

This thesis focuses only on the change in the persons in the narrow sense, which are caused, generally speaking, as a consequence of the motion of persons in the legal relationships as an expression of the dynamics of the social relationships.

As regards the legal theory, it would be better to speak of the *changes in the persons* of the lease relationship than of the *changes on the side of the persons* of the lease relationship. We shall keep to this terminology in the following text.

The legal persons create and represent a party to a legal relationship as one of the mandatory elements thereof but they have no party themselves. The party does not represent any structural element of the legal relationship either.

The term *party* to the legal relationship is a specific term used in the area of the law of obligations, which, according to different circumstances, may be the same with the term *person* or *participant* in an obligation relationship or it may differ from them. There can appear one or more *persons* (participants) on each *side* of the obligation relationship.

If even one of the persons representing one or the other party leaves the lease relationship or possibly enters the existing lease relationship and the total number of the persons does not decrease under two, such a legal event must be viewed as a change in the persons.

Just these changes besides changes residing in the change (not the reduction or the extension of the number) of one person (party, if there are more persons) for another are the points of interest of the thesis. The thesis, taking into consideration the frequency and the variability of the possibilities, concentrates in detail almost exclusively on the changes arising on the lessee's side, whereas changes arising on the lessor's (owner's) side remain out of interest as well as the changes which might occur in other cases of the lease than the lease of a flat.

Single chapters are devoted to the definition of the nature of the lease in general and mainly the lease of a flat, the systematic division of the lease under the Czech law and the position of the lease within the law of obligations, including the particularities. The chapter briefly dealing with the changes in the

obligation relationships in general is included for the better understanding of the nature of the changes in the persons related to the lease.

The other chapters deal with the changes in the persons on the lessee's side related to the lease of a flat. This part is based on two pillars creating the gist of the thesis.

The first pillar represents an extensive chapter taking look at all of these changes, which may occur *inter vivos* starting from the individual lease of a flat and then proceeding to the joint lease of a flat such as the joint lease of a flat and the joint lease of a flat by spouses. Mainly this part comprises a relatively complex range of variations of the changes in the persons which might be encountered with in the lease area in the Czech Republic.

The second pillar is based on the interpretation of the changes in the persons which occur in connection with the death of the lessee. It is principally the devolution of the lease of a flat when the flat passes to the close relatives or other persons permanently living together with the deceased or the heirs of the membership share in the co-operative or the extension (not the devolution) of the existing lease right to the selected persons.

As far as the lease relationship is regarded the last chapter provides for a relatively concise but comprehensive overview of the changes in the persons in other cases such as for instance the lease and the sublease of the non-residential premises.

The primary target is to provide an exhaustive interpretation of all possible changes in the persons which may occur mainly in connection with the lease of a flat. Also the particularities of the lease of the co-operative flat are considered.

The thesis is not strictly confined to the interpretation of the changes in the persons, but endeavours to take a comprehensive note of connected legal issues inevitably accompanying these changes which arise as a side-product of the changes, including their impact on the legal relationships of third persons. In particular, the cases where the housing compensations are provided for the persons whose right of lease has expired are mentioned as well as the impact of the changes in the persons on the possible sublease relationships or on the positions of the persons jointly using the flat with the lessee.

The systematic interpretation of the matters dealt with in the thesis is based on the analytic method of work, on the quotations of works of reputable authors dealing with the law of flats in the Czech Republic as regards the content, literature of commentaries and is also filled with the judicial decisions available. Led by the effort for the practical benefit of the thesis, the author tries to present his own legal opinion of questionable matters, mainly where his position differs from the position generally accepted. Different opinions are therefore supported by his own legal argumentation.