

Summary

Lease of an apartment and house

The subject of this thesis is the issue of lease of an apartment and a house with emphasis on introduction of the fundamental changes brought to this question by the new Civil Code. This paper also briefly points out possible difficulties which might occur even though the legal regulation is quite detailed. The thesis is trying to mention relevant established practice of courts in connection to certain areas of this regulation. The legal institute of a lease of an apartment and house presents irreplaceable part of every legal system because of the fact why people enter into such contract. That is also, why special protection of a leaseholder represents traditionally integral part of this field of law.

The thesis consists of six chapters, of which the first one presents the sources of legal regulation. The second chapter discusses various objects of a lease which may substantiate a special protection of its tenants. For a better understanding, even instances of relations which are not included under lease of an apartment and house are mentioned. In order to present a comprehensive view, this thesis also discusses the differences of lease of a staff apartments, social solidarity apartments, and apartments owned by cooperative housing societies.

The main part of this thesis is focused on establishment of a tenancy and its factual content. Because of that, the third chapter is concentrated on a lease contract as the most common reason of establishment of tenancy of an apartment. That includes analysis of subjects of tenancy along with situations when there is a higher number of entities in the position of landlord or tenant. This part also contains a brief summary of lease period and the legal institute of security payment question. The fourth chapter deals with the rights and obligations of parties to a lease contract with focus on rights of a tenant such as refusal of moving in, working or running business from an apartment, keeping animals in an apartment or a right of a tenant to sublet an apartment. In that context, the issue of minor repairs and common maintenance is also briefly mentioned. The following chapter deals with the question of a rent and other payments. The legal regulation of one-sided rent increase is covered as well.

The sixth chapter concludes the topic of the paper by discussing the legal institute of a transition of a tenancy on members of tenant's household and innovative element of transition of tenancy on heirs to a tenant.

The aim of this thesis is to discuss basic elements of Czech regulation of lease of an apartment and house and especially introduce principal changes brought to the Czech legal system by new civil law regulation. The paper also tries to stress possible issues connected to applicability of certain opinions established by practice of courts in relation to previous regulation.