

Pets and Strata – The Next Chapter!

What is the Next Chapter for Pets and Strata?

If you are an owner or occupier of strata property, you could not help but notice the flurry of activity over the last couple of years, both at a legislative level and in the Courts of New South Wales in relation to the question of pets.

In the next (but probably not the last) instalment of this saga, the New South Wales Government is implementing amendments to the legislation and to regulations, to commence on 25 August 2021.

Amendment to the *Strata Schemes Management Act 2015*

Commencing on 25 August 2021, section 137B will be inserted into the Act. Section 137B effectively prevents a by-law, or a decision of an owners corporation under a by-law, from banning the keeping of an animal within a strata scheme unless the animal unreasonably interferes with another occupant's use and enjoyment of their lot or the common property.

The question which arises from this section is what is meant by *“unreasonably interferes with another occupant's enjoyment of their lot or the common property”*?

The New Regulation

Also, now to commence on 25 August 2021 is the Strata Schemes Amendment (Pets) Regulation.

The specific purpose of this regulation is to set out, for the purposes of section 137B, the circumstances in which the keeping of an animal unreasonably interferes with an owner or

occupant's use and enjoyment of their lot.

In short, this new regulation says that an animal will cause an "unreasonable interference" with an owner or occupant's use and enjoyment of their lot if:

- the animal makes a noise which interferes with the peace, comfort and convenience of another occupant;
- the animal repeatedly runs at or chases another occupant, visitor or another animal;
- the animal repeatedly causes damage to the common property or to another lot;
- the animal endangers the health of another occupant through infection or infestation;
- the animal causes a persistent offensive odour that penetrates another lot or the common property; or
- for dogs and cats, the owner of the animal fails to comply with orders under the *Companion Animals Act 1998*.

The provisions also pick up the provisions of the *Companion Animals Act 1998* which refer to a "restricted" dog and a "menacing or dangerous" dog. Those dogs will be able to be banned from strata buildings.

Conclusion

It will be interesting to see whether these additions to the strata legislation assist or provide more interpretive problems for owners corporations.

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