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NAMA Notice Board

Issue 2/2019

Tuesday, 29 October 2019

Court Ruling and Applicants Appeal attached to this email

TO ALL NAMA MEMBERS

Airbnb COURT RULING AND APPEAL

A scheme applied to have its conduct rules approved and certified by the Community Schemes Ombud Service (CSOS) in October 2017, prohibiting short term rentals of less than 6 months or Airbnb type rentals, with the judge ruling overwhelmingly in favour of the Body Corporate.

An owner in the scheme, Sally Nichol, continued to let out her section on a short-term basis through Airbnb despite numerous warnings that she was in breach of the registered conduct rules. Consequently the matter eventually went to the High Court, as decided by the trustees and on the basis that there was no dispute as the owners accepted that the rules had been amended and due process was followed..

The judge seems to have been thorough in his judgement, covering all avenues of argument presented by both sides, and including case law, CSOS adjudications and the constitutional rights of both parties before making his ruling.

Sally Nicoll has decided to take the matter on appeal.

The matter will be followed, and updates issued.

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