# Detailed Reference Guide 14: Pets in rental properties

This reform will start by 29 March 2021.

## New requirements

### Requesting consent to keep a pet

Renters can keep pets either with the written consent from the rental provider or a VCAT order that permits them to keep the pet on the rental property.

A pet means any animal other than an assistance dog within the meaning of the *Equal Opportunity Act 2010*.

Before keeping a pet on the rental property, the renter must request consent from the rental provider. The renter must use the Director-approved form to request the rental provider’s consent.

The rental provider must not unreasonably refuse consent to the keeping of the pet on rented premises. To refuse to give consent, the rental provider must go to VCAT and get an order declaring that the refusal of consent is reasonable and the pet is excluded from the property.

The rental provider has 14 days to apply to VCAT for an order, otherwise they will be taken to have consented to the renter’s request.

VCAT may order that the renter is permitted to keep the pet, or that is reasonable for the rental provider to refuse consent and make an order excluding the pet from the property. The factors that VCAT may consider when determining whether it is reasonable to refuse consent to keeping a pet are:

* the type of pet the renter proposes to keep, or is keeping, on the property
* the character and nature of the property
* the character and nature of the appliances, fixtures and fittings on the property
* whether refusing consent to keep the pet on the property is permitted under any Act
* any prescribed matters, and
* anything else VCAT considers relevant.

An order excluding the pet must specify the date on which the order takes effect.

### What if a pet is being kept without the rental provider’s consent?

If the rental provider reasonably believes that the renter is keeping a pet without their consent, they may apply to VCAT for an order to exclude the pet from the property. VCAT may consider the same factors as above when determining whether the pet should be excluded.

An order excluding the pet must specify the date on which the order takes effect.

This only applies if the pet was brought into the property after the new laws commenced.

### Contravention of a VCAT exclusion order

If VCAT makes an order excluding a pet from the property and the renter does not comply with the order within 14 days after it takes effect, then the rental provider will be able to give a 28-day notice to vacate.

## Previous requirement

Previously, the *Residential Tenancies Act 1997* was silent on the keeping of pets in rental properties.

## Requiring further specification

* The form to request consent from the rental provider for keeping a pet (to be approved by the Director).
* Additional matters to be considered by VCAT when determining whether it is reasonable to refuse consent to keeping a pet may be prescribed.

## Relevant legislation in the *Residential Tenancies Act 1997*

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| Part 2, Division 5B | Pets (sections 71A to 71E) |
| 91ZZG | Notice to vacate when pet kept without consent |

Note: the definition of ‘pet’ is contained in section 3.

Note: This was Reform 31 in the Fairer Safer Housing review.