

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-239

Condo Smarts

Headline: Council barking up the wrong tree here; How can they order your dogs out when they own them as well?

Topic: Pets

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This is the first in a series focusing on the six notorious "P"s of strata living: Pets, People, Parking, Prostitution, Pools and Pot.

Dear Condo Smarts: I'm a single guy with two medium-size dogs in a Vancouver highrise building.

When I moved in three years ago, the president of the council told me, "Don't worry about the pet bylaws. Everyone has dogs and we never plan to enforce them."

Last week I received a notice from the strata council that an owner has complained about my dogs barking in the afternoons and that I am in violation of the pet bylaws and will have to remove my dogs within 14 days.

There is nothing in our bylaws that says the council can order the removal of pets and my dogs always go to the office with me, so the complaints are wrong.

How is it possible after all this time for the strata to enforce the bylaws? The bylaw prohibits dogs and permits one cat. I would estimate we have over 50 dogs and about 10 cats in the building. What about council members who have dogs?

-- Calvin Meyers

Dear Calvin: Everyone has to comply with the bylaws that are filed in the Land Title Registry, unless they are under an exemption granted by the Act.

Before the strata corporation imposes any fines or requires you to pay for any enforcement costs, they have to have received a complaint, have given you the details of the complaint in writing and provided you with a hearing, if you request it.

Council cannot impose bylaw conditions that do not exist in the bylaws.

You do raise a very interesting and complicated problem, though. I made a few calls and discovered that, contrary to the bylaws, every one of your council members has a dog.

So how would the council even convene a hearing when they have the same violation you're being accused of?

The real message in all of this is that your strata does not appear to want to prohibit dogs, and it's time for your strata to vote on some new pet bylaws, get legal advice on how to either exempt the current pets through bylaw amendments, or simply repeal your pet bylaws and start fresh.

Communities change and bylaws need to be reviewed and changed on a regular basis.

Next week: People

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