

Your agent writes the listing. The law puts your name next to it.

In September the Consell sealed a home in Eivissa town and opened a 220.001 euro case against the owner and the person marketing it, together. That was not loose drafting: since 2025 Balearic law makes both of them answerable unless proved otherwise. For the owner of a licensed villa the useful question is not whether it could happen to them, but what every listing of their house actually says.

OCTOBER 2026 · WRITTEN BY JENS GREG, WINGMAN IBIZA · SOURCE REPORTING: PERIÓDICO DE IBIZA, REDACCIÓN, 17 SEPTEMBER 2026, AND LA VOZ DE IBIZA, ADRIANA LUI, 1 OCTOBER 2026

SHORT ON TIME? THE 60 SECOND SUMMARY

What happened. On 17 September 2026 the Consell d'Eivissa and the Policía Local sealed a home in Calle Gregal, Eivissa, for illegal tourist letting. The case, opened on 8 July, proposes a 220.001 euro fine for a very serious infringement and is brought against the owner and against whoever marketed the property. Two weeks later Sant Antoni reported 76 cases under investigation and 19 formal complaints.

What the rule actually does. Article 117.4 of the Balearic tourism law, Ley 8/2012, as amended by Decreto ley 4/2025, makes the owner answerable for the tourist marketing of a home together with the marketer and any tenant, unless proved otherwise. What is penalised is advertising, contracting or marketing, not the stay. Very serious infringements carry fines of 50.001 to 500.000 euros.

What it means for an Ibiza villa. A villa with its tourist registration in force is not in the Calle Gregal position. But a listing can drift away from the licence without the owner seeing it: more guests than the registered plazas, a wrong registration number, a copy on a portal nobody checks. And that liability does not stay with the agent.

What to do about it. Check every listing of your villa against your declaración responsable de inicio de actividad turística (DRIAT): registration number, plazas, address. Ask whoever markets it for the full list of channels it appears on, and keep dated screenshots. "Unless proved otherwise" means your defence is paperwork.

On 17 September, with the season still full, a Policía Local patrol went with the Consell's inspectors to a home in Calle Gregal and sealed it. It was a property being let to tourists in a zone where the law does not allow it. The story filled a day in the local papers and another in the owners' groups, like so many others this year.

What most people read was the figure. What few read was who the case was opened against: the owner and the person marketing the home, both at once. That line is the one that matters to anyone who leaves their house in an agent's hands, because it answers a question almost no owner asks until it is too late.

WHAT HAPPENED IN CALLE GREGAL

According to Periódico de Ibiza, the Consell d'Eivissa opened the sanctioning procedure by a resolution of 8 July 2026, for the very serious infringement in article 120.i) of Ley 8/2012: advertising, contracting or marketing tourist stays in homes whose type does not allow it or which sit in zones not eligible for it. The proposed fine is 220.001 euros. The seal, carried out on 17 September with the Policía Local, is there to stop the home being used for tourist stays while the case runs.

It is not an isolated case. On 29 September Sant Antoni reported 76 suspected illegal tourist lets under investigation and 19 complaints filed, with fines that can reach 300.000 euros. In August another home on the island had been sealed with a 275.001 euro fine.

WHO ANSWERS, ACCORDING TO THE LAW

Article 117 of Ley 8/2012 sets out who is liable for tourism infringements. Its fourth paragraph, in the wording given by Decreto ley 4/2025 of 11 April, says that in the marketing of tourist stays in homes "son responsables de las infracciones las personas propietarias del inmueble junto con las personas o entidades comercializadoras, así como con las personas que sean arrendatarias del inmueble, salvo prueba en contrario": the owners are liable together with the marketers and the tenants, unless proved otherwise. The fifth adds that where each party's share cannot be established, they are jointly and severally liable.

Two details do most of the work. The first is what is penalised: the listing, the contract or the marketing, not the fact that someone slept in the house. A published listing is enough. The second is the burden: the law starts from the owner being answerable and leaves it to the owner to prove otherwise. Lease or sublease contracts, the same paragraph adds, do not clear them if they are shown to be a sham.

220.001 € Fine proposed in Eivissa town, in a case opened against the owner and the marketer together	50.001 to 500.000 € Range for a very serious infringement, article 123.3 of Ley 8/2012	30.001 to 50.000 € Advertising a home for more guests than it is allowed, a serious infringement under article 119.e)
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Handing your house to an agent shares out the work. It does not share out the liability.

WHAT A SEAL DOES, AND WHAT IT DOES NOT

Two stories from these weeks help read the scale properly. As the local press reported on 30 September and 1 October, the Tribunal Superior de Justicia de las Illes Balears has held, in a Sant Antoni case, that a closure ordered by the administration reaches only the illegal tourist activity and not residential use; a sealed home can still be lived in. The ruling can still be appealed in cassation. And in March the Consell closed the first Balearic case in which a sanctioned flat moved into social rent, with the fine cut from 275.000 to 33.000 euros, because article 123.5 reduces the penalty by 80 % where the owner accepts liability and hands the home to a social or capped-rent programme for at least five years.

WHERE A LICENSED VILLA CAN DRIFT OUTSIDE ITS LICENCE

Calle Gregal was a home that could never be listed. A detached villa with its DRIAT in force is in a different position, and it would be wrong to tell its owner they run the same risk. But the law does not penalise the house, it penalises the listing, and a listing can drift away from the licence a little at a time. An agent who lists the villa for ten when the registration says eight. A second agent, brought in by the first, who puts it on a portal the owner has never heard of. A registration number copied from another listing. A description that counts an annexe whose beds are not part of the registered plazas.

None of those is done by the owner. Under article 117.4, every one of them is also the owner's until proved otherwise. And the Consell is no longer working blind: its anti-fraud office reviews listings daily, and the same law penalises portals that publish homes without a registration number (article 120.j), so the listing that does not match is exactly the one that gets found.



WHAT IT LEAVES AN OWNER WITH

A liability that cannot be delegated. Hiring an agent is a sound way to market a villa, but it does not move the case onto the agent if a listing strays outside the licence: the law puts the owner beside them and asks the owner to prove otherwise. The protection, then, is not choosing the right agent and forgetting about it. It is knowing at all times what each listing of your house says and being able to show that it matches what you have registered.

HOW TO CHECK IT FROM YOUR OWN PAPERS

Start with your DRIAT and, if your registration needed one, the document for the plazas you acquired. Three facts come out of them: the tourist registration number, the number of plazas and the address. They are the reference everything else is measured against.

Then make the list of channels. Ask whoever markets your villa, in writing, for every place they list it, including third parties they pass it to. Search the registration number and the name of the house on the large portals yourself: listings you did not expect will turn up, and sometimes your number on a house that is not yours. Check each one against the three facts and keep a dated screenshot. Repeat it at the start of every season and every time you change agent.

It is an afternoon's work with papers you already hold, and it leaves behind the thing the law values: proof that you knew what was being advertised and that it matched your licence. We keep our own calendar with the same habit, from our own record rather than from what each channel says.

KEY TAKEAWAYS

- Article 117.4 of the Balearic tourism law, Ley 8/2012, as amended by Decreto ley 4/2025, makes the owner answerable for the tourist marketing of a home together with the marketer and any tenant, unless proved otherwise.
- Where it cannot be established who did what, article 117.5 makes all of them jointly and severally liable.
- What is penalised is advertising, contracting or marketing, not the stay: one published listing is enough to open a case.
- Very serious infringements carry fines of 50.001 to 500.000 euros (art. 123.3), and listing a home for more guests than allowed is a serious infringement of 30.001 to 50.000 euros (arts. 119.e and 123.2).
- On 17 September 2026 the Consell d'Eivissa sealed a home in Calle Gregal, Eivissa, with a proposed 220.001 euro fine against the owner and the marketer.
- An owner's defence is documentary: the DRIAT, the registered plazas and dated screenshots of every listing.

WHAT THIS NOTE DOES NOT COVER

It deals with who answers for a tourist listing in the Balearic Islands. It does not cover how to obtain an ETV licence, zoning, buying plazas or the tax treatment of letting. The case figures come from the press and are proposed penalties, not final decisions. The TSJIB ruling cited can still be appealed.

This note is our own research and our reading of the subject, published for educational purposes only. It is not legal or tax advice: it describes the rules as we understand them and names the papers that answer the question, it assesses no particular property, and reading it creates no professional relationship. Take what you find to your own abogado, tax adviser or administrador de fincas.



ABOUT THIS NOTE

Wingman Ibiza has been letting and running villas on the island since 2014, and holds its own booking and achieved-rate record going back a decade. Our calendar is priced directly from that record rather than from a channel's suggestion. We publish the method and not the figures: what a note like this shows is how a question is answered, not what our own numbers say.