



Housing Services: Procedure on Pets

September 2021

Version Control

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HD POL 016.	01.	1 February 2004.	New policy.	Project Officer.
HD POL 016.	02.	19 April 2005.	Section on tenancy breaches added.	Project Officer.
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1. Policy Statement

Orkney Islands Council will ensure that applications to keep pets are dealt with in accordance with the contractual terms contained within the tenancy agreement.

This document has been produced by Housing Services and is intended to ensure that we:

“act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being related to equal opportunities” (Housing (Scotland) Act 2010, Section 39).

We will also ensure the promotion of equalities by publishing information on this procedure in different languages, as required, and in other formats such as in large print, audio format and braille.

Scottish Social Housing Charter.

In developing this document we have taken into account the Scottish Social Housing Charter. Its relevant outcomes and standards are as follows:

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes.

Social landlords, working in partnership with other agencies, help to ensure that:

Tenants and other customers live in well-maintained neighbourhoods where they feel safe.

This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

Sections 2.1 to 2.9 detail staff procedures.

2. Keeping of Pets

2.1. General

We recognise that pets can be extremely beneficial by providing a source of friendship and comfort to many people. It is our policy, therefore, to promote the right to keep domestic pets.

This right is detailed within the Tenancy Agreement that provides for the contractual right of tenants to keep two domestic pets without needing specific permission.

It is stressed that we will, in general, not permit tenants to keep non-domestic pets such as sheep or exotic pets for example snakes or other reptiles, unless specific prior permission has been sought.

It is also recognised, though, that pets can be potentially problematic if certain conditions are not met. For example, dogs can foul common areas unless they are looked after properly.

In order to safeguard the rights of all of our tenants to peaceful enjoyment of their homes and environment, permission to keep pets is subject to conditions as below.

2.2. Exceptions

Tenants have a right to keep working guide dogs or hearing / assistance dogs in addition to their permitted two pets. Permission is not required for these animals, although staff should record details on file for information purposes.

Permission is not required for any number of tropical fish.

2.3. Applying for a Pet

Tenants must obtain written permission from Orkney Islands Council prior to keeping more than two pets. A standard application form is available for tenants to use on request (Document 1). In most cases, it is acknowledged that applications to keep an additional pet will involve applications to keep an extra dog or cat.

Staff should help tenants to complete this form on request. The form can also be made available in other formats as required, for instance, in large print.

We may either grant or refuse permission (Documents 2 and 3). If permission is granted, it will be subject to the following conditions that are contained in the Tenancy Agreement:

- Tenants are not allowed to keep a pet that is prohibited by the Dangerous Dog Act 1991, or by any other law.
- Tenants are responsible for the proper welfare and behaviour of their pets, or pets owned by anyone living with them.
- Tenants must take all reasonable steps to supervise and keep pets under control.
- Tenants must take all reasonable steps to see that pets do not cause nuisance, annoyance or danger to neighbours; this includes fouling, noise or smells from pets or a threat to other people's pets.
- Tenants must take reasonable care to see that pets do not foul or cause damage to the house, neighbours' property, anything belonging to the council, or anything for which we are responsible such as drying areas or footpaths.
- Tenants are responsible for cleaning up dog dirt.
- Tenants must ensure that their pet is exercised properly.
- Tenants are responsible for the proper disposal of any dead pets.

2.4. Damage Caused by Pets

Where pets cause damage to our property, for example, doors damaged by dogs, the costs of repairing this damage will be recharged to tenants. Repayments can either be by lump sum, or by instalment. Staff should use a standard invoice.

2.5. Refusal to Keep a Pet

Permission to keep a pet should not be granted where keeping an animal is not permitted by the Dangerous Dogs Act 1991, or by any other law. For example, poisonous pets such as snakes will not be permitted, nor will certain breeds of dogs. Examples of such dogs include the pit bull terrier and the Japanese Tosa. In addition tenants must adhere to the Control of Dogs (Scotland) Act 2010 and ensure that their dog is kept under-control regardless of whether in a public place or in their own garden.

2.6. Number of Pets Allowed

As indicated above, the Tenancy Agreement refers to the tenant's right to keep two pets. It is acknowledged, however, that some tenants may wish to have more than two pets. Where this applies, staff should ensure that full details are recorded on the application form. Each case will be assessed on its merits.

2.7. Breach of Tenancy

Where tenants fail to keep to the above conditions, for example, the pet is causing nuisance or damage to property, we will ask tenants to give up their pet(s). Any breach of tenancy will be handled by the Housing Management Section in accordance with related policies such as the Anti-Social Behaviour Policy. Tenants should normally be given one verbal warning and one formal written warning before being asked to give up their pet(s) (Documents 4 and 5).

Where tenants fail to remove the pet, other actions may be considered, for example, court action to enforce terms of let. As per our Estate Management policy, action to recover possession of the property would only be considered as a last resort where it is reasonable and all other legal remedies have been tried and failed to resolve matters.

2.8. Appeals

In order to promote tenants' rights to a fair hearing, tenants may appeal against decisions that we take. Appeals can be taken against decisions either not to allow pets, or against withdrawal of permission. Appeals can be made directly to the Head of Community Learning, Leisure and Housing.

2.9. Monitoring

In order to comply with its service commitments, it is important that we should monitor the effects of pet procedures. Areas to be monitored are as follows:

- Types of pets being applied for.
- Numbers of acceptances and refusals.
- Numbers of appeals and outcomes.
- Our anti-social behaviour strategy covers recording numbers of incidents of nuisance involving pets.

3. Document Templates

Document 1: Application to Keep More than Two Pets

To: Housing Management.

From: Name and address of tenant.

Re: Application to Keep a Pet.

I/We* write to request permission to keep an extra pet.

The pet is a (type of pet): _____

I / We* already have: _____

Yours faithfully,

Signature of tenant: _____ Date: _____

Signature of tenant: _____ Date: _____

* Delete as appropriate.

Document 2: Permission Letter

All letters should be put onto the Education, Leisure and Housing's letterhead.

Our Ref:

Your Ref:

Date.

(Address).

Dear (Name of Tenant).

Re: Application to Keep Additional Pets

Further to your application of (insert date), I am pleased to advise you that you can keep an additional pet as requested.

The conditions of keeping the pet are detailed in your Tenancy Agreement and in our policy.

Kindly contact me if you have any issues you wish to discuss about this matter.

Yours sincerely,

Housing Officer (Housing Management).

Document 3: Refusal Letter

All letters should be put onto the Education, Leisure and Housing's letterhead.

Our Ref:

Your Ref:

Date.

(Address).

Dear (Name of Tenant).

Re: Application to Keep a Pet

Further to your application of (insert date), I regret to advise you that you cannot keep an extra pet as requested. This request has been refused for the following reasons:

Kindly contact me if you wish to appeal against this decision through the council's internal Appeals System.

Yours sincerely,

Housing Officer (Housing Management).

Document 4: Breach of Tenancy (Warning Letter)

All letters should be put onto the Education, Leisure and Housing's letterhead.

Our Ref:

Your Ref:

Date.

(Address).

Dear (Name of Tenant).

Re: Permission to Keep Pets

Further to granting permission to keep pets, it appears that you are not keeping to the terms of tenancy for the following reason(s):

Please note that this matter should be dealt with immediately as failure to do so may result in permission to keep the pet being withdrawn.

Kindly contact me if you have any issues you wish to discuss about this matter.

Yours sincerely,

Housing Officer (Housing Management).

Document 5: Withdrawing of Permission Letter

All letters should be put onto the Education, Leisure and Housing's letterhead.

Our Ref:

Your Ref:

Date.

(Address).

Dear (Name of Tenant).

Re: Permission to Keep Pets

Further to our discussions regarding the above matter, I write to confirm that permission to keep pets has been withdrawn. This decision has been taken for the following reason(s):

Kindly contact me if you wish to appeal against this decision through the Council's internal Appeals System.

Yours sincerely,

Housing Officer (Housing Management).