturbs order in building.

Final fourth chapter is focused on new trend in flat leasing – shared economics like Couchsurfing or Airbnb. It summarizes negative stance of some municipalities and positive proclamation of European commission with a suggestion how it could be possible to solve negative issues without any prohibitions or quantity limitations.