

Strata Living

Headline: Pet exemptions

Topic: Pets; bylaws

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Dear Tony: Our strata corporation is proposing a bylaw amendment that will eventually see the keeping of any pets in our development prohibited, although we are pretty sure it will be defeated. One owner on council has a hate on for cats and dogs and wants to ban them. She claims the cats and dogs are destroying our carpets and common property and making it very difficult for people to sell their units. Out of the 58 units we have 5 cats and 2 dogs, and those 2 dog owners live on the ground floors and use their patio doors to take their pets in and out of the units. If the bylaw does pass, how does it affect the owners? The council has said that everyone with a pet will be grandfathered as long as they live in the strata. That seems unfair to the people who live there as they are treated differently. Does the Act create any specific conditions or limitations on pets?

John L.

Dear John: The Strata Property Act sets out a very specific condition for the impact of pet ownership in the event the strata corporation adopts a bylaw that limits or prohibits pets. The basic essence of the legislation is that those specific pets that live in the unit at the time the bylaw is passed are exempt. If you have a dog, and the new bylaw prohibits dogs, then when you move or your dog passes, you cannot replace the dog. If it is a specific reduction in the

numbers, then pets could only be replaced in accordance with the number of the bylaw. If a strata corporation is intending on creating an exemption for all pet owners, they should seek legal advice on the enforceability of the bylaw. A new bylaw that treats ownership unfairly may be unenforceable and expose the strata corporation to greater problems if the result is discrimination against an owner(s) or frustration of a sale. Strata corporations should always be mindful of special accommodations for certified assistance pets. Even if a bylaw prohibits pets, an owner with a certified assistance pet may still be exempt from the bylaws.

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