

Pets in strata and can we have them



What is the law on pet ownership in NSW?

As a dog owner in New South Wales, it is your responsibility to ensure that your dog is under effective control when in public places, and you will be held liable if your dog attacks a person or another animal. The Companion Animals Act 1988 outlines this matter in Section 13, where it is stated that a dog in a public place must be under the effective control of a competent person, using an adequate chain, cord or leash attached to the dog and held or secured by the person.

Authorised officers, including council officers and police officers, have broad powers under the Companion Animals Act 1998 to deal with owners of attacking dogs.

If you live in a strata property, you are allowed to own a pet unless it causes unreasonable interference or is a dangerous or restricted dog. You need to ensure that your pet does not disturb other residents in your scheme. While your owners corporation can create its own rules for pets, by-laws banning all pets are not valid, and those banning animals based on size, type, or quantity, will not be valid in most circumstances. If you wish to have a pet, you may need to inform the owners corporation or strata committee in writing.

For tenants who rent a property, their landlord can decide whether or not they can keep a pet. If your landlord has refused permission for you to have a pet or you have not asked, keeping a pet can result in you breaking your rental agreement. In such cases, your landlord may ask you to remove the pet or move out of the property.

How to tell the owners corporation

Most owners corporations will require you to write to the secretary or strata manager if you have a pet or want to get one. Check the scheme's by-laws to see what the process is and what information is needed for approval. The owners corporation may ask for:

- the pet's name, type, breed, weight and age
- a photo of the pet
- pet vaccination records and a microchip number (if your pet needs these in NSW).

What happens if my pet is rejected?

The owners corporation must follow certain rules when deciding on a pet application. If they don't, then your pet will be automatically approved to enter the scheme.

They must: only reject a pet if the pet causes an 'unreasonable interference'. For example, dogs that are a restricted breed or have been declared as dangerous or menacing decide on your application in a 'reasonable timeframe'.

Rules for keeping pets in strata

An owners corporation can set rules about how owners keep their pets while living in strata. Check your scheme's by-laws so you know the rules for owning a pet. The rules often cover:

- keeping the animal within your property
- watching the animal when on common property
- cleaning up after your animal on common property.

Cleaning after your pet

The pet owners must ensure that pet litter is not left on the common property at any time.

When disposing of your pet litter the pet owners must make sure that the litter is properly bagged before being disposed of.

Leaving your pet alone

It is the responsibility of the pet owners to ensure that their pet has adequate food and water while left home unattended. The owners should not leave their pets without care and supervision for more than 24 hours.

Unreasonable Interference

What is deemed as unreasonable interference? For the purposes of the Act, section 137B(3), the circumstances in which the keeping of an animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property are:

Keeping Pets in Strata Scheme

(a) the animal makes a noise that persistently occurs to the degree that the noise unreasonably interferes with the peace, comfort or convenience of another occupant, or

(b) the animal repeatedly runs at or chases another occupant, a visitor of another occupant or an animal kept by another occupant, or

(c) the animal attacks or otherwise menaces another occupant, a visitor of another occupant or an animal kept by another occupant, or

(d) the animal repeatedly causes damage to the common property or another lot, or

(e) the animal endangers the health of another occupant through infection or infestation, or

(f) the animal causes a persistent offensive odour that penetrates another lot or the common property, or

(g) for a cat kept on a lot—the owner of the animal fails to comply with an order that is in force under the Companion Animals Act 1998, section 31, or

(h) for a dog kept on a lot—

(i) the owner of the animal fails to comply with an order that is in force under the Companion Animals Act 1998, section 32A, or

(ii) the animal is declared to be a menacing dog or a dangerous dog under the Companion Animals Act 1998, section 34, or

(iii) the animal is a restricted dog within the meaning of the Companion Animals Act 1998, section 55 (1).

Making a complaint about another resident's pet

If you have concerns about another resident's pet, try speaking to the pet owner first. They might not know about the problem, for example if a dog is barking non-stop when they are at work.

When talking to the pet owner, remember that pets are often seen as 'part of the family'. Be friendly and pick a good time for both you and the pet owner.

Some schemes have an internal dispute process that you could use. Ask your strata committee or strata manager if there is one. If the pet's behaviour has broken a by-law, the owners corporation can issue a notice for the owner to stop the behaviour. If it is still not resolved, anybody involved in the dispute can apply to the Tribunal for an order to remove the animal.

Assistance animals

Assistance animals cannot be banned from living in a strata scheme.

The owners corporation can ask the owner to provide evidence of their assistant animal's status, including:

- accreditation from an assistance animal training body
- an assistance animal permit issued by Service NSW
- a signed statement that the animal has been trained to assist a person with a disability and meets acceptable hygiene and behaviour standards.

Owners Corporation should not ask for private medical records as evidence.

CONTACT US

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