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Title: Płynne granice pojęcia „część składowa” na przykładzie balkonów, loggii i tarasów / The fluid understanding of the term 'component' taking balconies, loggias and terraces as an example

Source: Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

Year: 2024, vol.: XXXIII, number 1 pages: 89-115

Keywords: property, component, balcony, housing community, premises

Discipline: Law (Civil Law)

Language: Polish

Document type: Article

Publication order reference: University of the National Education Commission Cracow [adam.pazik@gmail.com]

Abstract:

The article is devoted to interpretative doubts related to the recognition of balconies and similar technical constructions such as terraces or loggias as either an element of the common property of a housing community or a component of a separate premises. The predominant view presented in court rulings is that balconies have a dual (hybrid) legal status: partly (essentially in the scope of the so-called structural elements) they are part of the common property of the community, and partly (to the extent that they serve exclusively to satisfy the needs of the owners of the premises) they are a component of the separate premises. The article criticises the above view and justifies the idea that balconies (and similar technical structures) are entirely a component of the common property. Certain practical consequences of adopting such a position are also described.