

1. Strata law in WA

Strata communities in Western Australia are subject to the *Strata Titles Act 1985* (WA).

The default by-laws in that statute include this by-law relating to pets:

A proprietor, occupier or other resident shall not, subject to section 42(15) of the Act, keep any animals on the lot that he owns, occupies or resides in or the common property after notice in that behalf given to him by the council.

This means that the default position in Western Australia is that an owner, occupier or resident can keep a pet in the scheme unless the strata council determines otherwise. The section 42(15) exception is that strata council cannot prohibit or restrict a partially or completely blind person from keeping or using a guide dog in the scheme.

This default by-law applies to all schemes unless they have created and registered their own by-laws. Different strata communities may want to create or may have already created different by-laws concerning pets – know the by-laws of your community to know whether pets are allowed and whether any other rules about pets exist.

2. Application and Agreement Forms

If a strata community allows pet ownership and if the by-laws permit, pet application and agreement forms are a way for schemes to control pet ownership. Such forms can help to establish rules and awareness of community expectations for pets. They also allow approval and disapproval of pets on a case by case basis. Meetings may even be arranged to verify the animal's good behaviour and training.

Application forms allow the scheme to keep track of pet owners, the pet they own and can also encourage registration and vaccination of pets within the building. The application might include a photo of the pet, a description, breed, age, vaccination dates and types, microchip information and previous owner references.

An agreement form can set out the community expectations and obligations of pet owners if their pet application form receives approval. The responsibilities of a pet owner under the agreement can be provided to all members of the community so everyone has the same expectations, avoiding petty and unnecessary disputes. The agreement should detail how the pet is to be kept, trained and maintained. If these policies and rules are well communicated to the owner of the pet, they can be better expected to comply with them and to understand the responsibilities involved in keeping a pet in their strata community.

The agreement may deal with liability for damage caused by the pet to common

areas and individual lots. Precautions can be taken to identify foreseeable accidents where pets are present on the property and attribute liability to the owner of the pet to avoid disputes over responsibility for costs of damage between pet owners and their neighbours or the body corporate. The agreement may wish to encourage pet owners to make use of pet insurance.

The agreement may also provide dispute resolution processes and steps the owner must take where a complaint has been made about their pet. The strata manager or strata company may provide complaint forms to residents to make formal complaints where a pet is proving to be a nuisance. Such forms can help to avoid complaints or disputes between members of the strata community. More informal suggestions for dispute resolution may also be included, such as polite and positive ways to approach a neighbour about an issue with their pet. Other helpful information may also be included, such as how to keep a log of repeated pet incidents, local council laws relating to the keeping of pets, pet waste and pet noise and methods of complaint to the local government about pets.

As the agreement places obligations and duties on the pet owner, it is also a good idea to provide for consequences for breaches of the agreement. It may provide that if the agreement is breached, consent for the pet may be withdrawn. Other reasonable consequences could be included, such as banning untrained pets or pets seen to be a possible safety hazard from common property.

If pet application and agreement forms will be implemented, have procedures in place to deal with them quickly and efficiently – particularly in larger strata schemes. Lengthy processing times for pet applications may prevent purchases or rental agreements from being settled where the ability to own a pet is a deciding factor for the prospective resident. Consider whose role it will be to process these forms and keep them correctly filed and up to date.

Pet owners should keep a copy of their agreement so they can refer to their obligations and responsibilities at any time in the future. It's a good idea to provide a copy of the community's policies on pets to everyone, including non-pet owners. Universal knowledge and understanding of the rules can prevent disputes, and knowledge of dispute resolution avenues for issues concerning pets will prevent any issues that arise from being poorly dealt with.

3. Managing Pets in Common Areas

Strata Councils

Established rules will ensure that pets do not become a nuisance in common areas.

These rules can be provided to all members of the community and can be included in

the pet agreement form. In some strata communities, pets may be allowed in common areas. If pets are allowed off the leash in some areas, it is a good idea to designate the area so as not to cause any confusion or disruption within the community.

Dog Owners

All pet owners should be considerate of their neighbours. Some people can be fearful or uncomfortable around dogs – not everyone grew up with pets and some may have had bad experiences with dogs in the past. If you will take your dog into common areas, it should be well trained. Be able to keep your dog quiet, prevent it from running or jumping at people and ensure that it comes when called. To achieve this, you may need to go through professional training with your dog. Your dog should only ever be off the leash and playing in common areas if they are designated areas.

Cat Owners

It is normal for cats to stay indoors all the time and this may be a rule stipulated by the strata manager. Keeping your cat indoors can improve their lifespan, protect local wildlife, reduce hygiene issues and prevent catfights in your area. Keeping your cat indoors may be wise if there are dogs moving throughout common areas to prevent fights from breaking out between animals. If you take your cat through a common area, it is prudent to use a cat carrier.

4. Pet Waste

Strata Councils

Having clear policies distributed to all community members and clear obligations written into pet agreements can alleviate issues that may arise where pet waste is concerned. The rules should obligate pet owners to immediately clean up their pet waste and appropriately dispose of it. Pet owners should also be required to toilet train their pets to avoid accidents.

To prevent owners from using the excuse of 'not having a plastic bag' to avoid cleaning up their pet's waste, provide plastic bags in the common areas. Install a dispenser that residents can draw from if their pet creates waste and provide a bin for disposal of cleaned up waste to ensure that none is left lying around.

Dog Owners

Dog poo must not be left on the ground – it can carry disease and parasites that may be harmful to humans. If you have no yard, you can take your dog for a walk to a grassy spot two to three times per day, taking a plastic bag to clean up the waste or you can use a pet toilet in your home. Dogs can become regular in their toileting habits with a reliable routine.

It is essential to toilet train your dog so that waste does not become an issue. If you are finding it difficult to successfully train your pet, you can enlist the help of a professional trainer.

Cat Owners

Cat faeces can contain toxoplasmosis, a disease that can be fatal to pregnant women. Luckily, cats require little toilet training. If you plan to keep your cat indoors, you must teach it to use a litter tray. Cats can be encouraged to use their litter trays properly by ensuring that they are big and deep enough for your cat, kept clean and well away from any feeding areas.

5. Pet Noise

Strata Councils

Strata councils can take the precaution of providing community members with steps to follow if excessive pet noise is causing problems for members of the community. If a pet is making lots of noise, the owner should be notified – they may not even know that there is an issue if their pet is being noisy when they are absent.

If notifying the owner does not solve the problem, neighbours should keep a log of the pet noise, detailing when it happens and how long it lasts. This may help the owner resolve the problem. If it does not, pet owners can make a formal complaint to the strata council. As pet owners and other residents are also subject to the laws of the local government, formal complaints may also be made to it.

Dog Owners

A dog barking is one of the most common pet-related complaints. If you have received a complaint about your dog barking while you are not home, you may not even have known of the issue. Stay positive, thank the complainant for letting you know about the issue and work on a solution.

Speaking to a trainer or a veterinarian may help you find a solution to your dog's noise, depending on whether it is a behavioural issue or a separation anxiety issue. You can try several different methods to quieten your pet: keeping them inside, providing more toys or company, giving your dog extra exercise or using a citronella collar. Finding the reason for your dogs barking may help you find a resolution –the dog may bark because it is lonely or bored.

Cat Owners

Keeping cats indoors can prevent the noise of cat fights. However, indoor cats may cry to be let out. This problem can often be solved by enriching a cats indoor environment: providing a scratching post or climbing platform, exercising your cat by

playing with it, ensuring your cat has a window to look out of and by providing simple toys such as scrunched up paper balls, plastic bottle tops or cardboard boxes. A cat's boredom may also be cured by the adoption of a second cat – the two can entertain one another.

6. Planning for pet-friendly strata

Pet-friendly strata residences have the potential to attract more people and have low turnover rates and higher profitability. Many pet-owners are prepared to pay a premium rent to live where they may also keep their pet. Such renters can also make better tenants, as they know of the difficulty of finding another pet-friendly home. Good design, good management and sensible by-laws can set up a strata community to allow pet owners to manage their pets responsibly.

Designers and Developers

Designers can provide quality space for pets even in a small area, for example, by including a small internal courtyard where pets may go outside. Design can also help confine pets safely within clear boundaries by providing balconies with safe railings, positioning yards where dogs will not be tempted to display boundary-guarding behaviour and providing communal grassed areas where pets can play. If a strata development will be pet-friendly, the design should also include good sound insulation to prevent neighbours from being subjected to the nuisance of animal noise.

Strata Councils

Issues can be prevented by having clear policies in place – including the pet application and agreement forms already discussed. The creation of appropriate by-laws that manage risks and allow for quick problem resolution also set up a pet-friendly community for success. Some developments further support the pet-owners of the community by holding pet-friendly social events, such as fundraisers and dog walking groups.

7. Benefits of allowing pets in strata schemes

There are several benefits to allowing pet-ownership which developers and strata councils should consider.

Increased property values

Australian research, financial and property experts indicate that pet-friendly properties sell for higher prices.¹ Two-thirds of Australians own pets and by excluding pets from strata communities, a community excludes two-thirds of the population as possible buyers.

¹ Pro-media Public Relations, 'Pets Rule in Residential High Rise Market' (Media Release 11/09/06)

Increased rental returns

As we have so many pet owners in Australia, pet-friendly strata rentals attract more people who may pay premium rent (7 – 14% higher). Pet-friendly properties rent faster and tenants stay longer.²

Strong communities

Western Australian research indicates that pets in communities help humans better connect with one another.³ They encourage social interaction and improve perception of neighbourhood friendliness: a person walking with a dog is more likely to stop talk to another person walking with a dog.

Better health

Pet owners visit the doctor less frequently, exercise more and feel less lonely than those who do not own pets. They offer healthy companionship, social interaction and exercise.

Few issues are associated with pets in strata

First, pet-friendly strata communities are not likely to be overrun with pets. Applications to keep a pet can be judged on the individual merits of the animal and owner and only responsibly owned and maintained pets need be permitted. Many people mistakenly believe that a large house and garden is required to keep a pet, but many cats and dogs can live happily in an apartment or other small dwelling. A survey of Australian residents in smaller strata dwellings found they reported the same high levels of satisfaction with pet ownership as those living in larger areas.

Reduces animal euthanasia

If pet-owners cannot find a pet-friendly place to live, this can lead to pets being put down or surrendered to shelters. This causes issues for animal welfare – up to 30% of surrendered animals are surrendered because of inability to find suitable accommodation.⁴

² *'Pets in the City, a Qualitative and Quantitative Research Report'*, Blue Moon Research Petcare Information and Advisory Service, June 2008.

³ Wood, Lisa, *'The Pet Connection: pets as a conduit for social capital?'* 2005, *Social Science and Medicine*, Volume 61, Number 6, 1159-1173.

⁴ D Nancarrow, *'Vet Pleads for Landlords to Welcome Pets'*, *Brisbane Times* (Brisbane) 11/01/2012.