

**Administrative Resolution No. (1) of 2020**

**Issuing the Implementing Bylaw of Decree No. (41) of 2013**

**Regulating the Activity of Leasing out Holiday Homes in the Emirate of Dubai<sup>1</sup>**

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**The Director General of the Department of Tourism and Commerce Marketing,**

After perusal of:

Law No. (1) of 1997 Establishing the Department of Tourism and Commerce Marketing and its amendments;

Decree No. (41) of 2013 Regulating the Activity of Leasing out Holiday Homes in the Emirate of Dubai; and

Executive Council Resolution No. (49) of 2014 Approving the Fees and Fines Related to the Activity of Leasing out Holiday Homes in the Emirate of Dubai,

**Does hereby issue this Resolution.**

**Definitions**

**Article (1)**

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

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<sup>1</sup>*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

Administrative Resolution No. (1) of 2020 Issuing the Implementing Bylaw of Decree No. (41) of 2013 Regulating the Activity of Leasing out Holiday Homes in the Emirate of Dubai

Emirate:	The Emirate of Dubai.
DTCM:	The Department of Tourism and Commerce Marketing.
Decree:	Decree No. (41) of 2013 Regulating the Activity of Leasing out Holiday Homes in the Emirate of Dubai.
Holiday Homes:	Furnished real property units designated for conducting the Activity in accordance with the conditions and criteria stipulated in this Resolution.
Activity:	Engaging, on a regular and ongoing basis, in leasing out Holiday Homes or taking lease of Holiday Homes for the purpose of subletting them to Guests.
Establishment:	A corporation or company licensed to conduct the Activity in the Emirate.
Licensee:	An individual or Establishment licensed to conduct the Activity in the Emirate.
Initial Approval:	The initial approval issued by the DTCM to an applicant for a Licence to enable him to apply for a Licence, in accordance with the requirements prescribed by this Resolution.
Licence:	A document issued by the DTCM stating that the DTCM authorises a Licensee to conduct the Activity in the Emirate after verifying that all conditions and requirements stipulated in this Resolution are met by the Licensee.

Permit:	A document issued by the DTCM stating that the DTCM approves that a furnished real property unit be designated as a Holiday Home, after verifying that all conditions, requirements, and criteria stipulated in this Resolution are met.
Guest:	A natural person who stays in a Holiday Home, in return for a payment, with the intention of using it as overnight accommodation.
Holiday Home Lease Contract:	An agreement concluded between an Establishment and a Guest, stipulating the rights and obligations of its parties, in accordance with the provisions of the Decree and this Resolution.
Electronic Portal:	The electronic platform maintained by the DTCM, or by any other entity approved by the DTCM, through which applications for Licences, Permits, and any other services stated in this Resolution, will be received.
Guide:	A document that contains the technical rules and standards for issuing Initial Approvals, Licences, Permits, and classification certificates Holiday Homes.

## **Conditions and Procedures for Issuing Initial Approvals**

### **Article (2)**

An Initial Approval will be issued subject to the following conditions and procedures:

1. An application for Initial Approval will be submitted through the Electronic Portal, on the form prescribed by the DTCM for this purpose, supported by the following documents:
  - a. a copy of the passport and Emirates Identity Card of the owner, partners, and managing director of the applicant;
  - b. a copy of the valid commercial licence issued to the applicant by the commercial licensing authority; and
  - c. certificates of good conduct issued by the competent entity to the owner, partners, and managing director of the applicant.
2. Proof of satisfaction of the technical requirements prescribed by the Guide must be provided.
3. The DTCM will consider the application from a technical perspective to verify that it meets all relevant conditions and requirements, and that it is accompanied by all required documents.
4. The DTCM will issue its decision in respect of the Initial Approval application upon verifying that it meets all conditions and requirements.
5. The DTCM will give the applicant who is issued with an Initial Approval a time limit of up to three (3) months, renewable once for the same period, to complete the procedures for obtaining the Licence. Where this time limit expires without completing the procedures for obtaining the Licence, the Initial Approval will be deemed revoked.
6. Where an application for Initial Approval is rejected, the DTCM will notify the applicant of the reasons for rejection. An Initial Approval applicant whose application is rejected may submit to the DTCM another application.

## **Conditions and Procedures for Issuing Licences**

### **Article (3)**

Licences will be issued, subject to the following conditions and procedures:

1. A Licence application will be submitted through the Electronic Portal on the form prescribed by the DTCM for this purpose, supported by the following documents:
  - a. a copy of the valid Initial Approval;
  - b. copies of the required approvals obtained from the concerned entities in the Emirate;
  - c. a copy of the valid commercial licence issued by the commercial licensing authority; and
  - d. where the applicant is a legal entity, proof that the applicant has an office for conducting the Activity.
2. The DTCM will consider the application from a technical perspective to verify that it meets all relevant conditions and requirements and that it is accompanied by all required documents. For this purpose, the DTCM may conduct field visits and request any additional documents, data, or information it deems necessary.
3. The DTCM will issue its decision in respect of the Licence application, upon verifying that it meets all conditions and requirements.
4. Where the Licence application is approved, the applicant will be instructed to pay the relevant prescribed fees, whereupon the DTCM will issue the Licence.
5. Where the Licence application is rejected, the DTCM will notify the applicant of the reasons for rejection. An applicant whose Licence application is rejected may submit to the DTCM another application.

## **Validity of Licences**

### **Article (4)**

- a. A Licence will be valid for a term of one (1) year, renewable for the same period subject to the same conditions and procedures prescribed for its initial issuance. The application for Licence renewal must be submitted to the DTCM prior to the date of expiry of the Licence.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the DTCM may approve that the term of the Licence be for more than one (1) year, and up to four (4) years, provided that the Licence applicant pays the licensing fees prescribed for the whole term of the Licence.

## **Reinstatement of Licences**

### **Article (5)**

A Licensee, against whom a Licence revocation decision is issued for any reason whatsoever, may submit a Licence reinstatement application to the DTCM upon the lapse of one (1) year from the date of revocation of the Licence, subject to the same conditions and procedures prescribed for initial issuance of the Licence.

## **Establishing Branches of Establishments**

### **Article (6)**

An Establishment may submit, to the DTCM, an application for establishing a branch in the Emirate, subject to the same conditions prescribed for Licence issuance, in accordance with the procedures stipulated in this Resolution and the Guide.

## **Suspending/Ceasing the Activity**

### **Article (7)**

Subject to the relevant powers vested in the competent entities in the Emirate, a Licensee may not suspend or cease the Activity without first obtaining the relevant approval of the DTCM. This approval will be issued in accordance with the conditions and rules stipulated in the Guide.

## **Requirements for Issuing Permits**

### **Article (8)**

A Permit will be issued subject to the following:

1. The real property unit must be located in an area where conducting the Activity is authorised by the DTCM in coordination with the competent entities in the Emirate.
2. The real property unit must fall under any of the following categories:
  - a. an apartment in a building designated for conducting the Activity;
  - b. an apartment in a residential building;
  - c. a house/villa located within a real property compound; or
  - d. an independent villa.
3. The real property unit must satisfy the technical specifications and requirements, and be equipped with the fittings, prescribed by the Guide for the relevant Holiday Home classification category.
4. A copy of the valid passport or Emirates Identity Card of the owner or tenant must be submitted.

5. Proof that the applicant has the right to dispose of the real property unit in accordance with the provisions of this Resolution must be provided. The sale and purchase agreement of the real property unit must not include any explicit provision that precludes using the real property unit as a Holiday Home.
6. All other technical requirements stipulated by the Guide must be met.

### **Procedures for Issuing Permits**

#### **Article (9)**

A Permit will be issued subject to the following procedures:

1. A Permit application will be submitted through the Electronic Portal on the form prescribed by the DTCM for this purpose, supported by the documents proving compliance with the requirements stipulated in Article (8) of this Resolution.
2. The DTCM will consider the application from a technical perspective to verify that it meets all relevant conditions and requirements and that it is accompanied by all required documents. For this purpose, the DTCM may conduct field visits and request any additional documents, data, or information it deems necessary.
3. The DTCM will issue its decision in respect of the Permit application upon verifying that it meets all conditions and requirements.
4. Where the Permit application is approved, the applicant will be instructed to pay the relevant prescribed fees, whereupon the DTCM will issue the Permit.
5. Where the Permit application is rejected, the DTCM will notify the applicant of the reasons for rejection. An applicant whose Permit application is rejected may submit to the DTCM another application.



## **Validity of Permits**

### **Article (10)**

A Permit will be valid for a term of one (1) year, renewable for the same period subject to the same conditions and procedures prescribed for its initial issuance. The application for Permit renewal must be submitted to the DTCM prior to the date of expiry of the Permit.

## **Holiday Home Closure**

### **Article (11)**

The DTCM may, in accordance with the procedures stipulated in the Guide, suspend or revoke the Permit of any Holiday Home, prohibiting the conduct of the Activity therein permanently or temporarily, in any of the following cases:

1. where the provisions of the Decree and the resolutions issued in pursuance thereof are violated;
2. where the Licence or Permit is not renewed within the time limits, and in accordance with the procedures, prescribed by the Guide;
3. where the Holiday Home ceases to satisfy any of the Permit requirements or classification criteria;
4. where the Holiday Home is used for other than its intended purpose;
5. where the Holiday Home is used for illegitimate or immoral purposes;
6. where the Holiday Home is the subject of enforcement of a court judgement;
7. where the Holiday Home owner requests its closure; or
8. in any other cases determined in accordance with the exigencies of public interest.

## **Re-opening Closed Holiday Homes**

### **Article (12)**

A Permit holder, whose Holiday Home has been closed down, may apply to the DTCM for re-opening it, where the reasons for the Holiday Home closure cease to exist. An application for re-opening a closed Holiday Home must be submitted after the lapse of at least fifteen (15) days from the date of closure. Re-opening a closed Holiday Home will be approved by the DTCM subject to the rules and procedures stipulated in the Guide.

## **Issuing Trade Name No-objection Certificates**

### **Article (13)**

Subject to the powers vested in the entities responsible for registering and reserving trade names, a no-objection certificate for the approval of a trade name of an Establishment will be issued subject to the following:

1. the proposed trade name may not be similar to any used or reserved trade name;
2. the trade name must be consistent with the nature of the Activity;
3. the trade name must not include the name “Dubai” or the relevant classification category; and
4. the trade name must not be misleading, or conflicting with public order or morals.

## **Obligations of Licensees**

### **Article (14)**

In addition to the obligations prescribed by the Decree, a Licensee must:

1. in conducting the Activity, not prejudice the rights and interests of Guests, and not impose any unfair obligations or conditions on them;

2. submit a comprehensive insurance policy issued by an insurance company licensed to operate in the Emirate to cover any damage that Guests may sustain. The insurance policy must be valid for the entire term of the Licence;
3. conclude a Holiday Home Lease Contract with the Guest and provide the Guest with a copy thereof;
4. ensure that the Holiday Home Lease Contracts are consistent with the Licence and Permit;
5. perform all his contractual obligations towards Guests under the Holiday Home Lease Contracts concluded with them;
6. perform his obligations under the Holiday Home Lease Contract, including, handing over the Holiday Home to the Guest on the date agreed upon in the contract and in a condition allowing the Guest, throughout the term of the contract, full use of the Holiday Home as intended, in accordance with the terms agreed upon in the contract;
7. not charge the Guest any costs other than those agreed upon in the contracts concluded with them;
8. regularly provide the DTCM with the Guests information, as prescribed by the DTCM;
9. prepare a list of the rules and requirements that a Guest must comply with during his stay at the Holiday Home; and provide the Guest with a copy of this list to ensure his knowledge thereof and compliance therewith. These rules and requirements must be consistent with the relevant resolutions and instructions issued by the DTCM;

10. draft, in accordance with the Guide, a policy for processing complaints raised by Guests against the Licensee. This policy must be displayed in a prominent place for easy reference by Guests;
11. investigate complaints raised by Guests against the Licensee; take the necessary action concerning these complaints, and document all relevant information and procedures, including:
  - a. date and time of receiving the complaint;
  - b. complainant's information and contact details;
  - c. subject matter of the complaint; and
  - d. measures taken in respect of the complaint, and date and time of implementing such measures.
12. use the Licensee's approved trade name in all dealings with third parties;
13. include the Licensee's approved trade name and Permit number in all print and digital advertisements;
14. not promote, describe, or advertise Holiday Homes in a misleading way or to achieve a purpose that contradicts the provisions of the Decree and this Resolution;
15. comply with the maximum occupancy capacity determined in the Holiday Home Permit;
16. observe integrity, professionalism, courtesy, and tactfulness in dealing with Guests, residents of neighbouring real property units, and persons in charge of managing the building or residential compound where the Holiday Home is located;

17. ensure that the Holiday Home is clean and habitable;
18. designate emergency and Guest service contact numbers that are available twenty-four (24) hours a day, seven (7) days a week;
19. manage all Guests' needs and services in respect of leasing out Holiday Homes;
20. take reasonable safety measures and precautions to provide a safe environment for Guests and visitors, particularly against hazards related to fire, swimming pools, and well-being facilities;
21. keep abreast of, and comply with, the resolutions and instructions issued by the DTCM;
22. maintain, for at least three (3) years, paper and electronic records that contain all Guest information; and
23. not disclose Guest information unless to the concerned Government Entities, or the competent judicial authority.

### **Classification of Holiday Homes**

#### **Article (15)**

- a. In accordance with the classification criteria prescribed by the Guide, Holiday Homes will be classified into two categories; deluxe and standard. The DTCM will issue a classification certificate for each Holiday Home.
- b. The DTCM may upgrade or downgrade the classification of a Holiday Home based on the classification criteria prescribed by the Guide.

**The Guide**  
**Article (16)**

- a. The DTCM will issue the Guide, which stipulates all the technical rules and requirements in respect of Holiday Homes, particularly:
1. Holiday Homes classification criteria and procedures;
  2. the technical requirements that must be met, and the procedures that must be followed, for the issuance of Initial Approvals;
  3. the technical requirements that must be met, and the procedures that must be followed, for the issuance of Licences;
  4. the technical requirements that must be met, and the procedures that must be followed, for the issuance of Permits;
  5. procedures for the issuance of trade name no-objection certificates;
  6. the technical standards that must be satisfied by, and the fittings that must be available in, the real property unit in respect of which a Holiday Home permit is for;
  7. the procedures for variation of the details, or cancellation, of a Licence or a Permit;
  8. the procedures for establishing a branch of an Establishment;
  9. the conditions and procedures for suspending/ceasing the Activity;
  10. the procedures for closure of a Holiday Home;
  11. the procedures for variation of the details of a Holiday Home classification certificate;

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12. the policy for processing complaints raised by Guests against a Licensee;
  13. the essential terms and conditions that must be stipulated in Holiday Homes Lease Contracts; and
  14. the internal rules that Guests must comply with.
- b. The DTCM will coordinate with the concerned Government Entities for the purpose of approving any contents of the Guide referred to in paragraph (a) of this Article where such contents relate to matters falling within the jurisdiction of these entities pursuant to the legislation in force in the Emirate.
  - c. Upon publication of the Guide on the official website of the DTCM, a Licensee must comply with it and satisfy all the technical requirements and rules, and follow the procedures, stipulated therein.

### **Enabling Licensees to Conduct the Activity**

#### **Article (17)**

Real property developers, owners of jointly owned real property, and real property management and leasing firms and service providers must enable Licensees to conduct the Activity in accordance with the terms of their Licences and Permits.

#### **Repeals**

#### **Article (18)**

Any provision in any other administrative resolution will be repealed to the extent that it contradicts this Resolution.

**Publication and Commencement**

**Article (19)**

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

**Helal Saeed Al Marri**

**Director General**

**Department of Tourism and Commerce Marketing**

Issued in Dubai on 7 January 2020

Corresponding to 12 Jumada al-Ula 1441 A.H.