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## Strata Living

Headline: How to remove a pet>

Topics: Pets

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**Dear Tony:** Our strata council has been fighting with a new owner for 6 months over an unauthorized pet. We have a bylaw that permits only 1 cat per strata lot, with the exception of guide dogs and service dogs. An owner purchased a unit in September and a week later moved in their German Shepherd. The strata council received a complaint and within 5 days gave the owner notice of the bylaw complaint. We had a hearing with the owner and were basically told where to shove our bylaws. The dog and the owner have both been aggressive with other owners and we need to deal with this issue. Is the strata permitted to remove the pet?

*Karen W. Pt Moody*

**Dear Karen:** The *Strata Property Act* and bylaws provide councils with the ability to impose fines for non-compliance of bylaws; however, the next step which would involve an injunction or order require a strata to make an application to the BC Supreme Court or the Civil Resolution Tribunal (CRT). The CRT has financial and procedural benefits that enable strata councils to file claims with a minimal amount of cost and time. Provided your bylaw is enforceable, the strata corporation has followed the proper procedures of bylaw enforcement, and the council is enforcing your bylaws fairly, the CRT can order an owner or tenant to comply with the bylaws which may include the payment of fines and the remedy of the violation by removing the pet. The strata council by majority vote makes a decision to commence a CRT complaint and appoints a designated council member who will act for the strata in filing the complaint, participating in the case management process and acting through the adjudication process. If the strata is successful in obtaining an order, the order may then be filed in the

BC Court Registry and on the owner's title. If the owner does not comply, the strata could then consider an application to the BC Supreme Court for an enforcement order.

As volunteers on strata council, owners are often placed in awkward positions with their fellow owners. The best approach for enforcement is technical formality (by the book ) if an owner, tenant or occupant is unwilling to comply. It removes personal opinions, reduces conflict and argument, and enables the strata to successfully use solutions such as the CRT when the matter has to be dealt with at a higher level.