

Listen to this podcast episode [here](#).

**Intro:** Welcome to Your Strata Property. The podcast for property owners looking for reliable, accurate, and bite-sized information from an experienced and authoritative source. To access previous episodes and useful strata tips, go to [www.yourstrataproperty.com.au](http://www.yourstrataproperty.com.au).

**Amanda Farmer:** Hello and welcome. I'm Amanda Farmer, and this is Your Strata Property. Tony Scott is a committee member in a small block in Sydney's Lower North Shore having downsized to strata around 10 years ago. Tony is semi-retired but keeps busy as the joint publisher and proprietor of a medical publishing firm in which he's been involved for 38 years. Tony says the joy of strata living is its convenience as well as the lifestyle benefit of being able to lock up and leave, as Tony is lucky enough to spend part of each year enjoying the French countryside. Today, I am delighted to welcome Tony Scott. Welcome, Tony.

**Tony Scott:** Thanks, Amanda.

**Amanda Farmer:** A pleasure to have you here on the show. Some of our listeners might be thinking, "Okay. Tony, committee member, a small block Lower North Shore, Sydney. What is Tony here to chat to us about today?" I will answer the mystery for our listeners. I've asked Tony to come on the show to share with us his recent experience of changing the by-laws in his scheme from a blanket ban on pets to allowing pets with the approval of the committee.

Now, those of you who have been listening to the podcast for a while will know that this is a topic that we regularly come back to, pets in our strata buildings, and it became a bit of a hot topic more so towards the end of last year when we had a couple of Tribunal cases come out in New South Wales that really showed a shift, I think, in the attitude of our Tribunal, of our legislators when it comes to keeping pets in our strata buildings. If you haven't yet, head back to Episode 141 where I'm chatting to Reena about those cases. In short, they were Tribunal cases where the members said that a blanket ban on pets is harsh, unconscionable, or oppressive and overturned those bans, allowing pets into a previously pet-free strata building.

Now, Tony, I know you have had recent experience, as I said, in making some changes in your scheme, so I thought I'd bring you on the show, have a chat about how you did it, why you did it, and then how it all went. How does that sound?

**Tony Scott:** Well, that sounds pretty good. It wasn't too bad actually.

**Amanda Farmer:** Good.

**Tony Scott:** Took a little while. It took a little while, but we got there.

**Amanda Farmer:** Well, I know many of our listeners will be interested in that process that you took, what the challenges were along the way, because I've certainly been contacted by quite a few people who are wanting to go through this process, so thank you for coming and sharing your experience on the show. I'm going to start by asking you, Tony, where did the impetus for change come from? You've gone from, as I said, a blanket pet ban to a new by-law that, as I understand it, allows pets with the approval of the committee. Whose idea was it? Why the change?

**Tony Scott:** Okay. Well, when my wife and I moved in here 10 years ago, the pet ban was in place, and that was not something that I was particularly happy about, but we don't have a dog, but we do have family members who like ... the grand kids like to bring their dogs when they come and, of course, that's not possible with a blanket pet ban.

In the last 10 years, the makeup on the strata changed quite significantly. People come and go. Whereas, before, the committee was dead against pets, as were the majority of the resident owners, and then that changed, and it almost reversed. We had the majority of the resident owners in favour of repealing the by-law, except for one, and we thought that would be pretty easy, but proxies were achieved from 2 overseas absentee landlords, and that prevented it happening. Even though the majority of the resident owners were in favour, people not living here, living overseas but owning property here could change it. As you would

**Publication Date: 6 February 2019**  
**YSP Podcast Transcript: Episode 148. How one building successfully lifted a pet ban**

understand, with 10 units, you need 75% to change the by-law. You can't get 7 1/2, so you've got to have 8.

**Amanda Farmer:** That's it. Yes.

**Tony Scott:** This is hardly democratic. We went to a lot of trouble to present our case. Both parties presented their case. We did a lot of research, and we were pretty sure that the proxies from the overseas landlords would buck it out, and it did. That leads to a little bit of ill feeling in the strata, which is unfortunate, especially when the majority of people living here and owning property would like to see it changed.

We put it back on the agenda this year in the annual general meeting, but we included with the AGM copies of information regarding the 2 recent NCAT judgments and that that changed the landscape considerably because I think people were able to read through that. I think there was one article in Flat Chat and another one in the Sydney Morning Herald. The strata manager included those with the agenda for the AGM, and all parties were able to read through that, and I think it just completely neutralised all resistance.

**Amanda Farmer:** Now, I think, Tony, you might be selling yourself a little bit short here because I have seen the bundle that you put together. I'm not sure if it was you personally or together with some other resident owners, the bundle of material that I understand was circulated to fellow owners prior to the meeting encouraging them to vote for the change. It's essentially a proposal with a lot of thought, a lot of work gone into it.

I've got it in front of me now, and it says things like, "In essence, this proposal will demonstrate and respect the rights and wishes of both resident owners and landlords, provide evidence to dispel the unfounded fears about appropriate pets in apartments, provide verification that pet-friendly apartments deliver higher property values and rental returns," I love that one, "and illustrate the many additional benefits that pets bestow on their owners and the community." Then the bundle, as you said, goes on to provide evidence in support of each of those, including the cases and the articles that refer to what I really think is a changing culture in our strata schemes. That point about higher property values, can you talk to us about that?

**Tony Scott:** Yes. Well, when we put that proposal together 2 years ago, that was when we couldn't get the repeal through because of the proxies. When we presented that, I thought we should do as much research as we possibly can and determine why people are against having pets in apartments. Generally, the major reason revolves around noise. The people don't like pets at all. They don't like dogs, they don't like cats, or they fear barking dogs is going to disturb the peace or that dogs may soil the common property. They were the main ones.

I checked that out with the North Sydney Council and was able to demonstrate that noise was not a problem. There are 3,600-odd registered pets or dogs in the North Sydney Catchment Area area. I checked with the ranger, and the ranger said, "Well ..." I said, "How many complaints do you get?" He said, "About 2 a week." That's 100 a year out of 3,600, which is pretty small. He said 70% of those were sorted out very, very quickly, and that only left another 30. That's about less than half of 1%. He said that it was then very, very rare for remedial notices to be sent out from Council and that the main problem wasn't the dogs. The main problem was the owners of the dogs. The lady at the Western Sydney University also said that people sort of get upset and get a little bit aggressive when somebody else's dog barks, and then it creates ill feeling. Anyway, that was proven not to be a problem.

**Tony Scott:** Now, you honed right in on value of properties. I checked that will all of the agents in the area, and they said, without a doubt, when a property goes to auction, you can achieve between 5 and 10% more if it's pet-friendly because there are so many people who have pets now. A very high percentage of the Australian population has pets. The landscape has changed dramatically. 5 and 10% was the figure. Now, that's significant.

Not only that, for landlords, they can achieve a higher rental. A lot of pet owners are prepared to pay a premium on their rent. They're also model tenants according to the property managers I spoke to, sales managers as well as property managers. Pet owners look after their apartments meticulously because when the pet inspections come around, they don't want to be turfed out, so they're the best of all possible tenants according to all the property managers I spoke to, and I think I must have spoken to at

least 6 or 8, and I had written confirmation from those as well to present to the initial meeting we had on this issue.

**Amanda Farmer:** Yes. I can see that you included in the proposal those written confirmations from the agents about the increased property value, which I just think is such an excellent point and would speak to those investor owners who are not otherwise living there and not otherwise interested in whether they can keep pets or not but would certainly be interested in their property values. That exercise of identifying the objections and being able to answer them with evidence was just fabulous, I think.

**Tony Scott:** Well, I think the other interesting thing is, and I couldn't understand why non-resident landlords would be against repealing the by-law because they can't really have the right ... even if it's a pet-friendly strata, the landlords have the right to make their own tenant selection criteria, so they could stop that, but they could benefit from increased property value and, at the same time, keep tenants with pets out their apartments.

**Amanda Farmer:** Yes. That's a very good point. I think that's often overlooked. Even if the owners corporation has a by-law that says pets are allowed or pets are allowed with the consent of the strata committee, it is within a landlord's right to say in their residential tenancy agreement that, "There are no pets allowed in this particular lot in my unit."

**Tony Scott:** Yes, yes, yes.

**Amanda Farmer:** Yes, absolutely. Now, just looking at the terms of your new by-law, it's a fairly short one. I know, when I draft what I call keeping-of-animals by-laws, they can run to a few pages just because I'm one of those annoying lawyers who likes to cover all angles, but your by-law, I think, is very neat and to the point. I won't read the whole thing but, in short summary, it says that a pet can be kept, but the prior written permission of the owners corporation must be sought. There's a few conditions set out in the by-law, so keeping the pet within the lot, carry the pet on common property, keep the lot clean, keep the common property areas clean, comply with the noise by-law, so that's addressing your noise concern, and permission can be revoked if those conditions are not complied with.

Now, I was going to ask you the question what do you think is a good pet policy for a building, but I'm assuming that you would tell me that what is set out in your new by-law is the way you think other buildings should go.

**Tony Scott:** Well, I think that that's the by-law that we proposed as a starting point because I think there were 2 possible by-laws as proposed by New South Wales Fair Trading when they amended the strata. Of course, that was a couple of years ago. I think there was one, from memory, where you could just tell the strata that you were bringing an animal, and that was it. This one was you had to ask the permission. I think that's fair and reasonable. That's only a matter of common courtesy. Of course, there may be some people with pets that you wouldn't want in the property. We're still to write a full, detailed sheet on that. For example, we may require, if it's a tenant, we may require references from the previous landlord to say that their pet is well-behaved and it's not a problem.

At the moment, we're starting with that. I don't think we've got down to the nitty-gritty yet. You said you write something much more lengthy. We probably will too because it's nice to have something that's a catch-all so that you don't have arguments later on. We currently have one pet. One of the committee members has a small dog. My wife and I have currently been looking after our granddaughter's dogs while they've been on holidays. There have been no problems, so I think anybody who is responsible ... We always said this right at the beginning. Most people are responsible, and they don't want to upset their fellow residents, so they'll do the right thing. I just forget the name of the lady now, you might have it in that package I sent you, from Western Sydney University.

**Amanda Farmer:** Yes.

**Tony Scott:** Said that most people are very responsible in that respect and that there should be no problem. All it generally means is, if somebody's got a dog that's being a bit of a nuisance, it's going and having a quiet chat to them at some stage and say, "Hey, did you realise?" The ranger at North Sydney Council said exactly the same thing. I know there have been isolated instances around Sydney where ... I think I saw an article in the Herald a couple of years ago where there was one particular suburb where

YSP Podcast Transcript: Episode 148. How one building successfully lifted a pet ban

there had been a lot of problem with pets, but that was very much an isolated incidence, and that just doesn't hold up in the North Sydney Catchment Area according to the North Sydney Council.

**Amanda Farmer:** Yes. It's Dr. Emma Power from the University of Western Sydney. She was actually one of my early guests on the podcast talking about, of course, this very issue. That's Episode 19 if anyone wants to check out my interview with Emma about how to deal with pets in strata buildings. Fabulous to see that you've been able to access her work and use that to your benefit there in making that change in your strata building, Tony.

**Tony Scott:** I think that's all the useful information. I think you have to have a logical reason for objecting to pets in apartments, and you can't have a blanket ban. That's just not logical. It doesn't make any sense. It's totally selfish, and there's nothing to substantiate the fact that you could do that. I think the recent judgments at the Tribunal point to that quite clearly. I think that's going to be a deal breaker. I think that'll really change the landscape. The only thing to change then will be to prevent landlords from choosing tenants without pets.

**Amanda Farmer:** True.

**Tony Scott:** Because that's terribly unfair, and that forces people with pets to see very ... a limited range of accommodation.

**Amanda Farmer:** Yes, and have to pay more.

**Tony Scott:** Yes, and have to pay more. That's totally unfair. In a democratic society, people should be able to, within their own apartments or houses, should be able to do pretty much what they want as long as they don't disturb anyone else. I think common sense has prevailed with those 2 recent judgments.

**Amanda Farmer:** Yes. Look, I agree with that, and I often say it's about ... it has to be about regulating the outcome of keeping the animal as opposed to the fact of the animal. I agree with you. There's just no common sense reason why you'd regulate the fact of keeping an animal.

I think, when it comes to by-laws, and it's sounding like this is the direction that you're heading in, Tony, a straightforward by-law that says something like animals are permitted with the approval of the committee and granting the discretion to the committee to consider each application on its own facts, on its own merit, looking at the type of animal, recognising, of course, that there are certain dangerous breeds of dog, for example, or you might not want particular reptiles around the building, so you need to have that discretion to be able to assess each application and, of course, not unreasonably refuse any application.

**Tony Scott:** Yes. It mainly revolves around cats and dogs, I think. For example, people might want a badger - that's fine on their balcony, but you probably wouldn't be happy about a large screeching white cockatoo. That would be pretty rare, I would imagine.

**Amanda Farmer:** Yes, indeed. Okay, so we have some listeners, committee members maybe wanting to make this change in their scheme, lot owners getting excited about the fact that they might finally be able to get a dog for their small child or something like that. What would you recommend they do as a very first step towards achieving the aim of wanting to make a similar change in their building?

**Tony Scott:** I think the first step is to have an informal meeting about it to find out what everybody's position is just to find out which way the wind is blowing, a meeting that's kept pretty relaxed, and it says that, "Is there a chance we could look at changing this? If there are any objections, what are they?" Then, too, to go away and put together a proposal. We did, in this particular strata, something that can clearly alleviate all of those fears, and it's generally fears that people have. We just can't rule out having pets because you don't like pets and you wouldn't want pets.

If they've got all their data, they can speak to 8 managing agents in their area to find out what the problems are, speak to the estate agents themselves who are selling property to find out if ... to prove because it may vary from place to place. See if you can get

YSP Podcast Transcript: Episode 148. How one building successfully lifted a pet ban

some solid evidence that having pets in strata is absolutely no problem whatsoever and will enhance the value of the property, but not only that, it enhances the sense of community. If you get a little dog and you walk down the street with it at nighttime, it's amazing how many people will stop and have a chat to you. You'll be talking to people in your community you've probably never spoken to before, and a lot of people say that.

**Tony Scott:** There are virtually no disadvantages, none that I can think of if the pet selection criteria is a good one, and there are lots of advantages. Even people living alone, widows, widowers, people with depression, there is a stack of medical evidence around that to show that pets are very, very therapeutic, and to deny somebody that is just not right.

**Amanda Farmer:** Excellent. Thank you very much for those very practical, actionable tips there, Tony. Now, you're a guest on the podcast. You get the book question. What books have had the greatest impact on you and why?

**Tony Scott:** Okay. Now, look, that's a pretty hard one, Amanda. What books [crosstalk 00:18:18]-

**Amanda Farmer:** I know, right?

**Tony Scott:** Over the years-

**Amanda Farmer:** I'm glad I don't have to answer it.

**Tony Scott:** There have been many books, but there's probably 2 that come to mind, and they are pretty odd, all right?

**Amanda Farmer:** Oh, okay.

**Tony Scott:** It's a pretty hard thing to do because I have a very broad reading range. I suppose the book that impressed me the most, and I don't know, it's a long time ago, I think it was the late '70s or early '80s when I read *Seven Years in Tibet* by Heinrich Harrer. That was the true story of an Austrian mountain climber who was interred by the British at the beginning of the war, the second world war, and was in Tibet for 7 years and had the most remarkable experience and learned so much about the society of Tibet, which is a wonderful place, got to know the Dalai Llama very well. Of course, that all ended with the invasion of Tibet by China, and there we've a society that's been a wonderful society that's been completely destroyed. Having read that book, I could go on for hours about it, but I'd recommend anybody read that book. That's one, I guess.

**Amanda Farmer:** Thank you.

**Tony Scott:** The other one is pretty odd, saying that I don't have any political affiliations, was *False Dawn: The Delusion of Global Capitalism* that was written by John Gray who's the professor of European Thought at the London School of Economics. He's an emeritus professor now. That was quite amazing. It's not a book written from a Marxist or a socialist point of view. It was just someone that's had a lot of experience with government as well. I think he had a lot of experience with Margaret Thatcher's government, and he just shows that there are a lot of things about capitalism, as we know it today, however you define it, that are pretty unsound, and may break down. We're starting to see a little bit of that popping through now, more than a little bit, I think. That was a very interesting book.

**Amanda Farmer:** Thank you for sharing those. I will make sure that we have links to each of those books in the show notes for this episode so our listeners can check them out if they'd like to. Before we wrap up, Tony, is there anything that you would like to add, any parting comments?

**Tony Scott:** Well, look, I don't think so. I just wish everybody luck with changing their blanket bans on pets, and I think just popping in front of everybody's nose the recent decisions by NCAT should make people think because I think that made the difference here because nobody wants to be taken to the Tribunal and have that overruled. You might as well not go through that trouble and just get on with it and do the right thing. That's what made all the different in our strata. All of the logical arguments we put forward

**Publication Date: 6 February 2019**  
**YSP Podcast Transcript: Episode 148. How one building successfully lifted a pet ban**

really had no influence at the time because it was ... we were preaching to the choir except for the non-resident landlords who wouldn't budge, but that's ... that just disappeared with everybody reading those two rulings from NCAT. I think that makes all the difference.

**Amanda Farmer:** Yes, I agree with you there. Good on you and your fellow owners for putting in that hard work, goes to show you want to get something achieved in your building, it is possible. There are happy stories. There is a lot of positives coming out of our strata buildings, and it's particularly why I wanted to share your story with our listeners today. If you put the work in, put your mind to it, get some support, and be creative, do your research, then you can affect important change that I agree needs to be happening in our buildings. Good on you, and thank you for taking the time to share that with us today.

**Tony Scott:** Okay. **One** other thing I'd add, when you're doing that, be as diplomatic and as friendly as possible with the people who have an opposing point of view to you because they're entitled to that.

**Amanda Farmer:** Absolutely.

**Tony Scott:** It's a matter of gentle, quiet persuasion, I think, and that wins the day, being courteous and respectful.

**Amanda Farmer:** Yes, I love it. Thanks so much, Tony.

**Tony Scott:** Thanks, Amanda.

**Outro:** Thank you for listening to Your Strata Property, the podcast which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode via the show notes at [www.yourstrataproperty.com.au](http://www.yourstrataproperty.com.au). You can also ask questions in the comments section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?