

Termination of lease of business premises – objections, lawfulness, eviction

Abstract

The thesis focuses on the legal regulation regarding the termination of the lease of business premises with effect from 1 January 2014, which was introduced into the legal system by the recodification of civil law in 2012, namely Act No. 89/2012 Coll, the Civil code. This Act unified and replaced the existing regulation of the lease of business premises, which was mainly contained in Act No. 116/1990 Coll., on the Lease and Sublease of Non-Residential Premises.

This thesis deals primarily with the special provisions for commercial leases and the new institutes introduced therein, such as objections to termination, review of the lawfulness of termination in court proceedings or the legal fiction of acceptance of termination without objection. Furthermore, it addresses the relationship between these provisions and the general provisions on leases and the specific provisions on residential leases, as this relationship is important from the point of view of the interpretation of certain provisions and the applicability of the conclusions of case law that do not directly concern business premises.

Emphasis is placed on the practical application of these provisions and the consequences of their exclusion by the parties to the lease relationship in the event that one of the parties decides to oppose the termination of the lease. The aim of this thesis is to define and answer the key questions relating to the termination of lease of business premises through an in-depth analysis of the case law that develops and specifies the rights and obligations of the parties, taking into account the academic literature. On the basis of the analysis of these sources, the author first highlights the practical consequences of the conclusions of the case law on the application and interpretation of the legal provisions governing the termination of a lease of business premises, which may not be entirely clear from the wording of the provisions in question, and then, by synthesising the findings, presents the parties to the lease relationship with an ideal approach to the termination of a lease of business premises, which effectively protects their interests and at the same time complies with the applicable legislation and judgments on various aspects of this process.

In addition, this work includes a chapter devoted to the criminal aspects of the parties' actions in evicting business premises, as the liability of the parties for unlawful conduct in this context does not have to remain strictly on the civil law level.

Key words: **business premises, lease termination, objections, review of lawfulness, eviction**