

# 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:** \$3600  
**Tenant:** [redacted]  
**Landlord:** [redacted]

### Decision

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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

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On 28 January 2025, the tenant requested to keep a [redacted] medium size Rottweiler [redacted] (the requested pet) at the premises, following the process established in the *Residential Tenancies Act 1987* (WA) (RTA).

### Application

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On 29 January 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 premises are unsuitable for keeping the pet.

### Evidence

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

The landlord provided the following evidence:

- Written submissions to Consumer Protection.
- Pet Request Form.
- Verbal submissions to Consumer Protection.
- Copy of Tenancy Agreement.
- Incoming Property Condition Report.
- Images of the premises.

The tenant provided the following evidence:

- Written submissions to Consumer Protection.

- Images of the premises.
- Written references for requested pet.
- Vaccination certificate for requested pet.
- Risk assessment.
- Care schedule for requested pet.

## Law

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

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

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

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.<sup>4</sup>

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

- The premises are unsuitable for keeping the pet.

The landlord is responsible for demonstrating that the above reason applies.

## Reasons for Decision

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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.

### Are the premises unsuitable for keeping the pet?

The tenant advised the requested pet is a therapy dog [redacted] [redacted], and will not be kept at the premises permanently, but instead on a rotation basis [redacted]. The tenant states the requested pet has a calm demeanour, is used to [redacted] [redacted] and would remain indoors most of the time. The tenant states the requested pet is trained to avoid an electric fence.

The premises is a two-story house with [redacted], situated on a [redacted] farm. The surrounding farmland and [redacted] units near the premises are rented out to other tenants. Some of the fencing in the surrounding farmland is electric fencing.

The landlord is concerned that the requested pet will interfere with the [redacted] kept on the farmland surrounding the premises. The landlord is concerned the requested pet will chase [redacted] and either lead them onto [redacted] high-speed road (causing a traffic accident) or into the dam (leading to drowning or injury).

The RTA provides examples of why a premises may be unsuitable, such as lack of fencing and open spaces.

Images of the premises provided by both parties show the outside area at the front of the premises is not fenced.

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<sup>1</sup> Section 50A *Residential Tenancies Act 1987* (WA).

<sup>2</sup> Section 50I *Residential Tenancies Act 1987* (WA).

<sup>3</sup> Section 50E(1) *Residential Tenancies Act 1987* (WA).

<sup>4</sup> Section 50E(2) *Residential Tenancies Act 1987* (WA).

<sup>5</sup> Section 50E(3) *Residential Tenancies Act 1987* (WA).

The premises has a back yard which has inadequate fencing. Images provided by the landlord show the fencing is low waist height in some areas. There is a visible gap between two fencing panels, which the requested pet could squeeze through. In some areas the fencing panels are tied together with what appears to be a rope, in an insecure manner.

The fencing is insecure and does not prevent the requested pet from roaming into the [redacted], the dam, the [redacted] road, or other premises nearby. Having regard to all the evidence before me, I am satisfied the premises are unsuitable for keeping the requested pet.

### **Appeal**

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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](https://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**

20 February 2025