

STRATUM STRATA
LEGAL SOLVE UNTANGLING
STRATA
PROBLEMS



QLD WEBINAR: STRATA AND

SHORT-TERM LETTING: THE

FACTS - AND THE OPTIONS

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#DearAirbnb

**The ~~Sharing~~
Taking Economy
Destroys Communities**

#CityNot4Sale

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TODAY:

- Overview
- Strata and short-term letting – a Qld perspective
- Where to from here?
- Our tips
- Questions

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OVERVIEW

- It's not just AirBnB...
- Defining out terms
- Your home – you use it as you see fit – subject to regulation
- Changing trends: pandemic impacts on holiday (and other accommodation)

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STRATA AND SHORT-TERM LETTING

- Different jurisdictions have taken different regulatory approaches
- Issues: nuisance; security; parking; use of common property; insurance; by-law enforcement (or challenges thereof)
- The Qld perspective...

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STRATA AND SHORT-TERM LETTING (cont'd)

- BCCM Act, s180(3):

If a lot may lawfully be used for residential purposes, the by-laws can not restrict the type of residential use.

- Adjudicators have consistently applied this provision to mean a by-law cannot prohibit short-term letting

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STRATA AND SHORT-TERM LETTING (cont'd)

- <https://archive.sclqld.org.au/qjudgment/2020/QDC20-068.pdf>
- BUGTA case allowing prohibition of short-term letting
- Currently only impacts very small number of strata schemes
- Government has announced review – no details forthcoming

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WHERE TO FROM HERE?

- Problem definition – is the driver housing stock? Or regulation of unsocial behaviour?
- Government intervention - direct regulation, the role of town planning and the greater good (CAVE dwellers, NIMBYs and SOBBYs). Taxes and the market.
- Strata reforms – ability to pass prohibitory by-laws? Fines? More effective enforcement of by-laws? Vicarious liability?

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OUR TIPS

1. Define your problem
2. Get your by-laws fit for purpose
3. Put good systems in place
4. Ensure good (objective) evidence gathering
5. Be prepared to follow through – enforce, prosecute, and REPEAT

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QUESTIONS?

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