
Strata Living

Headline: New guide dog exemptions

Topics: Pets

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Written by: Tony Gioventu

Dear Tony: Our strata has a bylaw that prohibits pets. We have several people in the building who have intentionally purchased because of our pet restrictions. A new family moved in the first week of September and they have two dogs. We have sent them a notice of bylaw violation and advised we will be applying fines to their strata lot commencing October 1st if they do not remove the dogs. They have replied that both of their dogs are exempt under the Guide Dog and Service Dog Act and that our bylaws do not apply. Our owners have petitioned for a Special General Meeting to make council take action. They want us to fine the owners and make an application to the Civil Resolution Tribunal, but if they are exempt, what choice would we have?

Martin D. Vernon

Dear Martin: The Strata Property Act was amended this summer to include the exemption a guide dog or service dog, or a dog that is a member of a retired guide or service dog team, if the person who is a member of the team is an owner, tenant or occupant. A good place to start would be for the strata council to request documentation to verify the status of the guide or service dogs. Your strata corporation will have difficulty in proceeding with an action if the owners are complying with the Act and have verified the exemption status of the dogs. The strata bylaws cannot override the provisions the Act. A fundamental of strata bylaws is that they must comply with the Act, Regulations, the BC Human Rights Code and any other enactment of law. We are seeing a rising trend where strata owners are petitioning for general meetings to make council enforce bylaws. Under the Act, the strata corporation may not direct or restrict the council's discretion to determine, based on the facts of a particular case, whether a person has contravened a bylaw or rule, whether they should be fined, the amount of the fine,

or whether an owner should be required to pay the reasonable costs of remedying a contravention of the bylaws or rules.