

Strata Living

Headline: Does size matter?

Topic: Pet Bylaws

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Dear Tony: We have had a bylaw in our Burnaby building for the past 25 years that limits the size of pets. Each owner is permitted one cat and one small dog. Over the years the question has arisen as to what is classified as a small dog. The council have taken a position that any dog over 10kg is a medium or large dog and prohibited. The problems that we are having however does not relate to the size of pets but the age of the pets, their owners, the noise and our carpets. The older pets frequently don't make it to the outdoors before they have an accident, and our carpets are in horrible condition. The council is suggesting we change the hallways from carpets to vinyl so we can avoid the future problems. Our strata is divided 50/50 on this issue so we can't seem to make a decision. Council now says the carpets are due for replacement on our depreciation report and it's only going to take a majority vote to spend the funds from the contingency and replace them with vinyl? Is this possible.

Adelle Foster

Dear Adelle: Most of the calls that the CHOA advisors receive that relate to pets are about noise, pets out of control, and pets doing their business in the building causing damages. Size is rarely an issue unless the larger dogs are a safety concern for the owners, either as a personal matter or pets that are aggressive. The size of the dog has no direct relationship to the behavior; however, pets that are neglected or do not get enough exercise may exhibit behavior that results in damages and noise disruptions. A dog's anxiety will be obvious

by the continuous barking, damage within the strata lot and on common property, and behavior towards other pets and residents in the buildings. A strata may adopt a bylaw that limits the size of pets, but they should also be specific as to those limitations in the bylaw, otherwise future disputes are inevitable.

The condition of a depreciation report under the Act is a separate issue, and the intention is that the current building asset/carpet is replaced with the same basic carpet. If the strata intends to make a significant change in the use or appearance of the hallway covering, they will require a 3/4 vote of the owners at a general meeting, to approve the change, allowing the recommended depreciation costs to be approved by majority from the contingency fund. While the change may be the right choice, remember that the sound proofing in the hallways, along with finishing materials and floor transitions may all change significantly.

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