

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-077

## Condo Smarts

Headline: When pets run wild, council can step in for control

Topic: Bylaw enforcement

Publication date: May 16, 2004

Publication: The Province

Written by: Tony Gioventu

Remember the line, "There are no bad pets, just bad pet owners?" An Aldergrove strata is a case in point. Every single owner, (of the total of 85) has at least one cat, bird or dog. The bylaws limit pets to caged mammals, such as gerbils or hamsters, caged birds, or one cat or dog. However, several of the owners, including some council members, own as many as four cats and/or dogs. Many owners have complained about pets running loose and animal waste not being cleaned up. Owners are concerned about the risk of injury to children, the health effects of the increasing animal waste, the liability risk, and even the possibility that the unsupervised animals could injure other pets. As a result, the strata council has taken it upon itself to enforce the bylaws against the accused owners. But more than half the council also have too many pets, so they, too, are in violation of the bylaws. How does council enforce the same bylaws when they stand accused of breaking them?

**Strata Law:** Three parts of the Act address bylaw enforcement, council violations and behaviour of council. Section 135 sets out the procedures for enforcing bylaws and imposing fines. Section 136 addresses complaints against council members, and Section 31 determines the standard of care the council must exercise.

**Tips:** Roughly interpreted, there must be a fair process of notice, the opportunity for a hearing, and notification of the actions of all parties. The council must act honestly, in good faith and with a view to the best interests of the strata corporation and accused council cannot be part of the decisions regarding their alleged violations. Several guides are available from our office that provide direction on the enforcement of bylaws and may be a helpful tool for council members.

For more information on CHOA resources and benefits visit [www.choa.bc.ca](http://www.choa.bc.ca)  
or contact the office at 1-877-353-2462 or email [office@choa.bc.ca](mailto:office@choa.bc.ca).

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.