

The legal reasons for terminations of apartment lease

Abstract

The work is focused on the analysis of a fragment of residential lease law as the institute of the civil law, specifically on the legislation of reasons for terminations of apartment lease according to the Act. No. 89/2012 Coll.

More than fifth of the population of Czech Republic uses the apartment on the basis of a lease agreement, and therefore this area is interesting not only from the theoretical point of view, but also of the point of view of its use in practise. This work aims to present the complex issues of reasons for terminations of apartment lease by a thorough examination of current legislation and the use of linguistic, systematic and logical methods of interpretation and to evaluate its use in practical life. In interpretation of individual provisions of the Act, professional legal literature and related case law are also used, which, however, is not extensive due to the relatively short period of validity of the valid legal regulation. Therefore, in these cases, if it is possible, the analogy of previous legislation and related case law is used.

The work itself is divided into seven parts. The first part deals with a description of the legal regulation development of the lease apartment throughout the history, the issue of the termination of the lease is described with the reference to social circumstances which has influenced it. Further there is given a brief introduction to the apartment lease as a general institute which is conceived as a protected one in the Czech law system. Attention is paid to the lease agreement as the legal reason for using an apartment, hereafter to the object of the lease agreement, and also to the subjects of the lease agreement, i.e. with the landlord and the tenant. Subsequently, next three parts are focused on analysis of particular notice reasons of lease termination, which is elaborated in detail from the view of both contracting parties - notice of termination given by tenant and notice of termination given by landlord without/with giving a reason. In the seventh part there are summarized rights and obligations of the contracting parties after giving the notice of lease termination. At the end of the work, there is the valid legislation of reasons for terminations of apartment lease evaluated together with consideration of possible future legal regulations that could improve the relationship between landlord and the tenant.

Keywords:

apartment lease, apartment lease termination, notice of termination of apartment lease, reasons for termination