

Decision of the Commissioner for Consumer Protection

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

Application Number: [redacted]
Application Type: Landlord application to approve pet request with condition
Premises: [redacted]
Bond held: \$3,000
Tenants: [redacted], [redacted], and [redacted]
Landlord: [redacted]

Decision

The Commissioner orders:

1. The landlord's application is approved.
2. The tenants are permitted to keep the requested pets at the premises.
3. The following condition applies to the landlord's approval of the requested pets:
 - a. The aquarium must be kept in a non-carpeted area of the premises.

Request

On 10 September 2024, the tenants requested approval to keep an aquarium with eight Guppy and one Goldfish (the requested pets) at the premises, following the process established in the *Residential Tenancies Act 1987 (WA) (RTA)*.

Application

On 12 September 2024, the landlord applied to Consumer Protection for permission to set a condition on the approval of the tenants' request.

The requested condition by the landlord is:

- The aquarium must be kept in a non-carpeted area of the premises.

Evidence

The landlord and tenants were invited to provide evidence to support their views about the application.

The landlord provided the following evidence:

- Pet request form.
- Written submission to Consumer Protection.

The tenants provided the following evidence:

- Written submission to Consumer Protection.

Law

Under the RTA, tenants have the right to keep a pet at their rental premises with the landlord's approval.¹

The tenant is responsible for any damage or nuisance caused by a pet they keep at the premises.²

Landlords have the right to apply to Consumer Protection for an order allowing them to set certain conditions on the approval of a pet request.³

The landlord is responsible for demonstrating that the conditions are reasonable.

When an application is received, the Commissioner is required to, either:

- approve the landlord's application; or
- refuse the landlord's application.⁴

Reasons for Decision

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.

The aquarium must be kept in a non-carpeted area of the premises

The condition is intended to minimise damage caused by the potential leaking of the aquarium.

The tenants have confirmed they agree to this condition.

For these reasons, I am satisfied the condition is reasonable and approve the condition.

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.

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

[redacted] October 2024

¹ Sections 50A of the *Residential Tenancies Act 1987* (WA)

² Section 50I of the *Residential Tenancies Act 1987* (WA)

³ Sections 50F(2) of the *Residential Tenancies Act 1987* (WA)

⁴ Sections 50F(3) of the *Residential Tenancies Act 1987* (WA)