

# Fontainebleau Miami Beach condo-hotel owners revolt against rule changes

Lawsuit alleges new regulations at billionaire Jeffrey Soffer's waterfront resort unfairly target units that are not part of hotel's rental program



Jeffrey Soffer and the Tresor and Sorrento condo towers at Fontainebleau Miami Beach (Google Maps, Getty)

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## Key Points



A group of owners at Fontainebleau Miami Beach's Tresor and Sorrento condo-hotel towers are suing the resort and two affiliates to stop new management rules.

- The owners allege the new rules unfairly target them for not participating in the resort's in-house rental program and violate long-standing 2012 settlement agreements tied to the towers.
- The lawsuit, filed March 27 in Miami-Dade Circuit Court, alleges the new regulations are an attempt to pressure non-program owners to use the in-house program.

A group of owners at Fontainebleau Miami Beach's Tresor and Sorrento condo-hotel towers are aiming to torpedo new management rules they allege unfairly target them for not participating in the resort's in-house rental program.

The owners — Tatiana Rybak, Alexander and Tatiana Dvorsky, Mustafa Hakim, Solaria Investments and E&F Management — sued Fontainebleau Miami Beach and two affiliates last week for allegedly violating long-standing settlement agreements tied to the towers.

The historic 1,504-room hotel at 4441 Collins Avenue is owned by billionaire Jeffrey Soffer's Aventura-based Fontainebleau Development. The 22-acre property also includes Tresor and Sorrento, a pair of highrises with a combined 748 condo-hotel units at 4401 and 4391 Collins Avenue. About 674 owners are enrolled in the resort's rental program, which gives Fontainebleau Miami Beach the exclusive right to lease the units, court records show.

In their March 27 complaint in Miami-Dade Circuit Court, the six unit owners allege Fontainebleau Miami Beach is attempting to pressure them to use the in-house program by trying to implement regulations that require non-program owners to be physically present, or use an approved agent, for guest check-in, as well as imposing a \$75 check-in fee.

The resort is also sharply raising housekeeping costs, restricting vendor access, limiting valet access and barring non-program owners from advertising any affiliation with the Fontainebleau name without approval, the lawsuit alleges. The owners are seeking a court injunction to stop the rules from taking effect on April 15.

The rule change “made it almost impossible for our unit owners to operate and to make money on their units,” said Steve Davis, a partner with Miami-based

Haber Law representing the plaintiffs. “They imposed a bunch of discriminatory practices, including exorbitant hotel housekeeping charges.”

A separate group of Tesor and Sorrento unit owners sued Fontainebleau Miami Beach and its two affiliates in January making similar allegations.

A spokesperson for Fontainebleau Development said the firm does not comment on pending litigation.

The owners not using the in-house program allege the rules conflict with 2012 settlement agreements governing the two towers, which they say guarantee non-program owners the right to rent their units without interference, restriction, fees or costs imposed by the hotel owner.

They also say the hotel owner was required to obtain association-board approval and a unit-owner vote before changing services or privileges, and that Fontainebleau did not follow that process.

In a March 30 motion to dismiss the January lawsuit, Fontainebleau Miami Beach alleged the owners don't have a legal right to enforce the 2012 agreements.

Fontainebleau Miami Beach has been fighting a broader battle with Tesor and Sorrento unit owners. The resort sued Benichay Brothers Group, M.A.K. Realty Group and Hillcrest Property Services last year, accusing the brokerages of harming business by allegedly helping condo owners book guests outside the resort's rental program through Airbnb and other short-term rental platforms.

The brokerages allegedly were steering clients in the Tresor and Sorrento towers away from Fontainebleau's hotel-rental pool, which has the exclusive right to rent out units enrolled in the program, the lawsuit said. Fontainebleau also alleged the firms were coaching owners on how to conceal unauthorized bookings and encouraging them to terminate their agreements with the resort.