

**Condo Smarts**

Headline: Pet bylaws and service dogs

Topic: Pet Bylaws

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**Dear Tony:** Are you able to do a piece on strata council who do not apply bylaws to themselves as they would to owners? Our president decided to get a dog that belonged to a family member and claimed the pet was a therapy dog and as a result was exempt from the bylaw and required for his health. The president did not recuse himself from the meeting when any decisions about the pet were being made, and since then 2 or 3 other owners have brought in dogs. A group of owners have filed a complaint but the council have refused to do anything about this. We talked to a lawyer and our only recourse is to go to Supreme Court to obtain an enforcement order at a cost of \$10-25,000 dollars. This seems unfair just because a person in a position of power uses it for their own benefit. How does a strata determine how a service dog is qualified?

*Connie L.*

**Dear Connie:** Your complaint about the council enforcement, or rather failure to enforce bylaws against each other is very common. Strata council members who use their power to gain personal benefits and exemptions are the same council members who refuse to comply with the *Strata Property Act*, Regulations and Bylaws of the strata corporation. A conflict of interest is simple enough to understand, especially when the result is so blatant. It is the exercise of control or authority over an outcome where the party has a personal interest or benefit. The Act sets out clear requirements requiring strata council members to declare an interest in a matter and to remove themselves from council meetings where a decision results in a benefit or enforcement decision affecting them or their strata lot. Basically, council members don't get to decide their own bylaw enforcement or exemptions. Your strata corporation does have other another option if you have a strata council unwilling to comply with the bylaws. Strata owners, by 20% may petition for a special general meeting to remove the council, by majority vote, and elect a new council who will enforce the bylaws; however, it relies upon your owners to take charge of your strata corporation and be willing to be elected to council. You are

correct, whether it is a council unfairly enforcing bylaws or unwilling to enforce bylaws it is a Supreme Court Action or arbitration. Either way it is going to be costly. The good news is the Civil Resolution Tribunal will be in effect within the year and these types of compliance and enforcement issues, which people are avoiding will be within the jurisdiction of the tribunal and resolved at a cost and time effective purpose. The proposed Guide Dog and Service Dog Act recently introduced into the legislature will also be very helpful for strata corporations as it sets out qualifications for service animals and does not leave it discretionary. The new Act sets out limit certification to dogs and no other animals, recognize both guide dogs for the visually impaired and service dogs for individuals with other disabilities, require a high training standard for certified dogs, provide an option for dogs to be tested by a designated third party if they were not trained at a facility that is accredited by either Assistance Dogs International or the International Guide Dog Federation, extend public access rights to certified dogs in training, extend tenancy rights to include strata properties and retired certified dogs that continue to reside with their handlers, and increase the existing penalties and create a new offence of falsely purporting to be a certified team.

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