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## **MUNICIPAL BUILDING SURVEYOR LOSES COURT APPEAL**

The Municipal Building Surveyor for the City of Melbourne has lost a Court appeal aimed at restricting the use of apartments for short-stay occupants.

The surveyor lost a Supreme Court action against Docklands accommodation provider Paul Salter in May, but subsequently appealed that decision.

On Thursday (December 12), the Court of Appeal confirmed the original decision by Justice David Beach and awarded costs against the City of Melbourne.

"This is a victory for common sense and equity," Mr Salter said. "If people purchase an investment property, they should be entitled to offer those properties as fully self-contained residences. It shouldn't matter whether the occupants stay for a week or a year."

Mr Salter is a committee member of the Victorian Accommodation Services Association (VICASA) which upholds the fundamental right that property owners can use their properties for accommodation purposes irrespective of the length of stay. In addition, they believe Victoria has a responsibility to provide a suitable range of accommodation options to people visiting the state.

"VICASA represents accommodation providers and businesses that offer associated services including cafes, restaurants and retailers. Our industry generates significant revenue and employment for a wide range of businesses." Mr Salter said.

"The Court of Appeal decision will strengthen the submission which VICASA is preparing for the Victorian Government. We are confident the information and solutions offered by the Association will help resolve any concerns the Government might have regarding the accommodation services that members provide."

Mr Salter said VICASA members followed a strict code of conduct to ensure occupants observed the highest standards of behaviour.

In the Court of Appeal, Justices Geoffrey Nettle and Robert Osborn clarified that there were basically three grounds used by the Melbourne City Council to appeal the decision by Justice Beach of the Supreme Court on May 30, 2013. The Council had stated that Justice Beach erred in his findings, but the Court of Appeal unanimously agreed with Justice Beach and upheld his judgment.

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