



Moreton View Tower and Villas CTS 4934 Policy for bringing an animal onto or keeping an animal on the Scheme

PURPOSE

The Moreton View Tower and Villas (MVTV) Body Corporate accepts that whilst keeping animals offers significant benefits to their owners, irresponsible ownership can also cause nuisance to others living nearby. It is therefore necessary to have some rules to ensure that neighbours are not adversely affected.

This policy outlines the conditions under which a lot owner may bring an animal onto or keep an animal on a lot or the common property, or permit an occupier or invitee to do the same. The policy is intended to create a harmonious environment for all in the MVTV community living situation by fostering an attitude of respect, cooperation and consideration.

A lot owner intending to bring an animal onto or keep an animal on a lot, or to permit an occupier or invitee to do the same, must comply with this policy. Approval will only be granted after the form 'Application to bring an animal onto or keep an animal on the Moreton View Tower and Villas CTS 4934 Scheme' and related documentation have been submitted to the Body Corporate, and the Body Corporate is satisfied that the welfare of MVTV residents and that of the animal will not be in jeopardy by bringing the animal on to the Scheme. Approval may be revoked at any time in the event of a serious or persistent breach of the policy.

APPLICATION AND APPROVAL

1. Subject to the *Body Corporate and Community Management Act 1997*, Moreton View Tower and Villas CTS 4934 By-Law 16 states:

'16.1 Subject to section 181 of the Body Corporate and Community Management Act the owner or occupier of a Lot must not, without the Body Corporate's written approval:

- a) bring an animal onto, or keep an animal on, the Lot or the Common Property, or*
- b) permit an Invitee to bring or keep an animal onto, or keep an animal on, the Lot or Common Property.*

16.2 The owner or occupier must obtain the Body Corporate's written approval before bringing, or permitting an invitee to bring an animal onto the Lot or the Common Property.'

2. Section 181 of the *Body Corporate and Community Management Act 1997* states:

'181 Guide, hearing and assistance dogs

- 1) A person with a disability under the Guide, Hearing and Assistance Dogs Act 2009 who relies on a guide, hearing or assistance dog and who has the right to be on a lot included in a community titles scheme, or on the common property, has the right to be accompanied by a guide, hearing or assistance dog while on the lot or common property.*
- 2) A person mentioned in subsection (1) who is the owner or occupier of a lot included in a community titles scheme has the right to keep a guide, hearing or assistance dog on the lot.*
- 3) A by-law can not exclude or restrict a right given by this section.'*

3. The form 'Application to bring an animal onto or keep an animal on the Moreton View Tower and Villas CTS 4934 Scheme' (see Attachment A) must be submitted to the Body Corporate by the lot owner when the lot owner or occupier intends to bring an animal onto or keep an animal on their lot, or intends to permit an invitee to do the same.
4. The lot owner or occupier responsible for the animal is responsible for verifying the information submitted to the Body Corporate and for notifying the Body Corporate in writing of any subsequent changes in the information.
5. The Body Corporate is responsible for granting approvals for animals to come on to the Scheme and will make decisions based on the information in the form 'Application to bring an animal onto or keep an animal on the Moreton View Tower and Villas CTS 4934 Scheme' and supporting documentation. The Body Corporate reserves the right to check, for example:
 - a. the lot owner or occupier's previous history with animals, and
 - b. the animal's behavioural history and suitability to being allowed on the Scheme.
6. If a lot owner is given approval for an occupier or invitee to bring an animal on to the Scheme, then the lot owner becomes responsible for ensuring compliance with this policy while the animal is on the Scheme.
7. The Secretary (or the Body Corporate Manager acting on behalf of the Secretary) will notify the applicant (the lot owner) in writing of the decision to accept or reject the application. If the application is rejected, the reasons for the rejection will be noted in the notification.
8. A register will be kept of the lots for which approval has been given for the lot owner or occupier to bring an animal/s onto or keep an animal/s on their lot, or intends to permit an invitee to do the same, along with the details of the animal/s approved.

KEEPING OF ANIMALS

9. The nature and size of the animal should be suited to apartment living, and of a breed associated with safe community living.
10. No more than two (2) dogs or three (3) cats are permitted within any Lot at any one time unless the lot owner or occupier has a Council permit for the animals.
11. Animals must not disturb the health, safety, rights, comfort, peace or quiet enjoyment of other residents. An animal must not create a nuisance to neighbours with persistent barking, whining, howling, meowing, chirping, fouling or any other unruly behaviour.
12. Cats and dogs must wear an identification collar and be micro-chipped.
13. Animals are not allowed on the common property of the Scheme, except to enter or exit the building. When taken outside the applicant's lot, animals must be kept on a short leash, carried or transported in an animal cage. At all times the animal must be controlled by a responsible adult when on common property.
14. The person responsible for the animal at the time, must immediately pick up and properly dispose of all waste in a manner that does not create noxious odours or otherwise contaminate the Scheme land. Animal waste created within the lot must be immediately disposed of in such a manner as to avoid its presence being noticeable by other residents, and in accordance with all relevant health regulations.
15. The lot owner responsible for the animal is responsible for payment of the cost of remedying all damage caused by the animal, including:
 - a. property damage (including soiling) and

b. personal injury.

The Body Corporate must be notified of any property damage or personal injury caused by the animal. The Body Corporate will arrange necessary steps to be taken to remedy any damage at the lot owner's cost.

By making application to the Body Corporate to bring an animal into the building, the lot owner indemnifies the Body Corporate, the Committee and the Building Manager/s from any liability for loss, damage or injury that results from the presence of that animal on the Scheme.

WELFARE

16. The lot owner or occupier responsible for the animal is responsible for welfare of the animal such as nutrition, grooming, exercise, control of fleas and other parasites, veterinary care and vaccinations (as required).
17. All animals must be registered in accordance with state and local laws and regulations.
18. The lot owner or occupier responsible for the animal must not abandon the animal, leave the animal for any extended period of time without food or water, or fail to care for it if it is sick. If any animal is left unattended without proper care for a period of twenty-four (24) hours or more, the Building Manager/s may enter the dwelling unit, remove or have the animal removed, and transfer the responsibility for care of the animal to the proper individuals or authorities at the lot owner's cost.
The Body Corporate, the Body Corporate Committee and/or the Building Manager/s do not accept any responsibility for actions taken under these circumstances.

COMPLAINTS

19. Except for situations involving urgency as a result of imminent danger or injury, any complaints about animals must be submitted to the Body Corporate in writing.
20. The Body Corporate will record, investigate and attempt to resolve any complaints.
21. In the event of a serious or persistent breach of this policy, the Body Corporate may revoke its approval to keep the animal and the lot owner shall be required to permanently remove, or have removed, the animal from the premises within 7 days' written notice from the Secretary (or the Body Corporate Manager acting on behalf of the Secretary).
22. However, notwithstanding the above, in the case of a serious problem with an animal (e.g. a vicious dog), the notice period may be waived in the interest of public safety at the Body Corporate's discretion.

APPROVED BY THE BODY CORPORATE

{DATE}

ATTACHMENT A**Application for bringing an animal onto or keeping an animal on the Moreton View Tower and Villas CTS 4934 Scheme**

Complete the following and return it, along with a colour photograph of the animal and any supporting documentation, to the Secretary, Moreton View Tower and Villas Body Corporate.

LOT OWNER'S DETAILS (the Applicant)

Name: _____

Address: _____

Telephone Home: _____ Mobile: _____

ANIMAL'S DETAILS

Animal's name: _____ DOB: _____

Type of animal _____ Breed: _____

Sex: _____ Estimated adult weight: _____

STATUS OF HEALTH AND BEHAVIOURAL TRAITS (Supporting documentation to be attached to this application)

De-sexed: Yes/No Micro-chip no.: _____

Vaccinated: Yes/No Council registration no.: _____

INDEMNITY

The lot owner indemnifies the Body Corporate, the Body Corporate Committee and/or the Building Managers against any claim, action, damage, loss, liability, cost, charge, expense, outgoing, or payment that arises as a result of the animal being brought onto or kept on the Scheme and which the Body Corporate, the Body Corporate Committee and/or the Building Managers suffers, incurs or for which it is liable.

I acknowledge that I have read and understand the conditions and indemnity and that I agree to be bound by them and agree to ensure the animal is kept in accordance with this policy.

Lot owner's signature: _____ Date: _____

ATTACHMENT A (Continued)

**Application for bringing an animal onto or keeping an animal on the
Moreton View Tower and Villas CTS 4934 Scheme**

OFFICE USE

Approved Rejected

Comment

Name: _____ Signed: _____ Date: _____