

# Submission to the Heading for Home Residential Tenancies Act Review

Submission from the Australian Veterinary Association Ltd (Victorian  
Division) to the Options Discussion Paper



[www.ava.com.au](http://www.ava.com.au)  
© The Australian Veterinary Association Limited





### February 2017

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals (such as cattle and sheep), and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We also have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

The AVA Victorian Division (AVA) appreciates the opportunity to contribute to the Review and notes that a major theme in the Review is issues with pets in rented premises. Not surprisingly, the AVA will only comment to the consultation areas on pets in rented premises.

### **Benefits of pet ownership**

The community benefits from the ownership of companion animals, i.e. the human–animal bond. These benefits include companionship, assistance for people with special needs, education, health and social improvements for individuals. Ownership of pets contribute to a number of health benefits such as fewer doctor visits, reduction in stress, overall improvement in mental health and increased social support for individuals (Ferry, 2007; O’Haire, 2010). Pet ownership can improve cardiovascular health - with dogs in particular acting as a stimulus for exercise (Walsh, 2009). Research shows that pet ownership encourages physical activity and that children aged 5-6 in a family that own a dog are less likely to be overweight or obese compared with those who do not own a dog (Timperio et al., 2008). Studies have also shown that exposure to pets in early childhood may reduce the incidence of allergies linked to asthma and help to strengthen the immune system (Gearn, et al., 2004). Studies have found a correlation between the presence of companion animals and the alleviation of depression, loneliness and low morale whilst dealing with chronic illnesses and positive impacts of coping with diseases such as heart disease, dementia and cancer (Walsh 2009). All of these health benefits contribute to significant savings in human health expenditure each year.

### **Pet ownership statistics**

According to data from the 2016 Animal Medicines Australia report, *Pet ownership in Australia*, it was estimated that there were more than 24 million pets in Australia. At 62%, Australia continues to have one of the highest household rates of pet ownership in the world with around 5.7 million of Australia’s 9.2 million households being a home to a pet. Dogs remain the most popular type of pet with almost two in five households (3.6 million) owning a dog. There was an estimated dog population of 4.8 million in 2016; 20 dogs for every 100 people. The dog population rose slightly from 2013 to 2016 by approximately 600,000. Cats were the next most common type of pet with nearly three in 10 households owning a cat (2.7 million). While cat ownership remained stable from 2013 to 2016, the cat population increased from 3.3 million to 3.9 million during that period; 16 cats per 100 people. Fish were the most numerous pet type, with a total population of 8.7 million in 2016; this is down by 2.4 million compared to 2013. Bird ownership is also down by 11% (526,000 birds) compared to 2013 with a total bird population of 4.2 million in 2016. There were close to 2.5 million other pets in 2016 including 537,000 small mammals and

415,000 reptiles. The decline in fish and bird ownership led to a fall in Australia's pet numbers by almost 9% from 2013 to 2016. However, while the pet population shifted, household penetration of pets remained stable overall (63% in 2013 versus 62% in 2016).

### **Barriers to pet ownership in Australia**

Over half (53%) of Australians would like a new type of pet but of those only 13% confirmed that they intended to buy a pet in the next 12 months, which indicates there are significant barriers to owning a pet. The shift towards higher-density housing in urban areas of Australia to manage population growth is the biggest current threat to pet ownership in Australia – particularly in the current environment of landlords disallowing tenants to have pets and strict body corporate or strata rules that exclude pets in multi-dwelling developments.

Owning a pet and seeking rental accommodation that will allow you to keep your pet can be very challenging and can unfortunately eventuate into the pet owner having to choose between their ideal home and keeping their pet, resulting in pets being surrendered to animal shelters. This is neither a good result psychologically for the owner or the pet. The high demand for rental accommodation in Victoria allows landlords to choose between accepting a pet or not - without any real concern about tenanting their property.

### **Options Discussion Paper**

We note that section 2.1.1 *Security of Tenure of the Options Discussion Paper* notes that greater scope for tenants to have pets would make tenants feel more at home but in contrast notes landlords having concerns about the decline in the quality of the property associated with the freedom to keep pets. In section 2.1.3 *Rights and responsibilities of the Options Discussion Paper* it is stated that pets in rented premises were frequently a source of concern, with tenants taking the view that landlords often unreasonably withheld consent to a request to keep a pet. Landlords, on the other hand, expressed concern about their ability to validly enforce a 'no pets' rule through the tenancy agreement.

*In Section 5.2 Pets in rented premises* we note that many submissions called for the RTA to either increase or limit landlord discretion in relation to allowing pets. Submissions also questioned the extent to which it is reasonable for landlords to prevent tenants from keeping pets. In the Options Discussion Paper, Consumer Affairs Victoria's research reported that the reasons for landlord reluctance to allow pets include concerns that they will disturb neighbours or cause significant damage to the premises such as requiring fumigation, professional carpet cleaning, replacement of carpets and curtains that may exceed the bond. Additionally, in Owner's Corporation rules there may be prohibitions or limitations to the keeping of pets.

The AVA has considered the proposed options and recommends the adoption of Option 5.3A. Below we have addressed the consultation questions listed and populated them accordingly.

**33. Under option 5.3A, what would be an appropriate amount for a pet bond, and should the amount be calculated as equivalent to a number of weeks' rent for the tenancy?**

We believe it should be equivalent to one weeks' rent.

**34. How could the concern that introduction of a pet bond may disadvantage lower-income tenants with pets be addressed?**

Owning a pet comes with many responsibilities, including those that are financial. If there is difficulty, maybe the pet bond could be paid across a period of time of the lease contract.

35. Under option 5.3B, what cleaning-related obligations would be appropriate for inclusion in an optional clause in the standard prescribed tenancy agreement?  
This would depend on the type of animal and if the animal was contained indoors or not. The property should be left in the same condition as when the tenancy began (other than normal wear and tear). If the pet is indoors, a flea treatment of the property and removal of any pet waste should be mandatory. Carpet cleaning and fumigation may be necessary dependent on the pet.
36. How should option 5.3A and option 5.3B distinguish between costs and cleaning related to the pet, and costs and cleaning related to the regular bond and the state of the property?  
Pet waste removal, flea treatment of property and possible fumigation if necessary (agent could decide this) should be isolated to the pet bond. As is currently, the property must be left in a similar condition as to the commencement of the lease so any damage, regardless should be part of the general bond.
37. Would either, both, or neither of option 5.3A and option 5.3B be likely to incentivise more landlords to accept more tenants with pets?  
We are hopeful this would be the case but each landlord will have their own individual positions.
38. Is option 5.4 likely to facilitate reasonable compromises to be made in relation to pets in tenancies, and what other options could facilitate reasonable compromises?  
We don't believe that a 'no pets' clause should be enforceable. Council regulations govern animals in each municipality and if those are adhered to, there should be no reason for landlords to impose further restrictions.
39. What criteria would be appropriate for VCAT to consider under option 5.4, and should any other criteria be considered?  
Apart from the bullet points listed in 5.4, we believe adequate owner supervision should also be considered by VCAT. We are although opposed to Option 5.4.

## References

Ferry, L.A (2007). Adult Pet Attachments. ProQuest Information and Learning Company

Gearn, J., Reardon, C., Hoffjan, S., & Nicolae, D.(2004). Effects of dog ownership and genotype on immune development and atopy in infancy. *The Journal of Allergy and Clinical Immunology*, 113(2), 307-314

O'Haire, M. (2010). Companion animals and human health: Benefits, challenges and the road ahead. *Journal of Veterinary Behaviour*, 5, 226-234

Timperio, A, Salmon, J, Chu, B and Andrianopoulos, N. (2008), Is dog ownership or dog walking associated with weight gain in children and their parents? *Health Promotion Journal of Australia*. 19(1): 60-63

Walsh, F. (2009). Human-Animal Bonds 1: The Relational Significance of Companion Animals. *Family Process*, 48(4), 462-480