



Equus caballus



Bos taurus



RSPCA submission to the Residential Tenancies Act Review

Rights and Responsibilities of Landlords and Tenants -
Issues Paper



Ovis aries



Canis lupus familiaris



Felis catus

Introduction

RSPCA Victoria welcomes the opportunity to contribute to the review of the Residential Tenancies Act, and is pleased to see that the ownership of pets in rental properties has been identified as a key issue for consideration as part of this process.

RSPCA Victoria has long held concerns about the current system and, in particular the 'no pets' clause that landlords can - and frequently do - put into rental agreements. RSPCA Victoria deals daily with animal owners who have no choice but to surrender their animals to us, in order to get into the rental market or when moving to a new rental property.

Last financial year alone, RSPCA Victoria shelters accepted more than 700 animals (see table 1, below) that were surrendered because the owner was unable to take their pet with them to their new home - which accounts for almost 20% of all animals surrendered that year.

Species	Surrendered - owner moving	Surrendered - total
Dog	290	1227
Cat	340	2200
Rabbit	62	256
Guinea pig	25	177
Total	717	3860

These figures only cover one single year, and only include data from RSPCA shelters. Dozens of other animal shelters around Victoria experience similar challenges: for example, Lort Smith Animal Hospital's 2014 annual report identifies 'moving to a rental property where pets aren't allowed' as a key reason behind the surrender of pets to their Adoption Centre.

A change to the current treatment of pet ownership in the Act would positively impact animal welfare and may considerably reduce the number of animals surrendered to shelters every year.

Such a change also has the potential to have a significant, beneficial impact on the lives of individuals and families who rent their homes. Research consistently demonstrates that pet ownership is strongly correlated with a broad range of physical and psychological health benefits - from better cardiovascular health to lower rates of depression and stronger social connectedness.

In fact, pets are such positive influences on the lives of humans that that one study estimated that Australian cat and dog ownership saved around \$3.86 billion in health expenditure in a year.

Question 1 - Under what circumstances do tenants encounter unfair treatment or unlawful discrimination?

The current system assumes that any pet will be a nuisance, or damage property, and so should not automatically be able to be accommodated in rental homes. However, to our knowledge, this assumption is not underpinned or supported by research that indicates that property owners who accept pets in rental accommodation are disadvantaged financially or in any other way by the fact that their tenants own pets.

Question 21 - What is the right balance between the interests of tenants and landlords in respect of pets in rented premises? What reforms, if any, are required to current arrangements?

RSPCA strongly believes that tenancy agreements should automatically include a provision for tenants to keep pets, with some clear checks and balances to protect the owner's financial interests in their properties. These could include:

- A requirement on tenants to declare the number and species of pets that they intend to keep at the application stage of the rental process.
- A requirement on tenants to provide owners or property managers with a specified, reasonable notice period if they intend to acquire pets during a tenancy.
- An option for owners or property managers to request pet references to verify the appropriateness of the animal for the property in question. A standardised reference template could be used to enable the owner to gather information about the pet's microchip, registration and vaccination status, and whether it is desexed.
- A register that owners or property managers could use to ensure that the number of species of pets proposed to live in the accommodation are in line with council regulations on animal numbers in dwellings.
- An option for owners or property managers to secure a reasonable 'pet bond' to offset any damage caused by pets during the tenancy.

The only exception to this should be where a landlord has successfully applied to VCAT.

RSPCA Victoria strongly believes that simple changes to the current Act would substantially improve the welfare of pets and their owners, without creating unreasonable risk or onerous management requirements for property owners.