

LOCAL LODGING

ACTIVITY OF LOCAL LODGING AND INCORPORATION DEED OF HORIZONTAL PROPERTY

“THE REFERENCE IN THE INCORPORATION DEED OF THE HORIZONTAL PROPERTY OF A BUILDING, THAT A CERTAIN UNIT IS INTENDED FOR HOUSING MUST BE INTERPRETED AS NOT ALLOWING THE PERFORMANCE OF LOCAL LODGING ACTIVITIES.”

The Supreme Court of Justice, by means of a decision of unification of jurisprudence, has ruled that the local lodging activity is not allowed in a building unit whose purpose, according to the respective horizontal property incorporation deed, is housing.

Thus, it is understood that and as quoted, “the reason for the purpose “housing” (...) cannot be that of its economic-social function which is to serve as a residence for people and households, providing them with the peace, tranquility, security and comfort required by any domestic economy, in an instrumental common space of this type of collective coexistence.” That is, the purpose housing determined in the incorporation deed of the horizontal property is considered as a “center of domestic life”, a concept not compatible with local lodging.

Although the owner of the local lodging has registered the same with the respective Municipality and obtained the necessary title allowing the opening to the public, the development of this activity in an unit building intended for housing as per the incorporation deed of the horizontal property is unlawful because it violates this deed.

Therefore, any condominium owner is now entitled to take legal action on the grounds of unlawfulness and as a consequence to request the closure of the local lodging activity.

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