

Residential lease

Abstract

This thesis aims to analyze the legal aspects of residential lease. This is a continually developing issue, which is dynamic in form both in the doctrinal sector and case law. Its specificity lies in the protectionist nature of the weaker party for which the lessee is generally considered. Since 1. 1. 2014 the enactment of Act. No. 89/2012 Coll., the Civil Code, as amended, there has been a significant balance of rights in certain aspects related to the residential lease, especially in the available options for termination of lease. Given the fact, that the said code is relatively new, the thesis also contains a comparison with the previous Act No. 40/1964 Coll., the Civil Code, as amended. This thesis does not neglect to look at German legislation, when looking for a foreign adaptation, it focuses on institutes close to national law and attempts to make some comparisons between the two.

The work itself is divided into six chapters. The first chapter deals with the general legal arrangement of the lease. The individual conceptual features of the lease and the related institutes will be discussed here, and sources are presented in the form of law or case law. The second chapter is focused specifically on the residential lease. The new concepts that the Civil Code has brought about are interpreted here along with the purpose of the lease agreement.

The third chapter describes the creation of a residential lease not only with a lease agreement but also by other legal ways, such as the transfer of a lease or the marriage of a lessee. A significant part of the chapter is dedicated to the legal rights and obligations of the lessor and lessee, while in part delving into the paying of rent and somewhat into regulated leases. The penultimate part of this chapter discusses the possibility of allowing third-party use of leased apartment or building. The final part of the chapter is dedicated to the legal regulation of the same topic in the Federal Republic of Germany.

The fourth chapter is devoted to the possibilities of lease termination. The aim here is to capture all possibilities of terminating the lease and to examine in detail, notice without termination period, as a new element of the residential lease law. German legislation for the same type of lease termination is also outlined here. The final part of the chapter focuses on the comparison between Czech and German legal regulations.

The penultimate part of the thesis is a very peripheral look at housing cooperative. The given chapter is included in the thesis to make a comprehensive assessment of the topic and outline the differences between private residential lease and housing cooperative.

The final chapter of this thesis is devoted to the current issue of short-term leases and the possible ways of solving the problems, which come along with this form of lease.