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Regulation of private rented housing
& pets good practice guide

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homes for all

Regulation of Private Rented Housing & Pets Good Practice Guide

The multitude of challenges faced in relation to animals and housing is a key consideration for RSPCA Cymru. Issues concerning animals within the private rented sector are often very similar to those within social housing, and warrant equal focus and discussion, in the interests of the animal, tenant, landlord and wider community.



Wales' private rented sector has grown substantially in recent years, and trends indicate the sector will continue to grow. Between 2001/02 and 2011/12, the dwelling stock and tenure estimates of privately rented accommodation increased from 7 percent to 14 percent¹. With 47 percent of households in Wales owning at least one animal², and pet ownership higher than in the UK as a whole³, it is highly likely that the number of people seeking to keep pets within private rented accommodation will continue to climb in Wales.

The Housing (Wales) Act 2014 introduced the registration and licensing of all landlords/agents in Wales. This offers a unique opportunity to promote to the sector some of the key issues which should be considered regarding the keeping of pets in private rented accommodation, simultaneously breaking down the stigma and fear some landlords have in allowing this. The benefits of this are potentially significant for landlord, tenant and animal.

Whilst there is no legal obligation for landlords in the private rented sector to adhere to implement practices like those contained within this 'Homes for All' Guide, much of this guidance can be implemented by private landlords with only minor resource implications. Yet the longer-term benefits can be hugely significant, including protection for the property, increasing the chance of a successful letting arrangement and driving up standards of animal welfare.

requests for keeping a pet

Worryingly, reports and industry trends indicate that pets are often an unintended victim of society's increased need for private rented housing⁴. Owners often find it difficult to find suitable rented accommodation which is prepared to accept requests for pets.

RSPCA Cymru urges private landlords to be flexible and consider requests from tenants to keep pets on a case-by-case basis, where facilities exist for the proper care of each animal.



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Landlords may be apprehensive about taking such requests, through fear of an animal damaging the property, or causing a nuisance. However, if managed correctly, allowing the keeping of pets can yield wide-ranging social benefits, promote responsible animal ownership and facilitate happy, healthy tenants. This can benefit the landlord by helping to maintain longer-term, successful letting arrangements.

It is also hoped this would reduce instances of animals being unnecessarily given up or, in extreme cases, abandoned.

Rental properties that allow pets, where appropriate, are likely to be more desirable properties. The high levels of pet ownership in Wales, and the growth of the private rented sector, suggests demand for such accommodation is likely to grow. As such, landlords may find it easier to occupy properties if an appropriate, welfare-friendly policy with regards to the allowing of pets is in place.

setting up a tenancy

Whilst a tenancy is being set-up, it is important necessary discussions between landlord/agent and prospective tenant(s) with regards to animals being kept at the property take place.

This can prevent unforeseen circumstances or disagreements arising, and help protect the welfare of the animals involved. Prospective tenants should clearly understand whether pets will be allowed

at the property at the start of the tenancy, and appreciate other associated conditions related to the keeping of animals at the property.



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pets policy & tenancy agreements

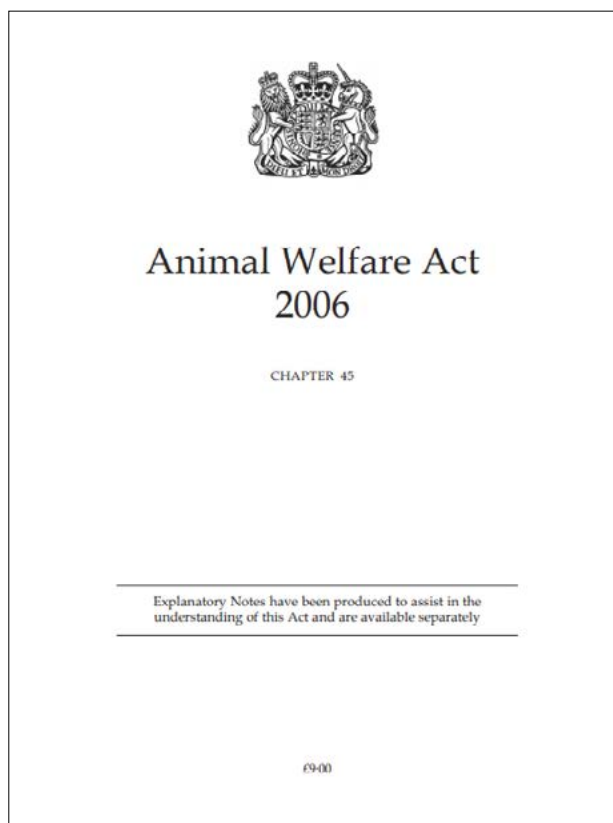
To avoid issues from escalating, and to best ensure a successful tenancy arrangement involving pets at the property, RSPCA Cymru recommends the introduction of a clearly-defined procedure into the Tenancy Agreement, or development of an associated Pets Policy, which clearly outlines rules and conditions concerning the keeping of pets at the property.

Whilst some landlords may make verbal agreements, placing such conditions in writing provides much-needed clarity and ensures the Policy can later be referred to. Such a written agreement should clearly outline the expected behaviour of tenants with regards to pets at the property, what is required of them as responsible owners (including their legal obligations), and the consequences of failing to adhere to such a policy. Any policy should be reasonable and proportionate and enforced fairly and consistently.

Provisions should detail:

- An owner's legal responsibilities to ensure the welfare needs of the animals in their care under the Animal Welfare Act.
- Where appropriate the number and/or species of animals allowed at the property.
- The process which will be adopted if unauthorised pets are discovered at the property.
- A ban on activity such as animal breeding or pet vending from the premises.
- That an owner must ensure the pet does not cause a nuisance or be used in a manner which could be deemed anti-social.

Landlords should avoid placing strict, overly-arbitrary limits on the number of animals which can be based at a property. The primary consideration should be whether the prospective tenants can meet the welfare needs of the animals concerned within the property.



an owner's legal responsibilities

All tenants responsible for pets have a legal requirement to meet the welfare needs of their animals, under section 9 of the Animal Welfare Act (2006). As defined in legislation, the five welfare needs of animals include:

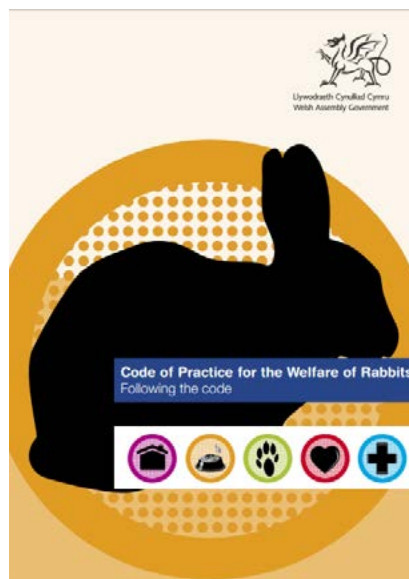
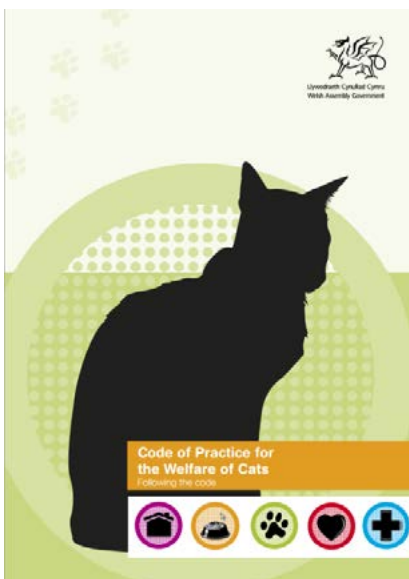
- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need it has to be housed with, or apart from, other animals, and
- Its need to be protected from pain, suffering, injury and disease

The Welsh Government's relevant Codes of Practice, produced under Section 14 of the Animal Welfare Act 2006 offer practical advice that could help tenants understand and meet the welfare needs of their animals. They could be promoted as a way to ensure an owner understands their legal responsibilities. The Codes "give practical advice to help owners and keepers to understand the welfare needs of their animals, which they are legally obliged to fulfil"⁵.

Landlords should make tenants aware of the existence of these documents for cats, dogs,

rabbits and, where necessary, equines. It would be straightforward to signpost to the Codes within any Tenancy Agreement, and this could potentially protect the property, as well as tenant and pet. Copies are available bilingually on the Welsh Government website.

Additionally, the RSPCA produces advice and welfare information including up-to-date guidance on caring for pets of a range of species. This is [available online](#), and landlords would benefit from pointing tenants towards this guidance.



promoting responsible ownership

Landlords could make available to tenants a list of local, reputable animal welfare organisations and vets which may be able to offer support and advice.

Neutering

Having an animal spayed or castrated is the best way to prevent unwanted breeding. It can also help prevent illnesses and some unwanted behaviour in pets, which, in turn, could help prevent damage to a property. Where pets are based at a property, landlords should strongly consider making neutering - unless contrary to veterinary advice - a condition of tenancy.

Microchipping

Ensuring pets are positively identified can help reunite stray dogs with their owners, and contribute towards reducing instances anti-social behaviour linked with animals, which can prevent larger issues at private lets from escalating. In Spring 2016, it will be a legal requirement for all dogs in Wales to be microchipped. It is also a legal requirement for owners to ensure their dog wears a collar and tag.



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unauthorised pets

Tenants may seek to obtain a pet without permission, or when permission has been denied for a pet or, depending on the tenancy terms, a particular species not allowed at the property.

Additionally, landlords may be faced with a situation whereby a tenant is keeping pets at a property without permission on a temporary basis; for example for a friend or family member. Under the Animal Welfare Act, in such situations the tenant would then become legally responsible for providing care to the animal.

Whilst such breaches of the tenancy agreement are serious, we would urge landlords to consider a retrospective permissions procedure.

The welfare of both tenant and pet may be seriously compromised if they are forced to

separate; and landlords may wish to favourably consider an appeals if it can be proved that the pet can be retained in a manner deemed satisfactory to the landlord. If a pet has been kept at a property for a long period of time without incident, the landlord should consider the reasons why they may impose separation.

It is hoped the issue of unauthorised pets within rental properties is less likely to materialise if issues regarding animals are discussed clearly during the process of a tenancy being set up.



Photo: RSPCA, Cymru

abandonments & evictions

There may be situations in which landlords come across animals that have been left in a property following an abandonment or eviction.

As owner of the property, in such circumstances, a landlord would be responsible for meeting the welfare needs of those animals under the Animal Welfare Act 2006.

Landlords are commonly advised to include a clause in the tenancy contract with regards to abandoned goods, and this should make specific reference to pets, where permitted at the property.

Should an eviction process be necessary, landlords should urge tenants to consider onward arrangements for their pets as early as possible, thus helping to prevent the escalation of any animal welfare issues. This will also help prevent abandonments. The provision of a contact list of reputable animal welfare organisations may also prove useful in these situations.

Breeding & Pet Vending

Landlords or agents could insert clauses into the tenancy agreement which tackle indiscriminate breeding and accidental ownership. A clear ban on the premises of any business activity related

to the breeding or vending of animals is advisable; as is a strong discouragement or proscription of non-commercial breeding. Dog breeding activity is licensed by Local Authorities in Wales under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2015, and any person with three or more breeding bitches, in addition to meeting other conditions, would by law require a license.

Dangerous Dogs Act 1991

Under the Dangerous Dogs Act 1991, it is against the law to own certain types of dog, namely the Pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. Where a court has judged any such dog to not be any danger to the public, it will have been placed on the Index of Exempted Dogs (IED). Additionally, assessments will also have been carried out on these dogs which should ensure their safety. There are also requirements such as insurance which those owners will be obliged to comply with in order to retain that dog. In these circumstances, a landlord should look to allow an exempted dog to be kept within a rented property.



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more information

Additional information is available at RSPCA.cymru and PoliticalAnimal.wales.

The RSPCA has produced [guidance for social landlords](#), which could prove useful to landlords and agents in the private rented sector.

Should you wish to discuss any of these issues further, please contact RSPCA Cymru at externalaffairscymru@rspca.org.uk.



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References

- 1 Chartered Institute of Housing, the Private Rented Sector in Wales
- 2 National Survey for Wales: Headline results April 2014 – March 2015
- 3 Pet Food Manufacturers' Association – Regional Pet Population Survey
- 4 The Guardian - Pet owners face struggle to find rented accommodation, 27 July 2011
- 5 Welsh Government website, Codes of Practice, last updated: 28 September 2012