

Protection of the tenant under the law in the case of unlawful intangible nuisance

Nowadays, doubts about nuisance institution are no longer a purely academic issue. Problems arising from using the neighboring properties above average, resulting from socio-economic destination of real estate and local relations, are becoming more and more frequent both in judicial practice and in the study of law due to progressive urbanization, lack of coherent policy of spatial development and ambiguously understood principle of good neighborhood. More often than it used to be in the past, the violations of various rights occur in the form of intangible nuisance. As from the social point of view, the right of tenancy and tenancy of premises is a significant one, so appropriate shaping of instruments protecting against violations seems to be extremely important. According to the regulations of the Civil Code the tenant has broader protection rights (in the view of the right to use the premises which stands for fundamental right of a tenant), as he is entitled to simultaneously use both the claim provided in article 344 of the Civil Code, as well as restitution claim stipulated in article 222 § 2 of the Civil Code.

Keywords: tenancy, tenancy of premises, intangible nuisance