

Wimdu lawsuit achieves breakthrough for holiday apartments in Berlin: Higher Administrative Court considers Ban on Misuse unconstitutional

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The appeal filed by the Berlin-based online platform for holiday apartments Wimdu.com and other claimants against the Berlin ban on misuse achieved a major success before the Berlin Brandenburg Higher Administrative Court on Thursday.

Court convinced that ban is unconstitutional – Infringement of property rights

At the hearing on April 6, the 5th Senate of the Berlin Brandenburg Higher Administrative Court agreed with the claimants' argument that, in particular, the retroactivity of the ban on misuse infringes the property rights of holiday apartment operators. Over the last few years, Wimdu has always pointed out that this infringement of basic rights cannot be sustained. The court shared the same view and decided to submit the Berlin regulation to the Federal Constitutional Court in Karlsruhe pursuant to Article 100 of the German Basic Law. Such an order to concrete judicial review requires that the Higher Administrative Court considers the relevant regulations to be unconstitutional, as happens to be the case.

Success for a modern, tourist-friendly Berlin

"This decision has strengthened the rule of law. It is a breakthrough for holiday apartment operators. The prosecution of hosts, which is in conflict with the Basic Law, must become a thing of the past", Wimdu lawyer Péter Vida explained after the 7-hour hearing. "This is also a success for a modern and tourist-friendly Berlin opening up to changing consumer interests rather than looking for scapegoats", Vida said.

Wimdu expects the State of Berlin to refrain from any enforcement action against holiday apartment operators until the Federal Constitutional Court in Karlsruhe has come to a decision. The Chairman of the Senate of the Berlin Brandenburg Higher Administrative Court has already indicated that respective cases will be granted suspensive effect. Thus, most operators can breathe a sigh of relief for now.

In the last few years of difficult political and legal disputes, Wimdu has always provided assistance as a partner standing by the hosts. We have protected the providers from unconstitutional prosecution and believe that we, as an intermediary platform, are strengthened to remain a reliable support for travellers who would like to experience Berlin in an authentic way.

Clear signal for the whole of Europe – Fair competition rather than total ban

"This order sends out a clear signal beyond Germany. It gives us tailwind for a European-wide opening of cities and for fair competition instead of a total ban. Travellers should be allowed to decide themselves which type of accommodation they would like to choose. Holiday and travel should be defined by pleasure and not by prohibitions", Wimdu CEO Bernd Muckenschnabel said.

About Wimdu

With over 350,000 properties in more than 150 countries, Wimdu offers travellers authentic and affordable accommodation, from city apartments in Barcelona to studios in Paris and holiday apartments right at the beach. The online platform connects guests and hosts worldwide for a unique quality travel experience. Wimdu is a part of Novasol and Wyndham Vacation Rentals, the world's leading provider of holiday homes.