

PETS IN CONDOS: DOGGED IF YOU DO, DOGGED IF YOU DON'T

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Why does the word “dog” compel heated debate when combined with the word condominium? In the interest of full disclosure, I am the owner of a lovely, 65-pound, Lab called Riley. Also, I am allergic to cats.

Condominiums and pets are a lively topic and usually anything involving dogs is the liveliest. This is simply because they can be large and loud and need to be walked a few times a day so they are more visible than other types of pets.

Over the years condominiums have tried to regulate pets in many different ways hoping to find a process that works with no need of constant surveillance. Attempts have included; total prohibition, limiting types of pets, limiting the number of pets allowed in a unit, poundage limits i.e. no dog more than 25 lbs. allowed, DNA testing to match dogs to stool samples, conditional licences and behaviour controls. Regretfully not one of these works perfectly and every condominium will have pet issues from time to time.

The goal is to establish pet rules and regulations which work most of the time, do not cause undue administration and do not put a unit owner in a position of deciding to lie to keep their pet. Complete prohibition, limiting number and type and poundage clauses do not meet this goal. They all require a constant level of policing by the Board, manager or the unit owner who really hates pets. Unit owners who have pets are quick to say, it is not their dog but belongs to another family member and is just visiting. Also, just like a prize fighter, they put their dog on a starvation diet prior to the weigh-in. I have even seen pet reincarnation occur when condominiums decide to prohibit new pets but grandfather existing pets. Black cat dies and black cat reappears – amazing, but true, sort of.

Evolving medical practices also make complete prohibition impossible. Most people understand that service dogs will be allowed in a no pet building as they are a medical necessity and therefore must be accommodated. This fact now extends to the concept of therapy animals. Doctors are prescribing pets to patients suffering from an increasing wide range of medical ailments. Our Human Rights legislation will allow a unit

owner in a no-pet condominium to keep their service or therapy animal in the condominium. As a result, you will have pets in condominiums no matter what prohibitions are in place.

Treating pets as being allowed by way of licence with consequences for bad behaviour achieves the goal and acknowledges the truism that there will be pets in condominiums. I include the following section in Declarations I draft allowing pets but making it conditional on them being well behaved:

Owners shall be allowed to keep household pets in their units subject to the By-laws and Common Element Rules of the Corporation. No other animal shall be kept in the units. No animal or pet which is deemed by the Board in its sole discretion to be a nuisance shall be kept by any owner in any unit or on any part of the property. Any owner who keeps any animal or pet in any unit or any part of the property shall, at the request of the Board, remove such animal or pet therefrom forthwith on receipt of a written notice from the Board or the Manager requesting such removal.

This pet authority allows for pets and allows for pets to be controlled. However, it is not perfect, as pet owners have been proven to fight to illogical levels to keep their pet. Our Condominium Act allows for binding mandatory Arbitration and that is the method of enforcing the above clause when faced with a non-compliant pet owner.

Pets or no pets also has an influence on the marketability of units in a particular condominium. Condominium buying pet lovers will not buy into a no pet building. Attempting to administer a complete prohibition on pets may lessen an owner’s ability to easily sell their unit.

Living in a condominium is living in close community with your neighbours. You are joint owners of the common elements so you are also engaged in a non-profit corporate venture. Do unto others as you would have them do unto you is the secret to harmonious condominium living. In no aspect of condominium living is this more evident than the world of pets, especially when that pet is a dog. ■