



Pet Friendly Accommodation

Animals are part of the family so do not feel compelled to surrender your animal if you are having trouble locating a rental or property that will not accommodate pet owners.



Instead read the following information to find out how you can keep your pet if you are a responsible owner.

FIRST STEPS TO GET CONSENT

Already have a pet?

- 1. Search for Pet-Friendly properties**
 - Search the pet friendly rental section on real estate websites e.g. <https://www.domain.com.au/advice/how-to-rent-if-you-have-pets-a-state-by-state-breakdown-of-rules-for-landlords-and-tenants-806193/> and https://www.firstnational.com.au/rent?rental_features=pets
- 2. Make sure that you see the evidence in writing** that the accommodation you are buying/renting is pet-friendly.
- 3. Try to get provisional approval from the owner.** The owner may place restrictions and conditions.
- 4. Take your pet to visit the landlord** to show that your pet is well-trained and cared for.
- 5. Demonstrate your ability to be a responsible tenant by showing you are a responsible owner.**
 - Show the owner your **“pet résumé”** to prove you are committed and reliable - include your pet’s medical information (e.g. de-sexing, vaccinations) and training records along with evidence from your vet.
 - Provide **references** from previous landlords, neighbours and dog trainers.
 - Detail your **daily pet schedule**.
 - **Describe your pet.** Outline if they are quiet or active, the temperament, the breed type and the age of the animal.
 - **Describe your care of the pet.** How often you walk your dog, how long in the day you are with them, how you cater for their needs when you are away from them and during holidays.
 - **Outline the changes you are willing to make** such as installation of fenced

enclosures for dogs, fence attachments or netting around decks that are removable and unobtrusive. For more information on cat safe fencing and enclosures go to: <https://www.awlqld.com.au/pet-owner-help/cat-behaviour-and-care/#escape>

6. Try to negotiate a Pet Rental Agreement with the owner.

An example can be found at:

https://www.robinarealty.com.au/files/forms/pet_application_&_agreement_-_robina_realty_2016.pdf

Include **details of your responsibilities** such as removal of pet waste, keeping the premises clean and how you keep the pet busy.

- **Negotiate a “pet bond”** in order to cover the costs in the unlikely event that your pet may cause some property damage.

Thinking of getting a pet?

Remember to adopt animals from shelters as there are thousands of abandoned animals in need of caring homes.

Think about the suitability of your pet

1. Where do you live? Do you have enough space? Is the breed too big? Too active or too noisy?
2. Do you have enough time for the animal?
3. Notify the landlord and/or Body Corporate of your intentions and provide a **“pet resume”** as discussed above.



Steps to take after the above steps are fulfilled.

IF CONSENT IS REFUSED OR YOU CANNOT FIND ANY ANIMAL FRIENDLY PROPERTY:

REFUSAL BY BODY CORPORATE

Current legislation in Queensland means that **bodies corporate must not unreasonably withhold approval for pets.**

1. Check Body Corporate Rules

- These rules are different for every residential area. To find your Body Corporate By-laws go to your Real Estate agent or organise to do a titles search to access the applicable Body Corporate rules.
- **A By-law to have “no pets”** has been deemed to be “unreasonable” or too restrictive in disputes in the past but check if there are conditions for keeping pets.
- **Check to see if there have been previous owners or occupiers of the property that have owned a pet.** This can be a persuasive precedent for your request for a pet or to keep a pet.

2. In Queensland, contact the Commissioner for Body Corporate and Community Management on 1800 060 119 for advice and support.

Check for similar assistance is in other states.

- If a Body Corporate refuses to investigate or ignores a request to keep a pet, you can lodge a dispute.
- If the Body Corporate says that pets are not permitted without **written permission** (which is the default position in the *Body Corporate and Community Management Act 1997*), yet the pet owner has met all reasonable requirements, the owner can lodge a dispute if refused.

3. Appeal the decision

- If you believe the decision was **unreasonable** there are several routes of appeal, namely, dispute resolution in the form of **mediation, adjudication or appeal** to the Consumer, Trader and Tenancy Tribunal.

REFUSAL BY OWNER OF THE PROPERTY

In Queensland, up to Sept 2022, a tenant may only keep pets on the property if the tenancy agreement with the owner states that pets are allowed. From 1st Oct 2022, new Qld Government laws make pet ownership in rental properties easier:

- A renter can seek the property owner's permission to keep a pet, and **property owners can only refuse a request on identified reasonable grounds.**
- **The property owner must respond to a request for a pet in writing within 14 days, or consent is implied.**
- **However, the property owner's consent may be subject to reasonable conditions.** A rent increase or a pet bond are not reasonable conditions.
For details of grounds and conditions, see pp. 63-67 of the Housing Legislation Amendment Bill 2021 at <https://documents.parliament.qld.gov.au/tableOffice/TabledPapers/2021/5721T912.pdf>
- If you believe the property owner has provided unreasonable grounds for refusal or unreasonable conditions, you can **contact the Residential Tenancies Authority on 1300 366 311.**

(Qld's new laws are not as supportive of renters with pets as those In Victoria & ACT, where the onus is on the landlord to provide grounds and seek permission of their Civil Administrative Tribunal to refuse a pet.)



THE LEGAL STUFF

In Queensland, the relevant law for Body Corporates is the *Body Corporate and Community Management Act 1997*.

- Under section 180 of the Qld Act it states “**a By-law cannot prevent or restrict a transmission, transfer, mortgage or other dealing with a lot**”.
- Section 181(7) “**a By-law cannot prevent the sale of a lot to a pet owner who provides reasonable assurance that the animal will be kept securely on the owners lot** [ensuring the animal is kept on a lead or in a carry cage when crossing common area, without the animal causing nuisance and in accordance with local government sanitation and pest control requirements.]”

- An appeal can be made on the grounds of section 181(7): “**a By-law must not be oppressive or unreasonable**”.
- The **owner of a lot in a body corporate property** can motion to **change the community management statement** that can enable them to keep pets. More information regarding this is found under section 55 of the Act.

NOTE: THERE CAN BE CONSEQUENCES FOR KEEPING A PET WITHOUT CONSENT

Section 4 *Body Corporate and Community Management Act 1997* contains the By-law concerning the keeping of animals **without the body corporate written approval.**

Several penalties can flow from the violation of this By-law:

- **Service of a notice** requiring you to comply with the relevant law or by-laws. This may mean you have to get rid of your pet or leave.
- **A Fine** - usually if you do not comply with the notice a fine is issued against you by the Consumer, Trader and Tenancy Tribunal of up to \$5,500.

You **cannot be evicted** by the landlord **UNLESS** the landlord has an eviction order from the Residential Tenancies Tribunal.

Your pets are part of the family so do not give up on them!

For more information, contact:

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