

# Background

On November 25th 2020 I booked an AirBnB<sup>1</sup> listing for 23 nights; the stay was from November 28th to December 20th 2020. The total charge for this reservation was \$2,453.35. I reached out to the host at 2:13PM on November 29th 2020 and AirBnb at 3:50AM on November 29th 2020, in order to reach a resolution on the following:

1. Excessive noise in the unit; the first and only night I spent at the property I was woken at 3:00 AM by screaming and EMTs. I was able to clearly hear the EMT instructions; one of my neighbors had overdosed. This also raises concerns about my personal safety and the safety of my property; judging by the lack of reaction from my neighbors and management this is not an uncommon event.
2. Inability to park; the listing promises free parking but the property management rents out other spaces which make it difficult, and at times impossible, for me to park my sedan.
3. Lack of a pool; the listing that I saw, and relied on to make my booking, claims there is a pool on-site. The listing has since been updated to remove this pool; I have attached a screenshot and a short video that show the listing claiming a pool as an amenity. I started taking records at 2:16 PM on November 29th before contacting AirBnB or the host. In my ongoing discussions with AirBnB I have continued to take screenshots of the listing advertising a pool; the latest screenshot shows the timestamp of 10:36 PM on November 30th.

Neither AirBnB nor the host ("Carlos") were willing to assist so I was forced to abandon the property out of concern for my safety, per point 1, and did so the afternoon of November 29th 2020. Of note, AirBnB's refund policy for travel issues<sup>2</sup> states that "special amenities or features represented in the Listing are not provided or do not function" would be a travel issue and grounds for a refund as would "[the Accommodation] contain[ing] safety or health hazards that would be reasonably expected to adversely affect the Guest's stay at the Accommodation in Airbnb's judgment".

## 1. Excessive Noise / Neighbor Overdose

The city of San Diego tracks 911 calls and approximate address<sup>3</sup> and confirms a 3:00AM call at "1500 / 02ND / AVE" on November 29th 2020. The zip code is 92101; the Fire/EMS report<sup>4</sup> lists several emergency medical response dispatches to that zip code in the hour after that call was logged, one of which I was present for.

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<sup>1</sup> <https://www.airbnb.com/rooms/44663677>

<sup>2</sup> <https://www.airbnb.com/help/article/2868/airbnb-guest-refund-policy>

<sup>3</sup> <https://data.sandiego.gov/datasets/police-calls-for-service> - incident E20110044944

<sup>4</sup> <https://data.sandiego.gov/datasets/fire-incidents/> - incident FS20176178 seems likely

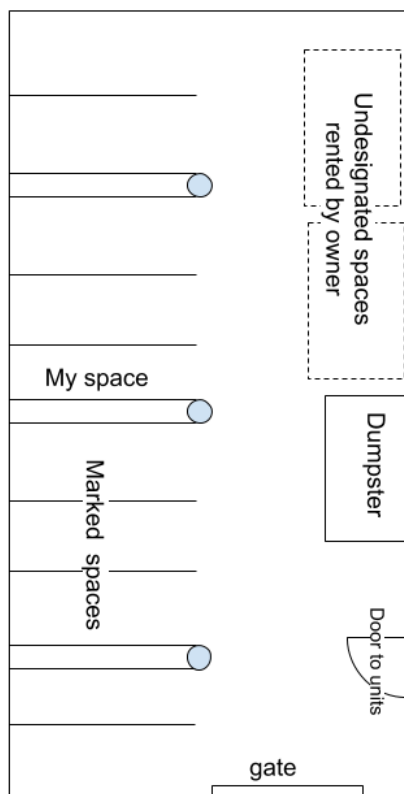
At approximately 3:00AM on November 29th 2020 I was woken by a woman screaming for help; I heard a (presumably) resident try to assist her and paramedics arrive. I was able to clearly hear the conversation with the paramedics including "if you go to sleep right now and don't tell us what you took you're not going to wake up in the morning".

The AirBnB host's response was that "What may have [sic] been another unit is beyond our control" - if the walls are thin enough that I can hear a private conversation through them, and the apartment building receives approximately one 911 call-out per day (307 year to date as of December 1st 2020, per San Diego's records), how would I be expected to sleep, let alone feel secure? The AirBnB host claims thousands of stays in the building without issue - and yet there are only ten reviews of the listing.

AirBnB's response was that it is my job to see if a neighborhood is safe before booking - but AirBnB discloses a vague area, not a specific address, prior to booking, making it impossible for me to vet this in advance.

## 2. Inability to Park

My car is a full-size sedan with a back-up camera and parking assist sensors; at first I assumed others were parking illegally but was told by the AirBnB host that no, the unmarked area was being resold as spaces. At one point I was unable to get past one of these cars in the "additional spaces" (see diagram below) and was forced to seek parking elsewhere.



Here is the AirBnB host's response:



**Carlos** 5:41 PM

Hi Thomas, thank you for the information. We are actually relabeling the boxes tomorrow as our guests have removed the numbers that were once on the boxes. I will speak to the owner of the property to have their maintenance team take a look at the entrance handle. The vehicle in question is in their assigned space. That is an additional space we provide. Thank you for your feedback.

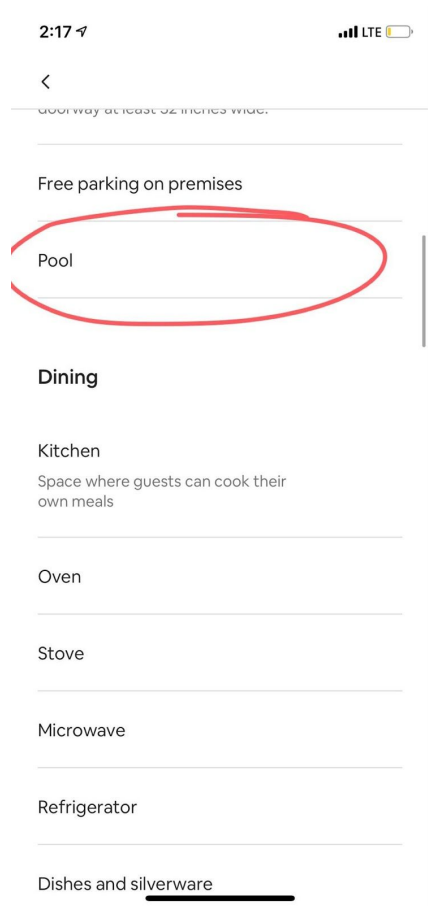
Nov 29, 2020



Type a message

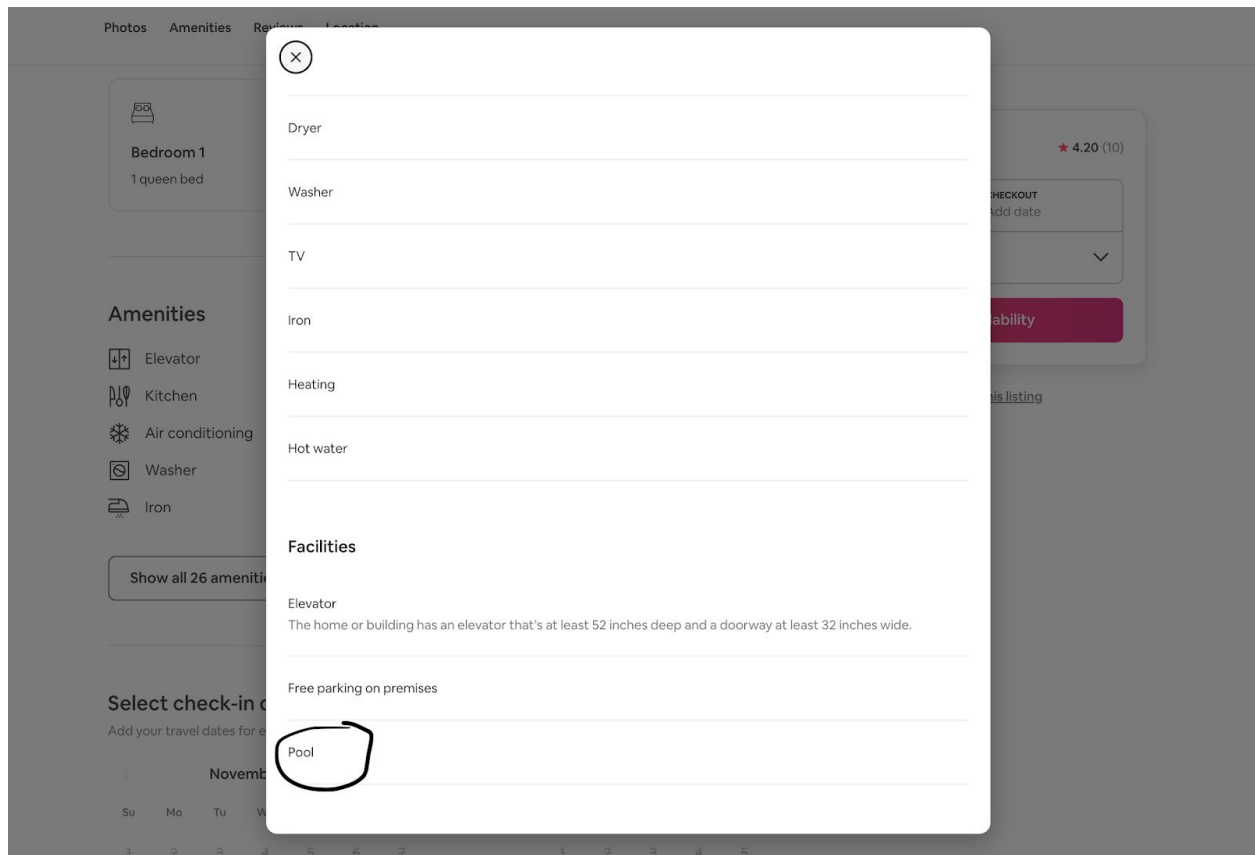
### 3. Missing Pool

Below is a screen shot from the AirBnB application where I can see the listing claims a pool:

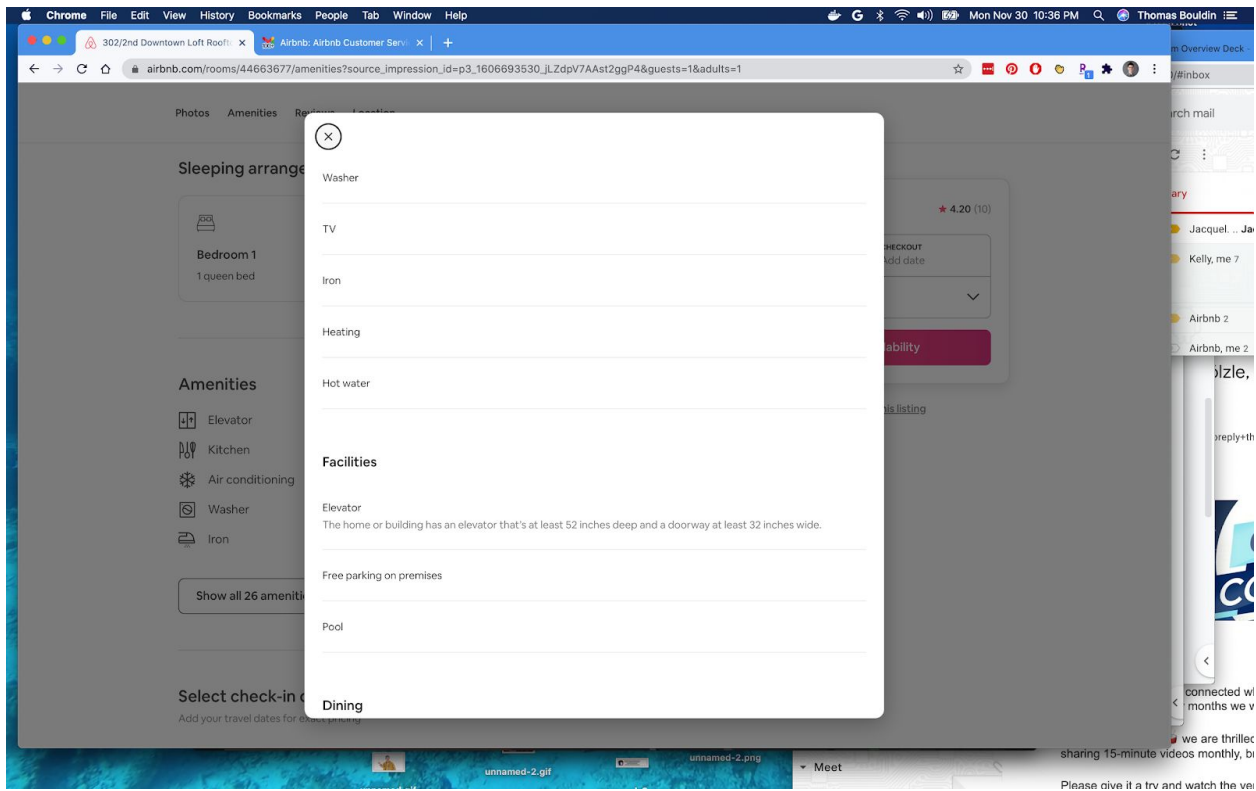


Since the screenshot doesn't include context, I used iOS's screen recording features to upload a video that shows my receipt, navigates to the listing in that receipt, and navigates to the amenities in that listing to show a pool. This can be viewed at <https://youtu.be/rvtzAxY0HXY>.

I also provided the landlord and AirBnB with a screenshot from my desktop:



Since the listing still shows a pool on my account, AirBnB asked for another screenshot which clearly shows the URL of the listing and the date + time of the screenshot:



The host acknowledges that there is no pool:



**Carlos** 3:27 PM

Thomas, that's impossible. There is no pool here nor has there ever been one

I'm sorry about what happened last night, What may have been another unit is beyond our control.

We have had thousands of stays in this building with literally zero security issues.

Do you have a screenshot of what you're talking about in regards to the pool?

We are not making any changes  
To your reservation at this time.

The host tried to provide evidence that they did not list a pool by showing their owner's view of the listing:

×

## Facilities

Free parking on premises

Free street parking

×

Paid parking off premises

×

Paid parking on premises

×

EV charger

×

Gym

×

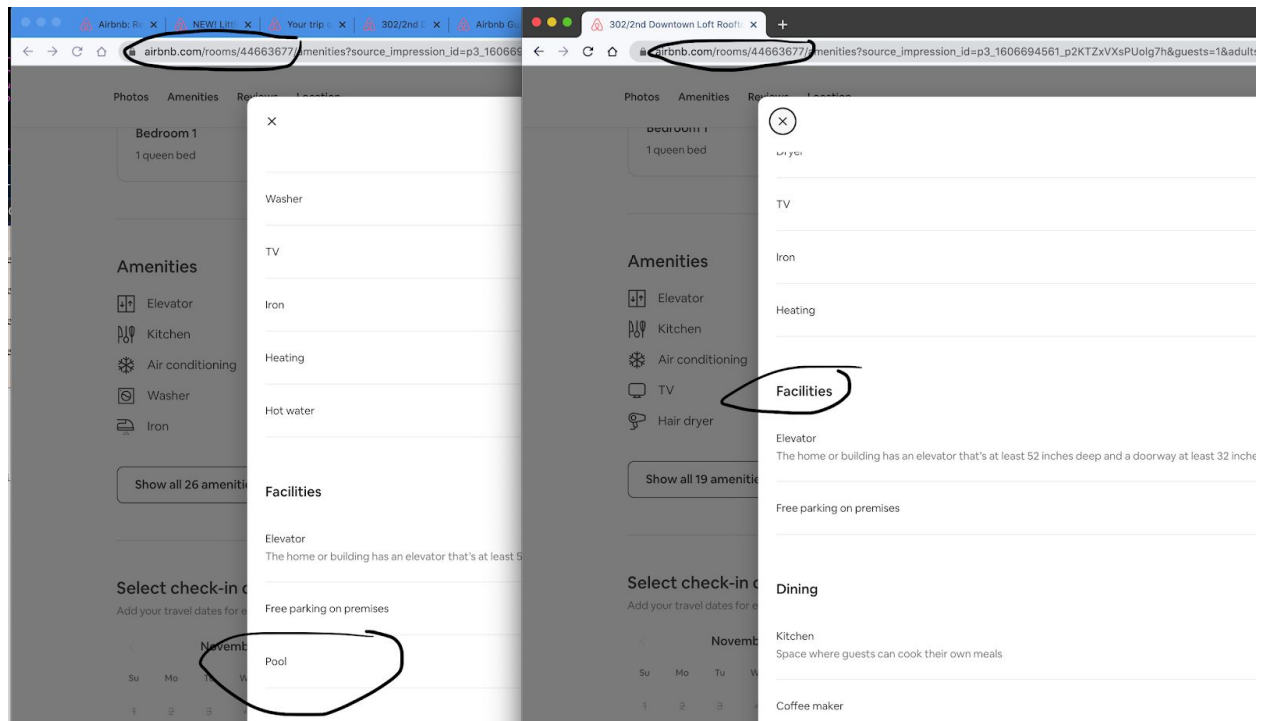
Pool

×

Hot tub

×

After this conversation I could still see a pool listed (left) but others viewing the listing were not able to (right):



AirBnB claims that there was never a pool listed, but they have yet to provide an explanation why my computer and phone show a pool as an amenity. AirBnB and the host maintain that I agreed to a contract that did not list a pool; they have not explained what contract they mean as amenities are not listed on the receipt - or anywhere except the listing itself. I can navigate from my receipt to a listing that shows I have paid for a unit that includes a pool. You can see a recording of this at <https://youtu.be/30IJS9mTXaE>.

As referenced above, AirBnB's refund policy for travel issues states that missing amenities are de facto travel issues and grounds for a refund.

## Requested Resolution

AirBnB and the host have refused to offer any compensation or alterations to the original fee; I offered to pay for the one night I did stay in addition to the normal cleaning fee and this was rejected.

Since the property was substantially not as advertised and not fit for purpose, since AirBnB and the host have been unwilling to discuss a compromise or any solutions, and since AirBnB has failed to follow their own written policies on travel issues I am seeking a full refund of \$2,453.35. If AirBnB and the host are willing to accept my offer of one night's costs, and will not take action on my AirBnB account including a retaliatory review, that would also be acceptable.



Please let me know if I can provide any additional details or records.