



# NSW Court of Appeal Decision on Pets

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## NSW Court of Appeal Decision on Pets

This week has seen a surprise for all who deal with strata with a NSW Court of Appeal decision on by-laws that restrict the keeping of pets.

As reported by Domain:

*“No apartment building in NSW will now be allowed to have a blanket ban on pets following a surprise NSW Court of Appeal ruling that overturned the right of blocks to pass by laws prohibiting animals.*

*The verdict follows a four-and-a-half-year battle by dog lover Jo Cooper to be permitted to keep her miniature schnauzer Angus in the prestigious Horizon building in Darlinghurst that has always had a pet ban.”*

Whilst this has been a topic we have visited in the past, in fact only as recently as June of this year, the decisions we discussed were all at the NCAT level. The decision in the “Cooper” matter, being made at the NSW Court of Appeal brings a new level of clarity and precedent that will **have** to be applied in the lower jurisdictions and across the strata schemes of New South Wales.

It is important to explore how this decision may impact on the lot owners and the role of the strata manager and property managers who are dealing with pets, wanted and unwanted, within strata schemes.

As a property manager, this does not impact so much on the right of the





landlord to refuse pets. It must be made very clear that whilst tenants are to abide by by-laws as much as owners are, a landlord still has the right to not approve a pet during a tenancy regardless of if the strata scheme allows pets or not.

Just as a landlord has the right to choose the tenants that are best suited to their property, generally based on who can afford the rent and who will take care of the property, the landlord has the right to refuse the keeping of an animal in their premises. This right has not been changed by the NSW Court of Appeal decision.

This right is regardless of whether the strata scheme has a by-law

restricting the keeping of animals or not and is the same in a strata scheme as it would be in a free stranding Torrens title property.

For strata managers, they will have to have a discussion with strata committees of schemes that have a blanket ban on pets by way of a by-law.

Whilst it is not the role of the strata managers to provide legal advice to the strata owners, it is their role to guide the owners in the direction of compliance. As such, it would be recommended that those identified schemes should be advised to

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discuss their rights and obligations with a properly qualified legal professional.

It should be noted that there are a number of strata schemes that have been waiting for this decision to be handed down so they can either lodge appeals, particularly those decisions we made mention of in June this year. However when looking at the costs that are involved in such matters in such a jurisdiction, it may be negligent of the committee to not

consider a more commercial way to resolve such disputes. It has been reported that the Cooper case has amassed costs for all of the hearings in the vicinity of \$500,000, of which the Owners Corporation have been ordered to pay.

**'Til next time, wishing you every success in your business ventures,**

**Rosy Sullivan**  
**Director | College Principal**

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## UPCOMING WEBINARS

### 3 HOUR COMPULSORY CPD

Sales & Leasing	TUE 27 <sup>TH</sup> OCT
Sales & Leasing	TUE 10 <sup>TH</sup> NOV
Strata Management	TUE 24 <sup>TH</sup> NOV

### 3 HOUR ELECTIVE CPD

Property Sales	TUE 20 <sup>TH</sup> OCT
Residential Property Management	TUE 17 <sup>TH</sup> NOV
Property Sales	TUE 1 <sup>ST</sup> DEC

*Please note: All Webinars will be held via Zoom and run from 9am - 12pm unless stated otherwise.*

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## UPCOMING FACE TO FACE COURSES

### COMBINED CPD (COMPULSORY & ELECTIVE) - REGIONAL NSW

<b>Stock &amp; Station</b> Tamworth	TUE <b>20<sup>TH</sup></b> OCT	<b>Property Sales</b> Goulburn	MON <b>2<sup>ND</sup></b> NOV
<b>Property Sales</b> Terrigal	WED <b>21<sup>ST</sup></b> OCT	<b>Residential Prop Mgmt</b> Goulburn	MON <b>2<sup>ND</sup></b> NOV
<b>Stock &amp; Station</b> Goulburn	MON <b>2<sup>ND</sup></b> NOV	<b>Property Sales</b> Newcastle	TUE <b>3<sup>RD</sup></b> NOV

Two 3-hour sessions. 9am - 4pm unless stated otherwise

### 3 HOUR COMPULSORY CPD

<b>Sales &amp; Leasing</b>	FRI <b>6<sup>TH</sup></b> NOV
<b>Strata Management</b>	FRI <b>20<sup>TH</sup></b> NOV
<b>Sales &amp; Leasing</b>	FRI <b>4<sup>TH</sup></b> DEC

### 3 HOUR ELECTIVE CPD

<b>Residential Property Management</b>	FRI <b>6<sup>TH</sup></b> NOV
<b>Strata Management</b>	FRI <b>20<sup>TH</sup></b> NOV
<b>Property Sales</b>	FRI <b>4<sup>TH</sup></b> DEC

### ASSISTANT AGENT - CERTIFICATE OF REGISTRATION

<b>Real Estate and Stock &amp; Station</b>	<b>7<sup>TH</sup></b> <b>- 10<sup>TH</sup></b> DECEMBER
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Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV in Real Estate Practice.

<b>Strata Management</b>	<b>16<sup>TH</sup></b> <b>- 19<sup>TH</sup></b> NOVEMBER
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Units taken from nationally accredited training qualifications from the CPP40516 Certificate IV in Strata Community Management.

*Please note: All face to face courses will be held at our Town Hall premises in the Sydney CBD with the exception of combined regional CPD*





## From the office

Another fortnight and another busy time at ACOP – fully sanitised and socially distanced. Our trainers have hit the road with huge enthusiasm – they’ve been to Scone, Castle Hill, Ultimo and Bowral - not to mention our webinars into Bathurst, Dubbo, Port Macquarie, Wollongong and Hornsby.

On a social note, on Saturday, the “girls” of the office celebrated a hens afternoon/evening for Megan, our Training Manager. Plans were for a very high-brow high tea with laughs and stories...well it started that way but morphed into a fantastic cocktail-infused celebration of all things Megan. We are now on the countdown to the

wedding of the year. This of course was not the only celebration at ACOP this fortnight – we celebrated that Rachelle became a first time aunty to little Jordan, our past team member Mariana became a first time mum to little Indi, and Sarah celebrated her 22nd birthday with special singing treats (NOT) from Ryan with his rendition of Taylor Swift’s “22”. It’s been a very memorable fortnight.

And the fortnight ahead is looking like it’s going to be a busy one, assisting people to access traineeships in order to gain the COVID economic recovery wage subsidy. This is going to be huge for our students and such a great boost for agencies and their future viability as a business. Bring it on.

## UPCOMING FACE TO FACE COURSES

### PROPERTY LICENSING

<b>Commercial Sales &amp; Leasing</b> SYDNEY CBD	2021 DATES TBA
<b>Property Sales</b> SYDNEY CBD	25 <sup>TH</sup> - 27 <sup>TH</sup> NOV
<b>Stock &amp; Station Agency Practices</b> SYDNEY CBD	26 <sup>TH</sup> - 28 <sup>TH</sup> OCT
<b>Strata Management Agency Practices</b> SYDNEY CBD	2021 DATES TBA
<b>Auctioneering</b> SYDNEY CBD	29 <sup>TH</sup> - 30 <sup>TH</sup> OCT
<b>Property Mgmt Business Development &amp; NCAT</b> SYDNEY CBD	29 <sup>TH</sup> - 30 <sup>TH</sup> OCT

### PROPERTY LICENSING

<b>Financial Management</b> SYDNEY CBD	30 <sup>TH</sup> NOV - 1 <sup>ST</sup> DEC
<b>Trust Accounting + Insurance</b> SYDNEY CBD	THU 22 <sup>ND</sup> OCT
<b>Trust Accounting</b> SYDNEY CBD	9 <sup>TH</sup> - 10 <sup>TH</sup> NOV
<b>Property Management</b> SYDNEY CBD	11 <sup>TH</sup> - 13 <sup>TH</sup> NOV
<b>Business Broking Agency Practices</b> SYDNEY CBD	3 <sup>RD</sup> - 4 <sup>TH</sup> DEC

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV Real Estate Practice and CPP40516 Certificate IV in Strata Community Management.

### FINANCE & MORTGAGE BROKING COURSES

<b>Certificate IV in Finance &amp; Mortgage Broking</b> SYDNEY CBD	2021 DATES TBA
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<b>Diploma of Finance &amp; Mortgage Broking Management</b> (Upgrade Program - Must hold Certificate IV in Finance & Mortgage Broking) SYDNEY CBD	2021 DATES TBA
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Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

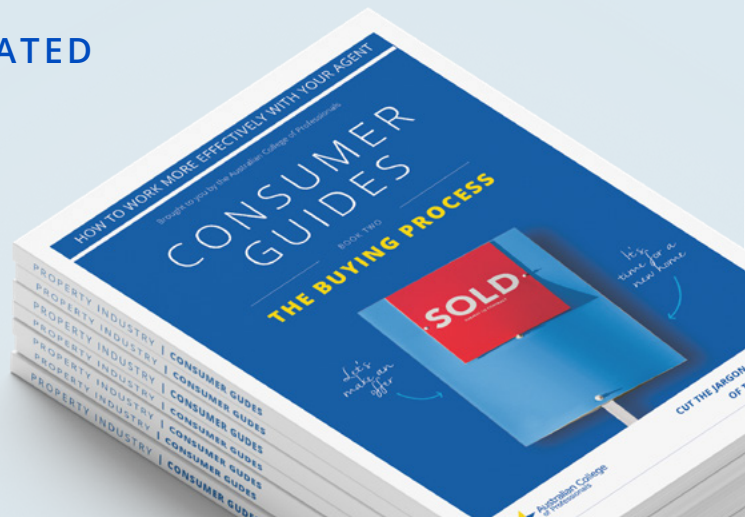
### PROPERTY SERVICES

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