

# Decision of the Commissioner for Consumer Protection

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

<b>Application Number:</b>	[redacted]
<b>Application Type:</b>	Landlord application to refuse pet request
<b>Premises:</b>	[redacted]
<b>Bond Amount:</b>	\$3,200
<b>Tenant(s):</b>	[redacted] (the tenant)
<b>Landlord(s):</b>	[redacted] (the landlord)

### 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 [redacted] 2025, the tenant requested to keep a three-month-old large breed Cane Corso dog (the requested pet) at the premises, following the process established in the *Residential Tenancies Act 1987* (WA) (RTA).

### Application

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On [redacted] 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:

- Tenancy Agreement (Form 1AA).
- Ingoing Property Condition Report (PCR).
- Email trail between the tenant and property manager.
- Pet Request Form (Form 25).
- Management Authority Agreement.
- Written submissions to Consumer Protection.
- Strata by-laws.
- Department of Primary Industries and Regional Development – Health and Welfare of Dogs in Western Australia document.
- Verbal statements to Consumer Protection.

The tenant provided the following evidence:

- Written submissions to Consumer Protection.
- Verbal statements to Consumer Protection.
- Email trail between the tenant and property manager.
- Photos of the premises.

## 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>

Landlords have the right to apply to Consumer Protection for an order allowing them to refuse the pet request.<sup>2</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>3</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>4</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 the requested pet?**

The RTA provides examples of why a premises may be unsuitable, such as lack of fencing, insufficient open spaces, and any other thing necessary to humanely keep pets.

The premises are a three-bedroom house on a 360sqm lot located within [redacted].

In their written submissions to Consumer Protection, the landlord expressed concerns over the height of the front and rear fences at the premises as they are 1.2m high. The landlord raised concerns that the fences are not high enough to contain the requested pet, which could impact children, the [redacted] gardens, and local wildlife and livestock around the premises.

The Shire of [redacted] *Dogs Local Law* [redacted] requires fences to be of a type, height and construction that would prevent the requested pet from passing over, under or through it.

The PCR provided by the landlord includes photos of the premises. These, along with the photos provided by the tenant, show the fencing around the premises does not appear to be of a suitable type or height to securely contain the requested pet because:

- The fencing is made of wire mesh with wooden posts.
- The front and back fence and gates are of a low height.
- The fencing down the sides of the premises has no support across the top of the wire.
- Some sections of fencing don't appear to be secured at the bottom, which could allow the requested pet to dig underneath.

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<sup>1</sup> [redacted].

<sup>2</sup> [redacted].

<sup>3</sup> [redacted].

<sup>4</sup> [redacted].

The requested pet, being a [redacted] Cane Corso, will grow on average to a shoulder height of 60cm to 64cms, a length of 66-71cm and a weight of 40-45kg during the term of the lease.

In considering the suitability of the premises for the requested pet, I must ensure compliance with the Shire of [redacted] *Dogs Local Law* [redacted].

Given the height and construction of the fences and gates at the premises, and considering the characteristics of the requested pet, I am not satisfied the Local Law can be complied with.

For these reasons, I am satisfied that the premises are unsuitable for keeping the requested pet.

### **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](http://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**

15 September 2025