

## Condo Smarts October 5, 2022

### Limiting Service Pets

**Dear Tony:** We recently moved into a townhouse complex with our 2 dogs. Immediately on occupancy, the council sent us a notice that we were only allowed 1 pet and we had to remove the other dog. This has caused an unbelievable amount of stress for both of us. One of our pet's is a certified service animal and the other is emotional support. Both of which have documentation. We provided this documentation to the strata council, and the president informed us that we should have read the bylaws before we moved in and should have known better. From our understanding, certified pets are exempt from strata corporation bylaws, and therefore our other dog would be the permitted pet. The council have refused to back down and insist on sending us weekly notes and fines about the additional pet. We really don't want to drag this through the Human Rights or Civil Resolution Tribunals. Any decisions or references you can provide would be helpful, and perhaps our council may exercise some common sense. MJR.

**Dear MJR:** You are correct. The Guide Dog and Service Dog Act overrides the bylaws of the strata corporation. The certified pet is exempt from the strata corporation bylaws; therefore, it cannot be considered within the count of total number of pets. In addition to the exempt certified dog, other pets may be considered emotional support or some other valid reason for accommodation under the BC Human Rights Code. Whether a bylaw stipulates a specified restriction or not is irrelevant. All strata corporation bylaws and rules must comply with the BC Human Rights Code. *Strata corporations must not discriminate against or deny persons the opportunity to acquire land.* If I have a disability, it does not alter my right to purchase or the requirement for the strata corporation to accommodate my disabilities to the point of undue hardship. Under the code, *"A person must not, without a bon fide and reasonable justification, deny to a person or class of persons regarding any accommodation, service or facility customarily available to the public, or discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons"*. A decision under the Civil Resolution Tribunal, *Lenius v KAS 2959*, addresses the issue of multiple pets. An excerpt from a Human Rights decision addresses the right to occupy. *"If strata corporations were able to avoid making buildings and facilities accessible on the basis that the owner should not have bought in the building in the first place, individuals with disabilities would be banished to very specific and limited housing."* Accessibility and accommodation are complicated issues for every community. Councils must be open minded and work closely with an applicant to determine what accommodation steps should be taken. Go to [www.choa.bc.ca](http://www.choa.bc.ca) to sign up for a one-day conference on Accessibility and Accommodation. Saturday November 5th, Coast Hotel Langley.

Tony Gioventu, Executive Director CHOA

Registration is now open for CHOA's Fall 2022 Education Program. Course highlights this season focus on Council Meetings, BC Human Rights Tribunal, The CRT, The Accessibility Act and Alterations. Go to: <https://choa.bc.ca/seminars/>

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.