

ABSTRACT

Residential co-ownership

The thesis deals with the legal regulation of residential co-ownership, contained in the Act no. 89/2012 Sb., Civil Code, while the emphasis is primarily on the description a comparison of the changes and innovations in the new legislation of residential co-ownership, using the comparative method with the regulations contained in the Act no. 72/1994 Sb., ownership of flats. Due to the breadth of this topic, this thesis neither contains a discussion about a contract for the construction nor about an association of unit owners except as regards the formation and the incorporation of association of unit owners according to § 1166 et seq. of the Act no. 89/2012 Sb., Civil Code.

The thesis is divided into eleven chapters, including the introduction and the conclusion. After the introduction, the following chapter deals with the historical development of flat ownership legislation, beginning with the description of ancient times until the date, when work on the later adopted Act no. 89/2012 Sb., Civil Code, began.

The third chapter is devoted to the theoretical concepts on which the regulations of residential co-ownership are ideologically based in individual European countries.

Next, the fourth chapter is about the development and the current content of the legal principle *superficies solo cedit*, as well as about the mutual pre-emptive rights of the owners of lands and houses (units).

The following chapter is firstly devoted to the Act no. 89/2012 Sb., mainly to the process of its adoption, the basic principles and the ideals on which this act is built up. Furthermore, basic legal sources, the temporal scope and also the individual legal terms of residential co-ownership (unit, apartment, house, etc.) will be discussed.

The sixth chapter closely deals with the problems and requirements of contracts on the transfer of ownership of units defined at the time of the original Act no. 72/1994 Sb., ownership of flats, and at the time of the new Act no. 89/2012 Sb. The chapter also explains the new legislation of pre-emptive rights to the unit during its first transfer.

Then, chapter seven focuses on the legal possibility of the formation of individual units in houses, at the same time this chapter deals with the form, terms and novelties in the regulation of the declaration in § 1166 of the Act no. 89/2012 Sb.

The eighth chapter informs in detail about the changes and the innovations in the legislation of the common areas of immovable things. It also deals with the issue of calculating the floor area of individual apartments.

The next chapter presents an illustrative list and a closer approximation of the fundamental rights and obligations of owners of individual units, which are firmly attached to each unit. It also regulates the possible consequences, when these obligations are breached.

The last chapter preceding the conclusion gives information about possibilities to legally cancel residential co-ownership.