

FACT SHEET

Residential Tenancy Amendment Bill 2024

The Residential Tenancy Amendment Bill 2024 amends the *Residential Tenancy Act 1997* (the Act) to enable tenants to have pets in residential premises and to make certain safety modifications.

Pets in residential premises

The Bill inserts a new Part in the Act that provides that tenants may keep pets without the owner's consent (subject to notification of the owner, and any Tasmanian Civil and Administrative Appeals Tribunal (the Tribunal) decision arising). The Bill proposes that:

- A tenant is required to notify the owner of their intention to keep a pet. The Bill defines 'pet', 'ineligible animal' and 'exempt animal'. Through the definition of exempt animal, consent is not required for guide dogs.
- Only the Tribunal can determine that a pet cannot be kept on the premises.
- The owner will have 28 days to apply to the Tribunal if objecting to the pet being on the premises. Otherwise, the owner can consent without conditions, or agree with the tenant on conditions of consent, to the pet being on the premises.
- If the owner applies to the Tribunal to uphold the owner's objection, the Tribunal may include conditions relating to keeping the pet on the premises if the Tribunal considers that the owner's objection is unreasonable.
- In determining reasonable grounds for the exclusion of a pet, the Tribunal may take into account that keeping a pet may:
 - cause a nuisance on the premises;
 - cause a nuisance on an adjacent or adjoining premises or other nearby premises;
 - cause damage, that is more than reasonable wear and tear, to the premises;
 - pose an unacceptable risk to the safety of any person;
 - pose an unacceptable risk to the safety or welfare of the pet or another animal on the premises;
 - any other grounds that the Tribunal considers reasonable.
- An owner of residential premises must not unreasonably reject an application to rent premises on the basis that the person making the application indicates they will be exercising their right to keep a pet.
- Any existing law that restricts the keeping of a pet on premises will continue to apply, such as by-laws made under the *Local Government Act 1993* or made by a body corporate under the *Strata Titles Act 1998*.
- Tenants will continue to bear the responsibility for remediating any damage to the premises, beyond reasonable wear and tear.

Safety modifications

The Bill inserts new sections in the Act to facilitate tenants making certain safety modifications. The Bill proposes that:

- A new section will be inserted to permit safety modifications. Safety modifications, for the purpose of these sections, refers to wall anchors and other means of affixing furniture to the premises for the purposes of avoiding risk of injury or death to a person from the movement of that furniture.
- The current requirements relating to alterations, additions and fixtures in section 54 will not apply to the new provision, but will continue to apply to other modifications.
- Where the modification is not going to cause permanent damage to the premises, a tenant of a residential premises can install a safety modification without consent.
- If the safety modification is likely to cause permanent damage, the tenant is required to seek consent before making the modification.
- “Permanent damage” includes damage that cannot be remedied; and damage that affects a premises that has historical cultural heritage significance within the meaning of the *Historic Cultural Heritage Act 1995*; and any type of damage that is prescribed.
- The owner must respond to the request within 14 days and consent must not be unreasonably refused.
- If consent is refused and the tenant believes the refusal is unreasonable, the tenant can apply to the Residential Tenancy Commissioner for an order to authorise the making of the safety modification.
- An aggrieved owner or tenant can apply for Tribunal review of the Commissioner’s decision.

The amendment provisions will commence on a day or days to be proclaimed.

The Bill fulfils the Government’s first 100-day commitment to provide for tenants to be able to keep pets as a right.