

Decision of the Commissioner for Consumer Protection

Section 11J(2) *Residential Tenancies Act 1987*

Application Number: [redacted]
Application Type: Landlord application to refuse pet request
Premises: [redacted]
Bond held: Nil
Tenant: [redacted]
Landlord: [redacted]

Decision

The Commissioner orders:

1. The landlord's application is approved.
2. The tenant is not permitted to keep the requested pet at the premises.

Request

On 7 May 2025, the tenant requested to keep [redacted], a Rottweiler cross Staffordshire Terrier (the requested pet) at the premises, following the process established in the *Residential Tenancies Act 1987* (WA) (RTA).

Application

On 15 May 2025, the landlord applied to Consumer Protection for approval to refuse the tenant's request.

The landlord's refusal was on the grounds that:

- The requested pet is a 'dangerous dog' as defined in the Dog Act 1976 (WA).
- Keeping the requested pet at the premises would pose an unacceptable risk to the health and safety of a person.

Evidence

The landlord and tenant were invited to provide evidence to support their views about the application.

The landlord provided the following evidence:

- Application to the Commissioner.
- Pet Request Form 25.
- City of [redacted] Declaration.
- Written submissions to Consumer Protection.
- Ingoing Property Report.
- Lease Agreement.
- Copies of emails between officers at City of [redacted].

The tenant provided the following evidence:

- Written submissions to Consumer Protection.
- Medical Certificate.
- Assessment letter for requested pet.
- Letter from dog behaviourist.
- Letter from lawyer.
- Videos of the requested pet.
- Training programmes.

Law

Under the RTA, tenants have the right to keep a pet at their rental premises with the landlord's approval.¹

The tenant is responsible for any damage or nuisance caused by a pet they keep at the premises.²

Landlords have the right to apply to Consumer Protection for an order allowing them to refuse the pet request.³

When an application is received, the Commissioner is required to either:

- approve the landlord's application; or
- order the landlord to approve the tenant's request.⁴

The Commissioner may approve this application if satisfied that the grounds claimed by the landlord are established. In this case, the claimed grounds are:⁵

- The requested pet is a 'dangerous dog' as defined in the Dog Act 1976 (WA).
- Keeping the requested pet at the premises would pose an unacceptable risk to the health and safety of a person.

The landlord is responsible for demonstrating that at least one of these grounds apply.

Reasons for Decision

As a delegate of the Commissioner, I have reviewed all evidence. Only the evidence relevant to deciding this application is mentioned in these reasons for decision.

Is the requested pet a 'dangerous dog' as defined in the Dog Act 1976 (WA)?

The landlord provided Consumer Protection with a copy of a 'Dangerous Dog Declaration' issued by the City of [redacted] on 2 April 2025.

The declaration states that the requested pet has been declared a "Dangerous Dog" under section 33E of the *Dog Act 1976* (WA).⁶

This declaration imposes various control requirements on the requested pet, including that [redacted], [redacted], [redacted] [redacted] per section 29 of the *Dog Regulations 2013* (WA).

The declaration sets out the reasons why the requested pet has been declared a Dangerous Dog. The reasons are extracted below:

¹ Section 50A *Residential Tenancies Act 1987* (WA).

² Section 50I *Residential Tenancies Act 1987* (WA).

³ Section 50E(1) *Residential Tenancies Act 1987* (WA).

⁴ Section 50E(2) *Residential Tenancies Act 1987* (WA).

⁵ Section 50E(3) *Residential Tenancies Act 1987* (WA).

⁶ "Dangerous Dog" is defined in section 3(1) of the *Dog Act 1976* (WA). This definition includes a Dangerous Dog (declared) under section 33E(1) of the *Dog Act 1976* (WA).

[redacted] has now been involved in 7 attacks on either animals or humans.... [redacted] has dealt with a previous attack and at the time [redacted]'s owner stated that [redacted] will/has had [redacted] in training if training has occurred no benefits can be seen as [redacted] continues to inflict injury on others.

[redacted]'s owner has submitted a solution where more training is being looked into, but this is only reliant on [redacted] being an integral part of the solution, [redacted] feels that this may not be sustained.

Previously infringements have been issued but with the level of attacks now increasing a more direct approach is required to maintain community safety.

Evidence from the tenant and landlord confirm that the tenant has applied to the State Administrative Tribunal of Western Australia to revoke the Dangerous Dog Declaration in relation to the requested pet [redacted] [redacted] [redacted].

The tenant supplied evidence to show that the requested pet is undergoing training and being assessed by a Dog Behaviourist. This evidence does not alter my finding that, at the time of writing this determination, the requested pet is a declared Dangerous Dog.

Having regard to all of the evidence before me, I am satisfied that the requested pet is a Dangerous Dog under the *Dog Act 1976* (WA).

Given that I am satisfied that a ground for refusal applies, the second ground for refusal (risk to health and safety) will not be discussed in these reasons for decision.

Appeal

A tenant or landlord who is dissatisfied with this decision can appeal to the Magistrates Court of Western Australia. Appeals must be lodged within seven days after receiving this decision, or a later date if leave is granted by the Court.

The appeal can be started by lodging both a [Form 1B – Appeal Against Registrar’s Decision](#) and a copy of this notice with the Magistrates Court online at ecourts.justice.wa.gov.au/eCourtsPortal.

For information about appealing the decision see <http://www.commerce.wa.gov.au/consumer-protection/commissioner-determinations>.

Signed

[redacted]

Delegate of the Commissioner for Consumer Protection

DATE OF ORDER AND WRITTEN REASONS

5 June 2025