

**Submission
No 155**

**ADEQUACY OF THE REGULATION OF SHORT-TERM
HOLIDAY LETTING IN NEW SOUTH WALES**

Name: Mr Hugh Spencer

Date Received: 9/11/2015

A submission to the Committee on Environment and Planning on their inquiry into the adequacy of the regulation of short term holiday letting in NSW.

My wife and I live in [REDACTED], an historic residential Apartment Building legally known as [REDACTED] Mosman NSW 2088

On becoming Resident/Owners in 2013 we found that Short Term Holiday Letting was taking place in the Apartment Building.

We further discovered that one family, who owned four apartments at [REDACTED], ran a business offering Short-Term Holiday rentals in our building.

We then learned that the Strata by-laws of [REDACTED] specifically prohibit Short Term Holiday Letting.

This was well-understood by the family concerned who continued to flout both the bylaws and the wishes of 75% of the owners.(this was uncovered in an Owners questionnaire)

Despite reporting this situation to Mosman Council no action was taken against them.

The actions of:

- those Owners in flouting our bylaws and the wishes of the majority of owners plus
- their Short Term Holiday Letter's lack of awareness of the operations and facilities of the Apartments and their lack of concern for the well-being of the existing owners –

brought a great deal of conflict, disharmony, unhappiness and cost to all residents plus a lowering of cleanliness and tidiness standards.

The Owners of the four Units involved showed no concern.

Understandable perhaps, as they live in a waterfront property next door and were not directly exposed to the impact their Short Term Holidays Lessees had on the harmony and pleasure of Resident/Owners in this high-quality Apartment Building.

In essence the actions of the Owners who chose to flout the Strata bylaws for their financial gain was at the expense of the enjoyment of Resident/Owners living harmoniously and comfortably in our own homes.

I have no problem with Owners of free-standing home owners renting their properties out on whatever basis meets their needs.

However I strongly believe that when choosing to live in an apartment all owners must accept the responsibility to respect the well-being of their neighbours with whom they live in close proximity.

They therefore cannot be allowed to sublet their properties without the agreement of their fellow Owners.

I believe all prospective Resident/Owners buy into buildings that they believe will allow them to live in their own space with like-minded, compatible Resident/Owners.

Short Term Holiday Letting pays no account to these issues.

In essence to Resident/Owners, our Apartments are our homes. They are where we choose live.

By allowing Short Term Holiday Letting, a minority of Owners in our Apartment Building convert our homes into a Hotel surrounded by people we have never met and with whom we have no relationship.

It is in this light I strongly believe the regulation of Short Term Holiday Letting in NSW fails to protect Resident/Owners of Apartments against a minority of Owners offering Short Term Holiday Letting - to the continual detriment of the majority of Resident/Owners who live in the Apartment Building.

I therefore believe legislation needs to be enacted requiring:

- Resident/Owners vote annually (at their AGM) either 'For' or 'Against', Short Term Holiday Letting within their building.
- Because Non-residential Owners are not exposed directly to the impact of their Short Term Holiday Letting, they cannot be allowed to Vote
- Further that Owners offering Short Term Holiday Letting against the wishes of the majority of Owners, should be to be subject to fines equal to rent charged.
- Finally I believe that enforceable bylaws to this effect should be added to the existing bylaws of all appropriate Apartment Buildings.

Please feel free to contact me if you have any questions.

Thank you for conducting this inquiry.

Hugh Spencer

[REDACTED]

[REDACTED]

9thNovember 2015