

What Can an Owners Corporation do to Regulate or Prohibit Airbnb?

On 19 April 2017, the NSW Government supported the Parliamentary Inquiry into the Adequacy of Regulation for Short Term Holiday Letting handed down in October 2016 which rejected calls to allow owners corporations to ban Airbnb letting within strata schemes.

If an owners corporation wishes to prohibit or regulate the operation of Airbnb short letting arrangements within its strata scheme the following needs to be considered:

- Will the letting be prohibited by environmental planning laws? There is likely to be more regulatory controls placed on such arrangements by Local Councils and this may assist owners corporations.
- If planning approval is required by Council or a development application is required to be lodged by a lot owner the consent of the owners corporation may be provided before the Council or a Private Certifier can give consent.
- If an Owners Corporation must be reasonable if refusing to provide consent or an owner can apply for orders that the owners corporation has been unreasonable in withholding consent.
- The Tribunal may consider the following to be grounds to be reasonable to withhold consent:
 - a) The necessity to upgrade services and amenities within the common property of the strata scheme including fire services, disability services, carparking facilities, etc
 - b) The potential for increased cost of maintenance and repair obligations for the owners corporation as a result of increased traffic through the common property areas and damage caused by short term occupants
 - c) Insurance implications for the owners corporation
- If a lot owner does lodge a development application, the owners corporation and other lot owners can lodge objections against the application
- A by-law may be drafted to regulate short term letting arrangements

If you need advice on how to approach the issues raised by short term letting arrangements within your strata scheme, how to object to a development application, how to interpret planning instruments or drafting an appropriate by-law we can assist.

Related Articles:

[Airbnb - Is Your Strata Building Becoming a Party Hotel?](#)

[I Don't Like What is Proposed to be Built Next Door - What Can I Do?](#)

[How do you get Approval for Airbnb in your Unit?](#)

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