

# NSW Fair Trading Confirms New Strata Pet By-laws

Traditionally, keeping animals in apartment or unit buildings have been sternly frowned upon.

Rigid by-laws (the rules governing the day-to-day 'housekeeping' of the strata scheme) imposed by owners corporations have tended to be rigid and often subject to change at very short notice – and often not generally in favour of the tenant – and have led to many unfortunate events occurring where 'hidden' pets have been revealed in the most unpleasant circumstances, resulting in hefty fines and/or fractured (or terminated) living arrangements.

And with an estimated one in five people in New South Wales living within a strata scheme, the chances of a potential (or current) tenant owning a pet are high.

Essentially, pets should not be kept in strata accommodation without owners being sure of the relevant [pet by-laws](#) and obtaining the necessary approvals. Pet owners are affected by both their strata community's by-laws and their state legislation (although owners corporation consent is not necessary to keep a guide dog in a strata scheme).

When renting in a strata building, the by-laws should be reviewed and the real estate agent should confirm with the landlord of the property whether a pet is allowed. When buying, the terms of the [by-laws](#) should be confirmed with the owners corporation, and those terms should be explained to the purchaser by an experienced strata lawyer prior to entering into a contract.

Under recent legislation reviews in New South Wales, the NSW Fair Trading Minister has confirmed that changes to the legislation include default by-laws being altered so that pets

will be allowed, subject to 'reasonable' approvals and conditions set by executive committees, or owners corporations.

However, if an existing strata scheme has a by-law which bans pets that ban remains in place under the new legislation. Equally, if an existing strata scheme wishes to allow pets, a by-law will still need to be voted in. If a new strata scheme wishes to ban pets it can do so by introducing such a by-law, if a 75% majority vote is obtained.

[Adrian Mueller](#), specialist strata title lawyer with Sydney's JS Mueller & Co, says "that the changes will have an impact on new strata buildings as the new laws will apply to them. But the new laws will not apply to existing buildings unless owners corporations choose to adopt them."

A professional speaker at forums on strata law for strata managers state-wide, [Adrian](#) says, "often people do not bother to check the by-laws before moving into an apartment. This is foolish and can lead to significant and expensive problems for pet owners."

With by-laws and state legislation being updated regularly, the advice from JS Mueller & Co is that pet owners should always obtain a copy of their [strata by-laws](#) from the owners corporation and legal advice should also be obtained. Should a dispute arise assistance is also available from the relevant state government department, NSW Fair Trading.

For NSW strata legal or levy collection advice please contact us [here](#) or call 02 9562 1266, we're happy to assist.