

Pets

Overview

Pets are an important part of people's lives and are a great benefit to their owners by providing companionship as well as improving mental and physical health. New rules about the keeping of pets in units recognise these benefits and encourage a more liberal approach to pet ownership within strata buildings.

History

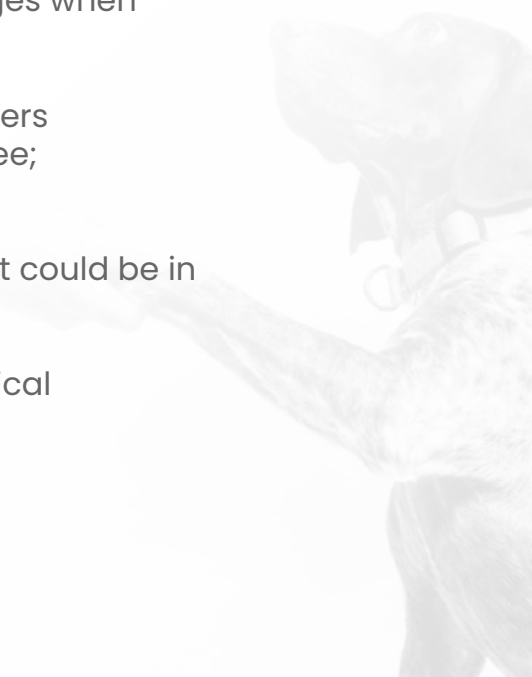
Before 1 November 2020 the Unit Titles legislation addresses pets in Section 32, which sets out that anyone wishing to keep a pet has an obligation to first obtain permission of the owners corporation, but also that the corporation must not "unreasonably withhold" permission.

This section of the Act was introduced during the last wholesale strata reforms in 2009, prior to which each corporation could address its own policy towards pets within the "rules". Before the 2009 reforms it was possible for a corporation to have a "pets friendly" policy, or a "pet prohibition" and varying degrees in between. The ability to have a blanket ban on pets was the cause of many disputes over the years, and the 2009 reforms established a principal of inherent rights for residents to keep a pet.

Prior to the 2020 reforms there have been a range of challenges when applying Section 32, such as;

- It was not clear if the authority to approve pets by the owners corporation could be delegated to the Executive Committee;
- Many owners held different views on what constituted an "unreasonable" request;
- It was potentially invalid to resolve a "pet friendly" rule, as it could be in conflict with Section 32 which is a fixed section of the Act.

The 2020 amendments resolve many, if not all, of these practical obstacles.



Pets

Keeping animals in units – unit owners

Following 1 November 2020, unit owners may keep an animal in a unit in accordance with the procedure determined by the Owners Corporation, in accordance with new provisions in Section 32 of the Act.

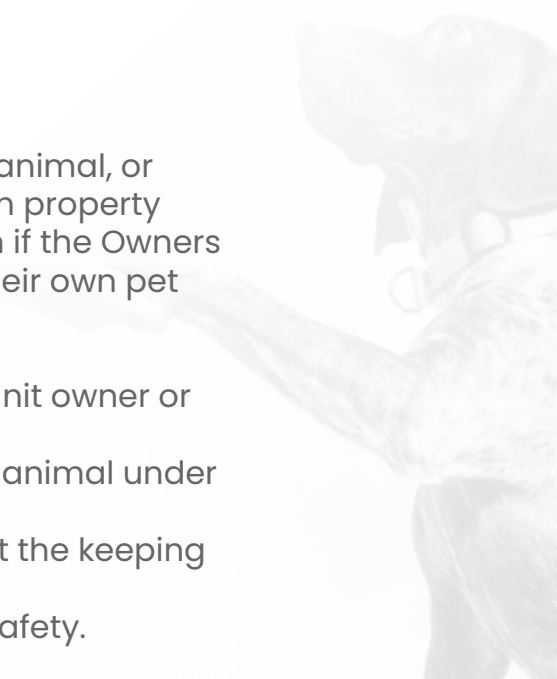
Unit owners may not be required to obtain consent from the Owners Corporation to keep an animal if the rules of the Owners Corporation include a “pet friendly rule”. If this is the case, a unit owner need only to notify the Owners Corporation in writing and give details about the animal/s that will be kept in the unit. However, if the Owners Corporation decide not to adopt a pet friendly rule, owners are required to obtain the consent of the Owners Corporation to keep an animal.

Under the changes to the Act, for an Owners Corporation established before 1 November 2020, the current rule of the Owners Corporation about keeping animals in units applies during the transition period (i.e. the period beginning on the commencement day and ending on the day after the second Annual General Meeting of the Owners Corporation after the commencement day is held).

Owners Corporations will have until their second annual general meeting to decide whether to adopt the new pet friendly rule, determine their own pet friendly rule, or retain the consent process prescribed under the Act for the keeping of pets. If the Owners Corporation does not make a determination before this time (or wish to transition naturally to the new default pet rule), the default pet rule as prescribed under the Unit Titles (Management) Regulation 2011 (schedule 1, rule 1.5) will automatically apply from the day after their second Annual General Meeting post 1 November 2020.

Pet friendly rules

- unit owners keeping animals: A unit owner may keep an animal, or allow an animal to be kept, within the unit or the common property without obtaining the consent of the Owners Corporation if the Owners Corporation has adopted the default pet rule or made their own pet friendly rule by special resolution.
- a pet friendly rule may include conditions about:
- the number and type of animals that may be kept by a unit owner or occupier; and
- cleaning and maintenance requirements for keeping an animal under the rule; and
- providing written notice to the Owners Corporation about the keeping of an animal; and
- animal does not cause a nuisance or a risk to health or safety.



Pets

- supervision requirements when an animal is on the common property; and
- requirements in relation to keeping an animal secure so that it does not escape a unit unsupervised; and
- any other matters that are reasonably necessary to ensure that an

If the rules of the Owners Corporation do not include a pet friendly rule, a unit owner must obtain the consent of the Owners Corporation to keep an animal. The Owners Corporation may give consent with or without conditions. These conditions must be reasonable. For example, it would be reasonable for an owners corporation to require supervision of the animal when the animal is on the common property.

Consent Process

Where no “pet friendly” rule is in place, a unit owner or occupier may make a written request to the Owners Corporation to keep an animal in a unit. If an owners corporation does not respond to a request, in writing, within 3 weeks of the day on which the request was made, the Owners Corporation is taken to consent to the request. If the Owners Corporation refuses the request they must provide reasons or if it gives consent subject to conditions but does not state these conditions.

Prohibiting or refusing consent to keep an animal in a unit

An Owners Corporation cannot amend its rules to prohibit a unit owner or occupier from keeping an animal, or allowing an animal to be kept, within the unit or the common property in any circumstances. If the owners corporation refuses a request to keep an animal, it must give a written reasons for the refusal and only withhold consent on reasonable grounds.

Occupiers to comply with pet rules

Occupiers must comply with the rules of the Owners Corporation and a lessor must provide the occupier with a copy of the rules before the commencement of the tenancy agreement. If the lessor has given consent to keep an animal, the occupier must also comply with the pet rule of the owners corporation. This may mean that the pet rule may limit the number or type of animals an occupier can keep in the unit, as well as other conditions that must be complied with. For example, if the lessor gives consent for three dogs, but the owners corporation pet rule only allows two pets, you can only keep two dogs in the unit.

References

Unit Titles (Management) Act 2011 (as amended) (www.legislation.act.gov.au)

Schedule 1 Default rules

- Section 170 [Pets in units](#)
- Section 32 [Unit owners etc keeping animals](#)