

**SUPERIOR COURT
(Class Action)**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000884-177

DATE: SEPTEMBER 23, 2019

PRESIDING: THE HONOURABLE LUKASZ GRANOSIK, J.S.C.

MARTIN PREISLER-BANOON

Applicant

v.

AIRBNB IRELAND UC.

and

AIRBNB INC.

and

AIRBNB PAYMENTS UK LTD.

Defendants

JUDGMENT

(ON A CONSOLIDATED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AGAINST AIRBNB IRELAND UC, AIRBNB INC. AND AIRBNB PAYMENT UK LTD. FOR SETTLEMENT PURPOSES ONLY, FOR APPROVAL OF NOTICES TO CLASS MEMBERS OF A SETTLEMENT APPROVAL HEARING AND TO APPOINT A CLAIMS ADMINISTRATOR)

[1] CONSIDERING the Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff filed on August 22nd, 2017 against Airbnb

Ireland UC, Airbnb, Inc. and Airbnb Payment UK Ltd. on behalf of the following proposed Group (the "Group Members"):

Group:

Every person residing in Quebec, who since August 22nd, 2014 (the "Class Period"), while located in the province of Quebec, made a booking for anywhere in the world using Airbnb's websites and/or mobile application and who paid a price higher than the price initially advertised by Airbnb (excluding the QST or the GST);

[2] **CONSIDERING** the proposed transaction signed between the Applicant and Defendants filed as Exhibit AIR-1 and executed on September 13, 2019 (the "Transaction");

[3] **CONSIDERING** the *Consolidated Application for Authorization to Institute a Class Action for Settlement Purposes Only, for Approval of Notices to Class Members of a Settlement Approval Hearing and to Appoint a Claims Administrator* (the "Consolidated Application");

[4] **CONSIDERING** that pursuant to the Consolidated Application, the Applicant is asking the Court to authorize the class action against Defendants Airbnb Ireland UC, Airbnb, Inc. and Airbnb Payment UK Ltd. for settlement purposes and to approve notices informing the Group Members that the Transaction will be submitted to the Court for approval;

[5] **CONSIDERING** the proposed French and English versions of the pre-approval notice filed respectively *en liasse* as Exhibit AIR-2 in support of the Consolidated Application;

[6] **CONSIDERING** the submissions of counsel for the Applicant and counsel for the Defendants who consent to the Consolidated Application;

[7] **CONSIDERING** the submissions of the parties indicating that the Defendants implemented the practice change contemplated in the Transaction on June 26, 2019;

[8] **CONSIDERING** that the criteria set out in article 575 of the *Code of Civil Procedure* to authorize a class action are applied with flexibility when the authorization of the class action is sought for settlement purposes¹;

[9] **CONSIDERING** that the Court is of the opinion that the four criteria set out in article 575 of the *Code of Civil Procedure* to authorize a class action are met, namely that:

- (1) the claims of the members of the class raise identical, similar or related issues of law or fact;
- (2) the facts alleged appear to justify the conclusions sought;
- (3) the composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings; and
- (4) the class member appointed as representative plaintiff is in a position to properly represent the class members.

[10] **CONSIDERING** articles 575, 576, 579, 580, 581 and 590 of the *Code of Civil Procedure*;

FOR THESE REASONS, THE COURT:

<p>[10] ACCUEILLE la « <i>Consolidated Application for Authorization to Institute a Class Action for Settlement Purposes Only, for Approval of Notices to Class Members of a Settlement Approval Hearing and to Appoint a Claims Administrator</i> »;</p>	<p>[10] GRANTS the <i>Consolidated Application for Authorization to Institute a Class Action for Settlement Purposes Only, for Approval of Notices to Class Members of a Settlement Approval Hearing and to Appoint a Claims Administrator</i>;</p>
<p>[11] AUTORISE le demandeur, aux seules fins d'un règlement avec les défenderesses Airbnb Ireland UC, Airbnb inc. et Airbnb Payment UK Ltd., de modifier comme suit la description du groupe dans la « <i>Application to Authorize the Bringing of a Class Action and to Appoint the Status</i></p>	<p>[11] AUTHORIZES Applicant, for the purpose of settlement only with Defendants Airbnb Ireland UC, Airbnb Inc. and Airbnb Payment UK Ltd., to amend as follows the Class description in the "<i>Application to Authorize the Bringing of a Class Action and to Appoint the Status of</i></p>

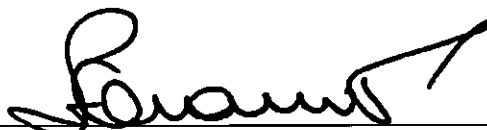
¹ *Dupuis c. Polyone Canada inc.*, 2016 QCCS 2561, par. 9.

<p><i>of Representative Plaintiff »:</i></p> <p>Groupe :</p> <p>Tous les résidents du Québec qui, entre le 22 août 2014 et le 26 juin 2019, alors qu'ils se trouvaient dans la province de Québec, ont effectué une réservation d'un séjour n'importe où dans le monde en utilisant l'application mobile ou le site web de Airbnb, pour des fins autres que d'affaires, et qui ont payé un prix supérieur au prix initialement affiché par Airbnb (à l'exclusion de la TVQ ou de la TPS);</p>	<p><i>Representative Plaintiff':</i></p> <p>Group:</p> <p>Every person residing in Quebec, who between August 22nd, 2014 and June 26th, 2019, while located in the province of Quebec, made a booking for anywhere in the world, for a purpose other than business travel, using Airbnb's websites and/or mobile application and who paid a price higher than the price initially advertised by Airbnb (excluding the QST or the GST);</p>
<p>[12] AUTORISE l'exercice de l'action collective contre les défenderesses Airbnb Ireland UC, Airbnb inc. et Airbnb Payment UK Ltd., aux seules fins d'un règlement;</p>	<p>[12] AUTHORIZES the bringing of a class action against the Defendants Airbnb Ireland UC, Airbnb Inc. and Airbnb Payment UK Ltd., for settlement purposes only;</p>
<p>[13] DÉSIGNE et ATTRIBUE au demandeur Martin Preisler-Banoon le statut de représentant aux seules fins du règlement;</p>	<p>[13] APPOINTS the Applicant Martin Preisler-Banoon the status of Representative Plaintiff for settlement purposes only;</p>
<p>[14] IDENTIFIE comme suit les principales questions de fait et de droit qui seront traitées collectivement :</p> <p>a) Au cours de la période visée par l'action collective, la pratique alléguée d'Airbnb a-t-elle enfreint le paragraphe c de l'article 224 LPC et, dans l'affirmative, quel est le remède approprié ?</p>	<p>[14] IDENTIFIES the principal question of fact and law to be treated collectively as the following:</p> <p>a) During the Class Period, did Airbnb's alleged practice violate paragraph c of section 224 CPA, and, if so, what is the appropriate remedy?</p>
<p>[15] APPROUVE la forme, le contenu et le mode de dissémination des avis aux membres du groupe, dans ses versions française et anglaise (Pièce AIR-2);</p>	<p>[15] APPROVES the form, content and mode of dissemination of the pre-approval notice to Class Members, in its French and English version (Exhibit AIR-2);</p>
<p>[16] DÉSIGNE Velvet Payments à titre d'Administrateur des réclamations afin de</p>	<p>[16] APPOINTS Velvet Payments as the Claim Administrator for the purposes of</p>

s'acquitter des tâches qui lui incombent en vertu de la Transaction;	accomplishing the tasks that devolve to it pursuant to the Transaction;
[17] ORDONNE aux défenderesses de fournir à l'Administrateur des réclamations les renseignements personnels sur les membres du groupe nécessaires à la mise en œuvre de la Transaction;	[17] ORDERS Defendants to provide the Claim Administrator such personal information regarding the Class Members as is necessary to implement the Transaction;
[18] DÉCLARE que les Membres du Groupe désirant s'objecter à l'approbation par le Tribunal de la Transaction devront procéder de la manière prévue dans l'avis de préapprobation (Pièce AIR-2), au plus tard le 28 novembre 2019 ;	[18] DECLARES that Class Members who wish to object to Court approval of the Transaction must do so in the manner provided for in the pre-approval notice (Exhibit AIR-2), on or before November 28, 2019 ;
[19] DÉCLARE que les Membres du Groupe désirant s'exclure de l'action collective et de l'application de la Transaction devront transmettre un avis écrit confirmant leur intention de s'exclure du Groupe de la manière prévue dans l'avis de pré-approbation (Pièce AIR-2), au plus tard le 15 novembre 2019 ;	[19] DECLARES that Group Members who wish to opt-out from the class action and the Transaction thereof may do so by delivering a written notice confirming their intention to opt-out of this class action, in the manner provided for in the pre-approval notice (Exhibit AIR-2), on or before November 15, 2019 ;
[20] DÉCLARE que les Membres du Groupe qui n'auront pas requis leur exclusion du Groupe seront liés par tout jugement à être rendu quant à la présente action collective à être instituée conformément à la loi;	[20] DECLARES that all Group Members that have not requested their exclusion be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;
[21] FIXE la présentation de la Demande pour approbation de la Transaction au 3 décembre 2019 à 9h30 en salle 1.156 du Palais de Justice de Montréal;	[21] SCHEDULES the presentation of the Application for Approval of the Transaction on December 3, 2019, at 9:30 a.m., in room 1.156 of the Montréal courthouse;
[22] FIXE la présentation de la Demande pour approbation des honoraires des procureurs du groupe au 13 mars 2020 à 9h30 en salle 1.156 du Palais de Justice de Montréal;	[22] SCHEDULES the presentation of the Application for Approval of Class Counsel Fees on March 13, 2020, at 9:30 a.m., in room 1.156 of the Montréal courthouse;

[23] LE TOUT, sans frais.

[23] THE WHOLE, without costs.



LUKASZ GRANOSIK, J.S.C.

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