

Commissioner Foreword



Welcome to our third quarterly edition of Common Ground for 2022.

Our Information and Community Education Unit has been busy preparing information for our clients about how the changes to the Residential Tenancies and Rooming Accommodation Act 2008 may affect tenants in community titles schemes in Queensland.

Our first article in this edition outlines the tenancy pet reforms and provides information for tenants and landlords who own or rent in a community titles scheme. Our second article provides information on how guide, hearing and assistance animals are treated in a community titles scheme.

Our fact sheet, which you can access through the link below, specifically addresses how tenants seek permission from a body corporate to keep a pet.

We have also created a webpage – [Renting in a body corporate](#) – which provides general information for tenants and landlords in relation to by-laws, maintenance, decision making and disputes.

The Residential Tenancies Authority invited us to participate in their webinar – [Rental Law changes - renting with Pets](#). In the webinar, we discuss body corporate by-laws and the approval process.

In other news we have made some minor changes to our dispute resolution forms. The requirement to provide a traditional or 'wet' signature to the Adjudication and Conciliation application forms has been removed. This will make submitting the forms much easier for our clients as they will no longer have to print the form out to sign it – they can simply save the downloaded document and email it to us with their other information for the dispute application. Applicants can complete online dispute application forms on our website.

[Conciliation application](#)


[Adjudication application](#)

David Sutherland
A/Commissioner for Body Corporate and Community Management



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 1 October 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.

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 land.
- 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. Whilst 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.

More information can be found in our fact sheet about [tenants seeking permission for a pet](#).

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 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](#)
- [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.



Assistance animals and companion animals in a body corporate

The keeping of animals in community titles schemes can be a highly emotive topic. Whether an owner or occupier can keep an animal is generally a decision that requires approval of the body corporate committee under the scheme's by-laws.

However legislation treats guide, hearing and assistance dogs differently to pets. Bodies corporate need to be aware that it is not just the *Body Corporate and Community Management Act 1997* (the BCCM Act) that applies when dealing with people with disability who rely on a certified guide, hearing or assistance dog.

When it comes to an animal which is a guide, hearing or assistance dog, [section 181](#) of the BCCM Act provides that a person who has a disability under the Guide, Hearing and Assistance Dogs Act 2009 and relies on their animal, does not need to ask permission before bringing a dog into a body corporate property. If the person is the owner or occupier of a lot, they also have the right to keep the dog on the lot. These rights apply regardless of scheme by-laws relating to animals.


Guide, hearing and assistance dogs are certified under the Guide, Hearing and Assistance Dogs Act 2009. Most people recognise the traditional labrador breed as a guide dog for the visually impaired, however assistance dogs can be almost any breed and can assist people with a variety of disabilities in their day-to-day lives. They can be recognised by the badge that they have on their harness or coat.

But what about companion and emotional support animals?

Our community education and information unit often receives enquiries from owners and occupiers who want to bring an animal into their scheme, because they have bought it to help them or their child with mental health issues or other conditions. Undoubtedly companion animals do provide support to their owners. However, certified assistance dogs are different from pets, and companion and emotional support dogs. Assistance dogs are specifically trained to help people with disability to perform specific tasks and to participate actively in public life and personal activities, which helps their handler to function independently and reduce their need for support.

As companion or emotional support animals do not fall within the meaning of an assistance dog under the Guide, Hearing and Assistance Dogs Act 2009, their owners do not have the same automatic rights under the BCCM Act as those with a certified assistance dog.

This means they will need to seek approval for their animal if their body corporate by-law requires it. The



committee must act reasonably when considering whether to approve a request to keep an animal in a body corporate.

It is important that when the committee considers a request to keep an animal they acknowledge and consider any rights the owner or occupier has under other laws, such as the *Disability Discrimination Act 1992 (Cth)* and *Queensland Anti-Discrimination Act 1991*.

If an owner or occupier asks for approval of an animal and the body corporate committee says no, the owner or occupier may make a dispute resolution application to the Commissioner's office if they believe the committee's decision was unreasonable. However they may also be able to make a complaint to the Queensland Human Rights Commission.

Previous orders made regarding the approval of pets in bodies corporate can be searched on www.austlii.edu.au.

More information relating to the *Queensland Anti-Discrimination Act 1991* can be obtained from the Queensland Human Rights Commission on 1300 130 670 or www.qhrc.qld.gov.au.

More information on guide, hearing and assistance dogs legislation is available on the [Department of Communities, Disability Services and Seniors](http://www.qld.gov.au/communities-disability-services-and-seniors) website.

For general information about body corporate legislation, you can contact the Office of the Commissioner for Body Corporate and Community Management on 1800 060 119 or www.qld.gov.au/bodycorporatequestion.



Asking for a pet fact sheet

This fact sheet provides detail about the steps a tenant in a body corporate must take to ask for permission to keep a pet.

[Tenants in a body corporate asking for approval for a pet](#)

Renting with pets webinar

Our office has joined the Residential Tenancies Authority (RTA) to provide information on the changes to tenancy laws about pets and how this may affect community titles schemes in Queensland.

[RTA and BCCM Webinar: Renting with Pets](#)

Renting in a body corporate webpage

Our new webpage covers the rights and responsibilities of tenants and landlords who are letting units within community titles schemes in Queensland.

[Renting in a body corporate](#)



Previous editions of Common Ground

You can access previous editions of Common Ground and manage your subscription details by clicking the link below.

[Previous editions](#)



Body Corporate and Community Management

www.qld.gov.au/bodycorporate

1800 060 119

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