
Strata Living

Headline: What does the word 'reasonable' mean?

Topics: Bylaws

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Dear Tony: Our strata uses the standard bylaws in the act and that includes the limit on the number of pets. The pets section sets one of the limitations as a reasonable number of caged mammals. Our strata council thinks this means things like 2 gerbils, hamsters or guinea pigs. We have an owner who has ferrets, and they do sleep in their cages, although they have the free run of the 2 bedroom apartment. We think this person is breeding ferrets because a visitor has told us there are at least 20 animals in the unit and neighbours have complained of an odour in the hallways. At what point does is the strata council required to intervene when someone violates the bylaws, if this is actually a violation?

Deanna L.

Dear Deanna: The *Strata Property Act*, the Regulations and the Standard Bylaws use a variety of terms that are ultimately up to the strata council to determine. If you look closely at the *Act* you will see terms like, "significant change in use or appearance of common property, or significantly unfair action, or reasonable number of caged mammals or fish or unreasonable noise or must not unreasonably withhold permission". All of these terms require the strata council to investigate the circumstances, gather information and then make informed decisions that apply to bylaw enforcement, the granting of a hardship exemption, or alterations to property.

A few tests can be used that may be helpful and it is often easier to analyze a request or complaint by questioning the impact. For example, what is a reasonable number of caged mammals? Are there any complaints regarding, noise, smell or property damages? Do the number of pets impact the use and enjoyment of a strata lot or common property by any

other person? Is there any risk of damages to the strata lot, common property or common assets of the strata corporation?

In many strata corporations, the numbers of pets have been clearly identified to provide clearer direction to owners, tenants and occupants, and to make the job of enforcing bylaws easier for council. For example, the standard bylaw limits aquariums to a reasonable number of fish or small aquarium animals, but it does not limit the size or capacity of aquariums. Many strata corporations, because of the risk of water damage limit aquarium size to 20 or 40 liters to limit the risk of property damage in the event of a failure. If in doubt, council should seek professional advice.