Airbnb Ireland UC, private unlimited company
Attn. the Management Board
The Watermarque Building, South Lotts Road
Ringsend, Dublin 4
IRELAND

Subject : Restitution of service fee

Dear Sir/Madam,

As a Dutch consumer domiciled in the Netherlands, I have entered into several tenancy agreements with different hosts (*verhuurders*) via the Airbnb platform. These tenancy agreements are based on the agreement between me and Airbnb as well as on the agreements concluded between Airbnb and the hosts.

Airbnb has provided services for both guests (*huurders*) and hosts, as an intermediary (*bemiddelaar*) or as an agent (*lasthebber*). Airbnb charged “Guest Fees” and “Host Fees” for these services.

Airbnb charged me a Guest Service Fee every time I rented an accommodation.

Charging service fees to both guests and hosts is prohibited under Book 7, article 417, paragraph 4 of the Dutch Civil Code (“BW”) and Book 7, article 425 BW in conjunction with Book 7, article 427 BW. By infringing these articles, Airbnb has acted in breach of Dutch law and therefore unlawfully. By virtue of Book 3, article 40, paragraph 2 BW, I invoke annulment of the clauses upon which Airbnb based charging the guest fees, as well as, if necessary, the entire agreement between Airbnb and me, to the extent legally required for the fees to be unduly paid.

In addition, charging the guest fees is an unfair commercial practice (*oneerlijke handelspraktijk*) within the meaning of Book 6, article 193b BW (inter alia the practice mentioned in Book 6, article 193b, paragraph 2 under a BW). From this it follows that Airbnb is acting unlawfully in that regard (Book 6, article 193b, paragraph 1 BW). By virtue of Book 6, article 193j, paragraph 3 BW I hereby invoke annulment of the clauses upon which Airbnb based charging the guest fees, as well as, if necessary, the entire agreement between Airbnb and me, to the extent legally required for the fees to be unduly paid.

Furthermore, the clauses on which Airbnb based the guest fees qualifies as unfair and unreasonably onerous (*oneerlijke en onredelijk bezwarende bedingen*) within the meaning of directive 93/13/EEC and Book 6, article 233 under a BW. I hereby invoke annulment of theseclauses.

Finally, Airbnb’s actions in breach of statutory provisions in this case lead to an attributable breach and/or an unlawful act in respect of me.

As a result of the nullification of the aforementioned clauses and – to the extent necessary – the agreement, there is no legal basis for charging the guest fees, so these fees are unduly paid. Moreover, due to the attributable breach and/or unlawful conduct on the part of Airbnb, the paid guest fees have to be refunded to me.

I ‘ve enclosed a list of all my rentals where a guest fee has been charged by Airbnb. This letter also applies to guest fees that have been charged to me and are (inadvertedly) not listed in the attachment. This letter also applies to future guest fees, yet to be charged to me if Airbnb continues to unlawfully charge these fees.

I request and, if needed, summon Airbnb to refund all (unduly paid) amounts of service fees to me, within 16 days after receiving this letter. The total amount is to be paid into the bank account as stated below.

­

This letter also serves as an explicit interruption of the limitation period in its broadest sense.

I look forward to your timely reply.

Yours faithfully,

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name of guest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
IBAN bank account: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Bank name : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Bank BIC code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name of account holder: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment: List of rentals with charged guest fee

**Attachment: List of rentals with charged guest fee**

The services fees charged on my Airbnb invoices are:

**Start date rent** **Invoice/booking number Service fee**

(dd-mm-yyyy)

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

……..-……..-………... ……………………………………………… €………………………

 **Total service fee: €**………………………

This list might not include all charged guest fees. I reserve the right to add more charged guest fees later on.