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## **RESIDENTIAL LEASE AGREEMENT AND RESIDENTIAL TENANCY AGREEMENT: THEORY AND PRACTICE**

The article provides a comparative analysis of legal rules in civil and housing legislation of Ukraine, which define order and grounds for execution of residential lease agreement and residential tenancy agreement, outlines common and distinctive features of such deeds, analyses legal practice. The article also includes suggestions regarding the elimination of discrepancies and collisions in the legal regulation of lease and tenancy relations.

The author outlines that Ukrainian legislation does not clearly differentiate execution of residential lease and tenancy contracts. Moreover, it usually does not consistently use definitions “residential lease” and “residential tenancy”. In particular, Article 47 of the Constitution of Ukraine prescribes that the state creates conditions, under which each citizen may lease residence. The article means residential lease agreements. Civil Code of Ukraine (chapter 59) refers to the definition “residential lease (tenancy)” and “residential lease with a purchase option”. Housing Code of Ukraine mentions

residential lease agreement and residential tenancy contract (Chapter 2). Hence in practice, it leads to a wide understanding of Ukrainian laws in practice.

At the same time, the foreign legislation clearly defines residential lease agreements and residential tenancy contracts.

To our opinion, based on the provisions of the Article 47 of the Constitution of Ukraine related to “residential lease” and considering provisions of Ukrainian Law “On Lease of State and Municipal Property”, which regulates relations related to exploitation of state and municipal property by means of its lease to third parties, it is advisable to introduce amendments to the Civil and Housing Codes of Ukraine by including provisions, which clearly prescribe that agreements related to lease of state or municipal property (residences) means residential lease agreement, and agreements related to transfer of private residences means residential tenancy agreement.