

## **TRIO BY-LAW | KEEPING AN ANIMAL**

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Subject to Section 139(5) of the Strata Schemes Management Act 2015, an Owner or Occupier of a Lot may keep an animal on the Lot if the animal is approved in accordance with this Strata by-law.

An Owner or Occupier may keep the following animals within the unit lot:

- (a) Maximum 2 dogs or 2 cats or combination (ie 2 animals in total)
- (b) Goldfish or other fish in a fishbowl or small indoor aquarium (maximum 5 gallon/21 litre tank)
- (c) 2 canaries, budgerigars or similar birds (to be kept indoors at all times)

### **Conditions for Keeping an Animal**

1. An Owner or Occupier who obtains consent in writing to keeping an animal in this Strata Scheme must also ensure:
  - (a) To the extent permitted by law, the animal (except a small caged bird or fish) must be microchipped and registered with the City of Sydney Council or any other authority having such jurisdiction.
  - (b) The keeping of any animal adheres to the City of Sydney Council Companion Animals Policy dated 19 April 2021, or any prevailing policy.
  - (c) the animal does not become dangerous, offensive, vicious, aggressive, noisy or a nuisance to another Owner or Occupier of a Lot;
  - (d) the animal does not enter the Lot of any other Owner or Occupier without their consent;
  - (e) the animal does not soil on the Common Property or Lot of any other Owner or Occupier;
  - (f) an Owner or Occupier must keep their Lot free of offensive odours likely to interfere with the peaceful enjoyment of other Lot Owners or Occupiers;
  - (g) that the animal does not engage in any destructive behaviour on the Common Property or the Lot of any other Owner or Occupier of a Lot;
  - (h) in the event that the animal is left unattended in the courtyard, balcony or terrace area of the Lot, the animal must not create persistent noise that unreasonably interferes with the peace, comfort or convenience of another Owner or Occupier; and
  - (i) the animal is not left unattended on the Common Property.

2. An Owner or Occupier of a Lot who owns an animal is responsible to the Owners Corporation and a visitor using the Common Property for:
  - (a) any noise that their animal makes which causes unreasonable disturbance;
  - (b) damage to or loss of property or injury caused to any person caused by the animal; and
  - (c) cleaning up after their animal.
3. If it is necessary for an Owner or Occupier of a Lot to transport an animal across the Common Property, an Owner or Occupier of a Lot must ensure that their animal is sufficiently restrained by either a leash or cage at all times.
4. The Lot Owner or Occupier must pay any costs incurred by the Owners Corporation as a result of damage from an animal on the Common Property (either by a resident or their visitor).
5. Nothing in this management statement excludes any person from keeping an assistance animal as defined in the *Disability Discrimination Act 1992 (Cth)* on any Lot.

### **Restricted animals**

1. An Owner or Occupier must not keep:
  - (a) An animal which has not been approved by their Strata Scheme (excluding a small caged bird or fish);
  - (b) A dog which is defined as a "dangerous dog", "menacing dog" or a "restricted dog" under the *Companion Animals Act 1988*;
  - (c) A dog which is defined as a "restricted dog" in the City of Sydney Companion Animal Policy dated 19 April 2021, or any prevailing policy.
  - (d) A dog that is menacing, vicious, aggressive, noisy or difficult to control.

### **Strata Scheme Approval Process**

1. All animals are to be registered with the Strata Manager and details kept on Strata Scheme records.
2. An Owner or Occupier must submit an application 'Request to keep an Animal' application form, to be submitted to the Strata Manager.
3. Any tenants must obtain the Lot owner's written and signed approval which needs to be attached to the 'Request to keep an Animal' application form
4. Each animal requires a separate 'Request to keep an Animal' application form.
5. The approval is valid for the life of the specific animal only.
6. The following information must be provided by an Owner or Occupier to the Strata Manager in any application for the keeping of animals:
  - (a) Owner's name, address, Strata Plan number, Lot number, email, phone;
  - (b) Occupier's name, address, lot number, email, phone (if different to Owner details); and
  - (c) Animal name, photo, breed, sex, age at time of application, Local Council microchip details and any Assistance Animal registration details (if relevant).
7. A copy of this by-law together with the relevant by-law of the Community Association must be provided to the Owner or Occupier.
8. The approval of keeping an animal must include a requirement that the Owner or Occupier provides a written undertaking to the Strata Scheme for the keeping of

the animal in accordance with the Strata Scheme's by-laws together with the Community Association's by-law.

**Strata Scheme Register of Animals**

1. The Strata Scheme must keep and maintain a register of all animals kept within the Lot, whether these animals are approved by the Strata Scheme or otherwise.
2. A copy of this animal register must be updated regularly and provided to the Community Association on request.