

No to my four legged friend?

By [Stacey Bartlett](#) | Posted on 09 November 2015

“I’ve been living in a sectional title complex for about two months. I have a small Yorkshire Terrier that stays with me and remains inside my sectional title unit during the day when I’m at work. She doesn’t bother anyone and is always quiet. When I decided to buy my unit in the complex I heard that dogs were allowed. Now the body corporate has informed me that I don’t have permission to keep a dog and warned me to remove my dog. I understand that rules are rules, but is there nothing I can do?”

Firstly, the trustees of the body corporate of a sectional title complex are entitled to establish rules regarding the keeping of pets within the complex, including the outlawing of pets. Each sectional title scheme has certain prescribed rules in place, but these rules can also be expanded to make provision for and deal with aspects relating to the keeping of pets within the complex. Because sectional title involves communal living you may find that the choice of a complex lifestyle does involve limiting certain choices compared to buying freehold property.

To establish if there is anything you can do, the first step is to establish exactly what is allowed and not allowed by your complex rules. To do this, you should obtain a copy of the sectional title rules from the trustees of the body corporate or ask your lawyer to obtain a copy of the rules from the Deeds Office.

Once you are in possession of the rules, go through them and try to determine whether pets (or dogs) are indeed outlawed from the complex, or whether the keeping of pets is subject to certain conditions. If there are conditions, establish if and how you will be able to meet them to the satisfaction of the body corporate. If pets are allowed, subject to the permission of the body corporate being obtained, then the necessary permission can be requested or applied for.

Should you be able to request permission, but the body corporate refuses to grant such permission, you can consider bringing a court application to review the decision of the body corporate. For such an application to succeed, our courts have in the past overturned a refusal to provide permission subject to the pet owner having to meet certain conditions, such as:

- the dog must be confined to the unit and may at no time be allowed to walk on the common property;
- the dog must be carried when it leaves the unit;
- the dog may not be allowed to constitute a nuisance to other residents; and
- the owner shall not replace the dog with another pet when it dies, save where prior written permission has been obtained from the trustees.

The unfortunate reality is that since you have opted for a sectional title lifestyle and will be sharing communal property with other residents, it does mean that the rules of the complex have to be applied fairly to all residents. This may mean that there may not always be space for our four legged friends if the rules are clear on not allowing pets, and these rules will have to be abided by. So if you have pets and are contemplating buying a sectional title unit, make sure you understand the rules on keeping pets before you buy.