

# Battle of the air bnb bandits

## Sección:

News

**It's the global rental phenomenon, where home owners let out their spare rooms for cash. But the astonishing rise of Airbnb has led to accusations of greed and violence... and claims that it is tearing the heart out of our capital city**

THE verdict of the Scottish Government reporter who investigated the case was unequivocal. Edinburgh landlord Ryan O'Rorke should be banned from using Airbnb to rent out his two city centre flats.

The constant comings and goings of tourists laden with luggage and servicing staff cleaning up after them was creating a pattern of 'intense usage' of the stairs and communal areas well beyond the norm for residential apartments.

Reporter Don Rankin concluded the apartments were being used for commercial rather than residential purposes.

And that amounted to a change of use for which planning consent had not been sought.

A City of Edinburgh Council enforcement notice giving Mr O'Rorke a month to remove his properties from Airbnb's roster was duly upheld.

And so, for a handful of irked residents in Haymarket Terrace, life is about to get better. No more clattering up and down the steps at all hours; no more bumping into complete strangers trying to find the right flat in the stairwell. No more feeling like the building they live in is turning into a hotel without a reception desk.

But for the remainder of the city's owneroccupier population, the suffering goes on. Indeed, it is intensifying across Scotland as the Airbnb and short-term lets revolution gathers pace.

No one knows quite how many Airbnbs there are now in Edinburgh but the figure in July 2016 was 6,272. A year later it was 9,189 and by mid-summer last year it had leapt to 12,578. In other words, it doubled in two years.

Separate data for 2019 finds one in ten Edinburgh city centre properties now has an Airbnb listing - and the issue is far from unique to Scotland's capital.

Despite a population of only 10,000, Skye is Scotland's fourth most popular Airbnb destination, with a tenth of the homes on the island offering short-term rentals for tourists. Indeed, such is the zeal with which islanders have jumped on the bandwagon that those in tenanted homes have been warned they are breaching the terms of their leases by sub-letting to tourists.

Some have used fake identities and put the properties they live in on Airbnb's website anyway.

The financial rewards for renting out a room or whole apartment at the height of the tourist season are simply too rich to pass up - and the chances of being stopped, as Ryan O'Rorke was, a seemingly negligible risk well worth taking.

IN Edinburgh, the massive growth in the short-term lets industry has led to the 'hollowing out' of entire communities. Permanent residents of the Old Town are dwindling in number rapidly, while areas such as the New Town and the West End are increasingly threatened

with a similar fate as more and more properties are snapped up to become Airbnb cash cows.

For those who care about the city's heritage, such as Cockburn Association chairman Cliff Hague, it is a thoroughly depressing spectacle.

He says: 'What you have is increasing conversion of the centre to being predominantly a tourist area, and people who have lived there a long time feeling like they're second-class citizens in their own city whose voices are not heard.' During August, when the Edinburgh Festival and its ever-more unwieldy Fringe bring vast numbers of visitors to the city, the Airbnb market is at its most buoyant - or, as those living next to Airbnb properties might put it, unbearable. Many complain they cannot sleep for the noise or they worry about their children because their neighbours are strangers, in town for only a few days. Accounts of stairwell shouting matches are common. One man told the Mail he was punched in the face when he asked a guest in the short-term let flat upstairs from him to turn the noise down. How, then, is the Scottish Government dealing with a problem that all major cities and favourite holiday destinations have had to respond to in the few years since short-term letting became a global enterprise? The answer is, it is still making up its mind. A year after the Mail and others highlighted the appalling effects on communities and individual householders caused by the boom, the situation is much worse - and still unregulated.

Accountant Elaine Andrew is a typical victim of a phenomenon she could not have foreseen when she moved into her ground floor apartment in Edinburgh's Abbeyhill 27 years ago. The flat where she and partner Gary Beech live has spectacular views of Arthur's Seat, which means the flat above it does, too.

Just a few hundred yards from the Scottish parliament building and even closer to the Palace of Holyroodhouse, it is an ideal bolthole for visitors. That is great news if you are the London-based owner reaping the financial rewards; a nightmare if you live downstairs.

'With the flat upstairs we barely even get a midweek break,' says Miss Andrew. 'The big issue we have is the lack of insulation. Right above us is a lounge with bare floorboards.' On one occasion, driven to distraction by loud music, Mr Beech, 60, went to ask for the noise to be turned down. The door opened and a man punched him without saying a word. The police were called and the man was arrested.

Two years later, the couple are wearied and disillusioned by their efforts to restore peace to their home. They claim City of Edinburgh Council is powerless to deal with their complaints and the Scottish Government has dragged its heels.

Mr Beech says: 'The whole city, including residential enclaves, is being turned into Disneyland. We're just trying to enjoy our lives and our homes but we are being deprived of them at the moment.'

'We can have the noise going on for two weeks straight. We've got headphones on so that we can watch the TV the noise is so bad.' The problem, he says, is that tourism is encroaching ever further on residential areas and the unwritten rule is that all tourism is good. But is it? Within a few years of the launch of Airbnb, which allows householders to market their bedrooms or entire properties to prospective visitors, destinations across the world rolled out strategies to protect the fabric of communities.

In France, the law stops short-term letting landlords having their properties occupied for more than 120 days a year. London has a similar rule and New York prohibits rental periods of 30 days or fewer, unless it is to no more than two guests while the owner is present. Barcelona requires registration of landlords, while Berlin bans almost all residents from letting to tourists.

In Scotland, meanwhile, a coherent strategy could still be years away. A consultation exercise on short-term lets ended only last month, having been extended because there were so many responses. There is no date for a decision on what happens next.

For the prospective landlord, almost all considerations point to the wisdom of getting in to the short-term rather than the long-term lettings market.

RESEARCH by letting agent Rettie & Co found that one-bedroom Edinburgh flats need be rented out for only 140-160 days on Airbnb to accrue the equivalent of a year's rental under a traditional lease. For two-bedroom flats, it can be as few as 90.

But that is only the beginning. The Airbnb landlord need not register with a local authority and has no obligation to ensure their property complies with the raft of safety standards all private landlords must meet.

Letting agents insist properties satisfy all manner of criteria before they will take them on - from Legionella risk assessment to PAT testing of all electrical appliances.

Edinburgh letting agent Jonathan Gordon wants licences for all Airbnb owners and believes everyone renting out accommodation, long-whether long-term or short-term, should have to meet the same safety standards.

'It starts to level the playing field,' he says. 'And it means people aren't using it quite so simply and quickly as a cash cow.' Not that it is purely private householders who are moving into the short-term lets market while regulation is minimal. Big business is doing it too.

In one recent case highlighted by City of Edinburgh Council, around 40 apartments in the Newhaven area had been taken over by an established holiday letting firm and were being serviced by a commercial laundering company. Residents faced 'significant disruption, including anti-social behaviour, requiring police attention'.

It took a protracted investigation and much legal wrangling to close the operation down.

The problem, as the council admits, is there are simply far too many cases to investigate.

The city's housing and economy convener Kate Campbell says: 'Short-term lets are having a detrimental impact on our city, from the hollowing out of communities, to antisocial behaviour and increases in rents, which are already unaffordable to many.'

'We have some powers to act, mainly by using planning enforcement, and we are using them to tackle some of the worst cases. We have created a dedicated, multidisciplinary team and the number of cases that we are dealing with has doubled this year.'

'But planning enforcement is slow and resource intensive as each case has to be investigated and determined on its own merits. The burden on the council to prove change of use is a significant one, and it takes a lot of time and resource.' It is for this very reason, she says, that the council has been making the case to the Scottish Government for a licensing regime. 'This would allow us to be proactive as well as act much more quickly when a case is brought to our attention. It would allow us to control the overall number of short-term lets, the concentration in a specific area, whether or not a property is suitable.'

Housing Minister Kevin Stewart tells the Mail short-term lets can 'have a positive impact and help boost the tourism economy' but also 'create challenges'.

'That's why we want to ensure that short-term lets are regulated appropriately and are committed to working with local authorities to give them the powers they need to balance the needs of their communities with wider economic and tourism interests.'

An Airbnb spokesman says: 'Airbnb is built on the principle of making communities stronger and extending tourism benefits to local families and business.'

'Guests using our platform account for just 3 per cent of visitors to Scotland but boosted the local economy by almost £2million a day last year alone.'

snh 'We take local housing concerns seriously. We want to be good partners to cities and we wholeheartedly support regulation in Scotland, which is why we have proposed rules that we believe would work for everyone.'

Those proposals include a 90-day-a-year limit on short-term letting in Edinburgh city centre. Mr Stewart promises an 'evidence-based approach' to deliver the best solution. Cliff Hague says the evidence thus far points to a government in thrall to tourism.

And the longer it procrastinates over the Airbnb issue, the more communities suffer, the keener the resentment.

Additional reporting by Sami Quadri [j.brocklebank@dailymail.co.uk](mailto:j.brocklebank@dailymail.co.uk)

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By Jonathan Brocklebank

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