

## Strata Living

Headline: How many hamsters are too many?

Topic: Pets

Publication date: April 10, 2014

Publication: 24 Hours

Written by: Tony Gioventu

---

**Dear Tony:** Our strata corporation has received a complaint from an owner in a strata lot about a smell coming from their neighbours unit. The council contacted the neighbours and were permitted to enter the suite as we had suspected it may be coming from a sewer back problem we experienced last year. The odour was as a result of a number of unclean pens that were housing hamsters and other rodents. We estimated they have 15 cages in varying sizes all with at least 5-10 hamsters or rats in them in poor conditions. Council decided to give the owner notice of a bylaw complaint regarding the odour and advising they had exceeded the number of limited pets in their strata lot. Here is the difficulty. The standard bylaws, which we use, simply say a reasonable number of small caged mammals. It does not say how many cages or what a reasonable number is. We suspect that if the owner had maintained the cages properly we may never have known about the problems. So what next?

*Shiera V.*

**Dear Shiera:** When a bylaw sets out a condition such as "reasonable" or "must not unreasonably refuse", that is for the strata council to decide and determine whether those conditions have been exceeded. If the pets had been maintained well and they were healthy, along with well maintained cages, it is unlikely a bylaw complaint would ever have been filed. That is a good indication to you that the conditions are not reasonable. The strata lot is a residential strata lot and not intended as a pet store or breeding centre. This may require that the strata corporation

more clearly define and adopt a bylaw that limits the number of pets or animals in a strata lot. In the mean time, strata council follows the bylaw enforcement procedures under the Act. Give notice of the complaint, permit the owner the opportunity to respond in writing or request a hearing and then make a decision after that process on bylaw enforcement. While fines may or may not be sufficient, the strata corporation may be required to obtain an injunction to address the problem. There may also be a human health safety issue and a pet health safety issue. Contact the regional health authority and the SPCA to seek additional assistance and possible investigation into the conditions of the strata lot and the animals.

---

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 [info@choa.bc.ca](mailto:info@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.