

# Renting with pets in a community titles scheme

**The keeping of pets in a body corporate can be a divisive topic. Naturally, the risk of not being able to keep a beloved pet can be an emotionally taxing experience for pet owners living in community titles schemes. To keep potential conflict at a minimum, it is critical for all involved to be aware of the rules regulating animals in bodies corporate.**

The Housing Legislation Amendment Bill 2021 (HLA Bill) became law on Wednesday 20 October 2021. It amends the Residential Tenancies and Rooming Accommodation Act 2008, with the amendments to be introduced in stages. This article will provide information on how the reforms in relation to pets will impact those who live, work and invest in community titles schemes in Queensland.

## Pet reforms

Commencing October 1, 2022, a positive obligation has been placed on landlords to allow existing tenants to have a pet if requested. The landlord can only refuse the request on reasonable grounds. It may be considered 'reasonable grounds' to refuse a pet request, if the request would be in breach of a body corporate by-law.

## Pet by-laws in a community titles scheme

Before approaching the landlord seeking permission for a pet, tenants should check what the by-laws say in relation to the keeping of animals. Tenants should have a copy of their scheme's by-laws as a part of their tenancy agreement. Otherwise, they can ask their landlord for a copy of the by-laws.



## Queensland Government

There are many types of by-laws relating to animals. The wording of your scheme's by-law will determine your rights and responsibilities about keeping animals there.

Most bodies corporate have permissive by-laws which means that you can have an animal, provided you seek the body corporate's permission. The body corporate cannot unreasonably refuse your request for an animal.

Sometimes the by-law may contain (or the committee may impose) conditions on the approval of an animal. Some examples of common conditions include:

- The animal is not allowed on the common property, except for the purpose of being taken in or out of the scheme.
- The animal must be on a lead or adequately restrained while on common property.
- The animal must be regularly treated for fleas.
- The animal must not cause nuisance or interfere unreasonably with any person's use or enjoyment of another lot or common property.

Conversely, some bodies corporate include by-laws which completely prohibit the keeping of animals. Some will prohibit all animals without exception.

Others will prohibit animals of a



particular type, such as cats, dogs, or dogs over a certain weight.

The committee cannot approve an animal that the by-laws prohibit. The by-law needs to be changed before a tenant can seek permission from the body corporate. A prohibitive by-law may also give a landlord grounds to reject a tenant's request.

## Tenants seeking permission

It is important to understand that there are two layers of approval for tenants seeking to keep an animal in a community titles scheme, namely, body corporate approval and landlord approval. While the changes to the tenancy laws put a positive obligation on landlords to allow pets, tenants who live in community titles schemes also need to seek approval for their pet from the body corporate.

If the by-law for the scheme is permissive, tenants need to put their request for approval in writing. They may write to the body corporate directly through the committee or a body corporate manager if the scheme has one. Alternatively, they can put their written request to whomever they deal with in relation to their tenancy (such as their managing agent or onsite letting agent) and ask that their request is passed onto the body corporate. If there is no response after a reasonable time (a few weeks, for example) a tenant may wish to follow up their request.

On the other hand, if the scheme where a tenant is renting has a prohibitive by-law, it would

need to be changed before the tenant could seek permission from the body corporate. An owner can propose a motion to be considered at the next general meeting or a tenant could write to the body corporate and ask that a motion changing the by-law is considered at the next general meeting. While the committee cannot make a decision to change a by-law, they can agree to propose a motion to be considered at the next general meeting.

## Information for landlords

If your tenant asks you for permission to have a pet, you may need to remind them that they also need to seek approval from the body corporate. While you do not need to seek approval on their behalf, you should pass on their request to the body corporate or provide them with the contact details so that they can make contact directly. If your body corporate has a prohibitive by-law, you may wish to propose a motion to change the by-law to be considered by the body corporate at the next general meeting.

## Landlords lodging a dispute against the body corporate

If you propose a motion to have a prohibitive by-law changed to a permissive one and the motion fails, you can consider lodging an adjudication application with our office. You must attempt to resolve the issue prior to lodging an adjudication application.

## Tenants lodging a dispute against the body corporate

If the body corporate rejects your request for an animal or does not respond to your attempts to follow up your request, you may consider disputing the decision by lodging a conciliation application with our office. Before applying for conciliation, you must first attempt to resolve the issue with the body corporate yourself. You will be required to supply evidence of your attempts if you lodge a conciliation application.

## Tenants lodging a dispute against the landlord

If a landlord rejects a tenant's request for a pet after the tenant has already been given body corporate permission, the tenant may have a dispute with the landlord. If this is the case, the tenant may wish to contact the Residential Tenancies Authority on 1300 366 311 or visit [www.rta.qld.gov.au](http://www.rta.qld.gov.au) for advice.

## More information

It is essential to remember that receiving a landlord's approval

to keep a pet is not a green light for a tenant to bring a pet into a community titles scheme. As the reforms place an active obligation on landlords to permit existing tenants to have a pet, this may create a false expectation that landlord approval alone is sufficient to keep an animal. Tenants are likely to find themselves in breach of the body corporate's by-laws if they bring a pet into the scheme without first checking what the by-laws say about keeping animals.

More information can be found on our website about:

- Animal by-laws;
- disputes about animals in a body corporate;
- self-resolution for disputes;
- conciliation;
- adjudication; and
- submitting motions.

You can also contact the Information and Community Education unit on 1800 060 119 or submit an enquiry online for a written response at [www.qld.gov.au/bodycorporatequestion](http://www.qld.gov.au/bodycorporatequestion) ■



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