



Pets in Strata

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**Australian College
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Pets in Strata



For many of you who have already attended a Strata Management Continuing Professional Development session this year, you may have had a discussion about strata schemes and the legal cases that have decided whether or not pets can be banned from a strata scheme and the effect of by-laws that are essentially a blanket ban on all pets.

A blanket ban means a by-law that states no pets of any kind are to be kept on a lot. This kind of by-law is now considered to be of no effect as at 25 August 2021 with only two options for an Owners Corporations pet by-laws;

- Option A allows residents to keep an animal so long as the resident provides written notice within 14 days of the animal first staying in the scheme.
- Option B requires residents to get written approval for the animal from the owners corporation and the owners corporation cannot

unreasonably refuse permission. If they refuse, they must give written reasons for the refusal.

Interestingly, if an Owners Corporation adopt option B, the owners corporation must make a decision in a reasonable timeframe, the animal is instead automatically approved to enter the scheme.

From 25 August 2021, the new regulations have prescribed a limited list of specific grounds where an owners corporation can refuse a lot owner from keeping an animal in a strata scheme or take steps to remove an existing animal from the scheme. These circumstances include repeated damage of the common property, menacing behaviour, persistent noise and odour.

The Strata Schemes Management Regulation 2016 now set out that an Owners Corporation can have an animal removed, even if the pet was previously approved by the owners corporation if the animal causes what would be considered unreasonable interference for any of the other lot owners. Reasonable interference now, under the



regulations, is defined to include:

- it makes a noise that persistently occurs to the degree that the noise unreasonably interferes with the peace, comfort or convenience of another resident
- it repeatedly runs at or chases another resident or animal
- it attacks or menaces another resident or animal
- it repeatedly causes damage to the common property or another lot
- it endangers the health of another resident through infection or infestation
- it causes a persistent offensive odour that penetrates another lot or the common property
- for a cat – the owner of the cat fails to comply with a nuisance order issued under the Companion Animals Act 1998, section 31
- for a dog:
 - ◊ the owner of the dog fails to comply with a nuisance order issued under the Companion Animals Act 1998, section 32A,

or

- ◊ the dog is a restricted dog under the Companion Animals Act 1998, section 55(1), or
- ◊ the dog is declared to be dangerous or menacing under the Companion Animals Act 1998, section 34.

Any one of the above circumstances is considered an unreasonable interference. However, it is not an exhaustive list. Owners corporations that believe an animal has caused an unreasonable interference in circumstances other than those listed above may wish to seek legal advice.

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