

THE HARDER THEY COME... CANARIAN LEGAL ALLIANCE RISING



It has been two years since **The Canary** reported on the "ground breaking" Spanish supreme court judgement, brought about by CLA, the **Canarian Legal Alliance (Arguineguín)**, which threatened to shake the timeshare industry to its very core. And shake it they did.

The case of Norwegian Tove Grimbso made Spanish legal history in 2015, when the highest court in Spain not only agreed with her legal team, who contended that the Timeshare law in force

since 1999 had been broken, but also set a precedent making clear that deposits paid within the first two weeks of the contract were against the law; that no contract of this kind can be for more than 50 years and that even if the negotiations were carried out by a third party, that it is the timeshare operator who is responsible for ensuring consumers are given all the correct information, and that they must have a cooling off period before then paying any part of the contract.

The timeshare company's failure to ensure the consumer was properly protected, as per regulations, meant that the contract originally signed by Mrs Grimsbo's husband was not only invalid, but judged to be "Radically Null & Void" - a term that has very serious consequences as it means that there can be no time limits applied as to when a consumer might make a claim on this basis.

The timeshare operator in this

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case, one of the very largest in The Canary Islands and Spain, had tried to argue that the law in question had not applied to them as they were in operation long before the 1999 legislation came into effect; they tried to suggest that because the timeshare product had been used, that the client was clearly enjoying the service they had purchased and could not now claim they did not want it; and they tried to say that because a third-party sales company had physically taken the money, and not them, they were not at fault. When the January 2015 judgement was finally announced it became clear that the supreme court did not agree.

The company then, say sources, tried to tell their employees and their clients that this judgement did not apply to their product and that they would appeal, not recognising it seems that there can be no appeal to a judgment from the supreme court. Heads surely rolled.

By the end of that year two further supreme court judgements had been awarded in favour of the dynamic Canarian Legal Alliance team, headed up by Hungarian business woman Csilla Nazáli, backed by timeshare aficionado Eugene Kaiser. A year later, at the end of 2016, they had racked up 38 supreme court victories. An unprecedented number in such a short space in time. They have had at least 5 more already this year.

As Miguel Rodriguez Ceballos said after winning that first case in 2015 "A lawyer could wait his whole life to have a case considered by the supreme court, it really is something to be very proud of", and the fact that CLA have managed to achieve so many victories is clear testament to their professionalism and their expertise in this field, leading to much faster judgements for similar cases in the lower courts, who find themselves compelled to



follow the supreme court position.

Over the last two years the CLA team alone have secured around €3 million worth of settlements for their clients, averaging nearly €120,000 per month, more than a million euros of which has already been paid out. Much more is likely as they have proven time and time again that timeshare once had a shadier past when, in some cases, regulations were ignored to the extent that practically no time limits can now be applied for reclaims should the product be found to have been mis-sold to the consumer.

What's more, for one of the most high profile industries on The Canary Islands, the importance of radical reform and strict policies to protect consumers have been raised as a clear necessity for any timeshare or holiday club operator who wishes not only to survive but to flourish moving forward.

Timeshare is not a dirty word, it is a european industry that allowed some unscrupulous individuals to infiltrate and call the shots for far too long. The potential liability for that mistake now hangs over many of the very largest players, with estimates in the tens, and even hundreds, of millions of euros, that could potentially be claimed, even by happy customers, were they not dealt with correctly in the first place.

In Spain, across the globe and particularly throughout Europe, timeshare must adapt; or it will not survive. The responsibility for the clean up lies not only with bosses, but with timeshare owners themselves and every individual employee looking to make their living from an industry that promotes glamour and luxury lifestyle holidays at affordable prices.

And all this started in a tiny office, of a local lawyer, in a sleepy little fishing town, on the popular southern coast of Gran Canaria.

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