



Position Statement on Residential Tenancies Act (1995)

#MakeRentingFair

- Specific provisions that proscribe discrimination against tenants with pets are required



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Reforming the Residential Tenancies Act (1995)

The demand for private rental properties far exceeds supply and the majority of private rental properties have become increasingly unaffordable in recent years, especially for people living on low incomes. The state of the private rental market means that landlords (and their agents) hold the balance of power over tenants where the rights of landlords appear to take precedence over the rights of tenants.

Any reforms to the Residential Tenancies Act (RTA) must address some of the key issues facing people who live in private rental housing and redress the imbalance of power and rights between landlords/agents and tenants.

A Key issue that is essential to redressing the imbalance of power and rights between landlords and tenants is allowing tenants to have pets on the rental premises, for which there are currently no such provisions specified in the RTA.

Pet-Friendly Rentals

People with pets are often discriminated against in the private rental market and many private renters are forced to give up their pets (which often end up being euthanised) or conceal their pets. Pets are a very important part of so many people's lives and in order to redress the imbalance of power between landlords and tenants it is vital that people can keep pets on their premises as an accepted part of their tenancy.

Other than under Section 49 (Subsection 1b) of the RTA, which states that a written residential tenancy agreement entered into by a landlord and tenant must set out whether there are terms of the agreement that relate to pets, there are currently no legal provisions specifying whether tenants may keep pets on the rental premises.

- It is Shelter SA's position that pets should not need to be disclosed as part of the terms of a tenancy agreement and the specific reference to "pets" in Section 49 (Subsection 1b) of the RTA should be removed.
- There should be a specific provision in the RTA that proscribes the discrimination against tenants with pets, just as there is for discrimination against tenants with children in Section 52.

If damages are caused by pets they will be revealed to landlords/agents through regular inspections and landlords/agents have recourse to deal with these matters under relevant sections of the RTA (for example Section 69).

We believe that legislation should facilitate and encourage an increase in the proportion of "pet-friendly" rentals, which can also be achieved through working with the Real Estate Institute of South Australia (REISA) and educating landlords/agents.