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**Accommodation Contracts and the Main Parties Involved in
Hotel Bookings**

***1. Definition of an Accommodation Contract and Its Essential
Legal Elements***

An accommodation contract is a legally binding agreement between a guest and an accommodation provider, such as a hotel, hostel, or serviced apartment. Under this agreement, the provider agrees to supply lodging and related services for a specific period, and the guest agrees to pay the agreed price. This contract is generally formed

at the moment a reservation is confirmed, whether the booking is made in person, by phone, or online.

Accommodation contracts are governed by general principles of contract law. Even if the agreement is not formally signed, it becomes legally enforceable once the required legal elements are present (McKendrick, 2023). In the hospitality industry, consumer protection rules and business regulations may also apply.

For an accommodation contract to be valid, several essential legal elements must be satisfied:

Offer

An offer is a clear proposal made by one party to another. In the hospitality context, a hotel may advertise a room at a particular rate, which can constitute an offer.

Alternatively, a guest may request accommodation for specific dates. The offer must include definite terms such as price, duration of stay, and type of room.

Acceptance

Acceptance occurs when the other party agrees to the terms of the offer without modification. For example, when a hotel sends a booking confirmation email and the guest agrees to the stated conditions, acceptance is complete. Acceptance must correspond exactly to the offer; otherwise, it may be treated as a counteroffer (Poole, 2020).

Consideration

Consideration refers to something of value exchanged between the parties. In accommodation contracts, the guest provides payment, and the hotel provides lodging and services. Without consideration, a contract generally cannot be legally enforced.

Intention to Create Legal Relations

Both parties must intend for the agreement to have legal consequences. In commercial transactions such as hotel bookings, the law presumes that such intention exists

(McKendrick, 2023). This distinguishes business contracts from informal social arrangements.

Capacity

The parties must have the legal ability to enter into a contract. This means they must be of legal age and mentally competent. If a person lacks legal capacity, the contract may be void or voidable.

Legality

The purpose of the contract must be lawful. If the accommodation is booked for illegal activities, the contract may not be enforceable.

In summary, an accommodation contract becomes legally binding when there is offer, acceptance, consideration, intention to create legal relations, capacity, and legality. Once formed, both parties are required to fulfill their obligations. The hotel must provide the agreed accommodation, and the guest must comply with the terms and make payment.

2. Main Parties Involved in Direct Hotel Booking and Online Platform Booking

The parties involved in an accommodation contract vary depending on whether the booking is made directly with the hotel or through an online platform.

A. Direct Hotel Booking

In a direct hotel booking, the contractual relationship exists only between two parties:

The Guest

The guest is the individual (or company) that reserves and uses the accommodation. The guest agrees to pay the agreed rate and follow the hotel's policies. The guest has the right to receive the room and services as promised.

The Hotel (Accommodation Provider)

The hotel agrees to provide accommodation according to the confirmed booking. It must ensure the room is available, safe, and in reasonable condition. If the hotel fails to provide the reserved room without valid justification, it may be liable for breach of contract (Poole, 2020).

In direct bookings, disputes regarding cancellation, refunds, or service quality are handled directly between the guest and the hotel. The legal relationship is simple and clearly defined.

B. Booking Through an Online Platform

When a booking is made through an online platform, a third party is involved, creating a more complex legal structure.

The Guest

The guest remains the person who reserves and pays for the accommodation. However, the guest often agrees to the platform's terms and conditions in addition to the accommodation provider's policies.

The Accommodation Provider (Hotel or Host)

The provider ultimately delivers the lodging service. Even though the booking is made through a platform, the accommodation contract is usually between the guest and the provider. The provider is responsible for fulfilling the stay as described.

The Online Platform (Intermediary)

The platform acts as an intermediary connecting guests and accommodation providers. Examples include Booking.com, Airbnb, and Expedia.

These platforms typically facilitate reservations, process payments, and charge commissions to accommodation providers. However, they are usually not the actual

providers of the accommodation. Instead, they operate as agents or intermediaries (Middleton et al., 2018).

In this structure, there are often two separate legal relationships:

1. A service agreement between the guest and the platform (governed by the platform's terms of service).
2. An accommodation contract between the guest and the hotel or host.

This distinction is important in cases of disputes. For example, if a room does not meet expectations, the guest may contact the platform, but the legal responsibility for providing the room generally lies with the accommodation provider.

Conclusion

An accommodation contract is a legally binding agreement in which a guest receives lodging and related services in exchange for payment. For the contract to be valid, it must include offer, acceptance, consideration, intention to create legal relations, capacity, and legality.

In a direct booking, the legal relationship exists only between the guest and the hotel. In contrast, booking through an online platform introduces an intermediary, resulting in multiple contractual relationships. Understanding these differences is essential for identifying rights, responsibilities, and liability within the hospitality industry.

References

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