

## **Pets In Condos**

*By Lazarus Kalimeris, Melbourne Property Management*

During a recent nerve-racking exercise in public speaking alongside my fellow colleague Inderpreet Suri from Shibley Righton, we presented at the annual CAI Canada Conference on a practical yet poignant topic affecting all condominium residents: pets in condos. After a fruitful discussion with other leading condominium managers present, and notably my first public speaking event, I wanted to share some insight gathered during this discussion.

Condominium residents love their pets, and for good reason: they add value to our quality of life. Having a pet join your family has been proven to reduce stress, increase exercise, and offer vital mental health support. According to a study conducted by Canadian statistics company Logit Group, there was an 18% nationwide pet-ownership increase seen during the pandemic. Among this group, 38% fell between ages 18-24 in addition to existing numbers of over one-half of Canadians currently owning at least one pet. The evidence was clear - people looked to pets to help ease the burden of real-life isolation caused from COVID-19 lockdown measures. Habits quickly shifted to either walk your dog or carry on in front of your computer screen. Blowing open the real-world example that companionship is a singular part of the human condition.

But with the love pets give to us, pets equally require that care and responsibility returned back to them from their owners. In absence of this key nurturing, pets can become rebellious, unruly, or even dangerous. Recognizing this, what can we as condominium managers do to ensure a fair and communal living space where pets and residents live harmoniously? And further, what can we effectively do to fairly enforce our condominium's rules?

Whether the matter at hand is pet urination, a banned pet being kept in a unit, pet aggression displayed in the common elements, or a loud disruptive pet – before any action is taken, it is key to identify the matter and customize a best approach. Paying unique attention to each circumstance will aid in understanding what is truly required. In some instances, a rule reminder letter may suffice and even provide some useful education. Offering simple resources such as local training schools or online sources for good pet parenting can be an important first step with residents. As displayed above, many Canadians became first time pet owners over the pandemic and may simply be overwhelmed by the new addition to their family. In other instances, a first and final notice with a possible cleaning fee may be required, or in extreme examples even legal action barring pets from a unit altogether is called for.

For minor but persistent defecation offences, DNA tracking by companies like PooPrints can be used to assist in unruly pet defecation on the common elements. PooPrints requires each pet be registered onto a DNA database using a cheek swab, and any pet samples found in the common elements are tested against this database to levy fines. Other condominiums may employ the use of local fobbing reports or camera's installed onsite to identify offending units and issue infraction letters or levy fines.

However, if the matter is more severe such as in cases of banned pets or dangerous pet aggression, more resources will be required to enforce the condominium documents. Very little is discussed in the industry about what enforcement managers can actually do in such cases. In the example below, we will get to understand what tools are available to us, and what managers can do to find a concrete solution.

In a recent Superior Court Case MTCC 1260 versus Singh et. al., a tenant's pet collided with another resident's pet in the common elements resulting in a vicious attack on both the other pet and the other resident pet owner. In defiance of communication from management and the corporation's solicitor stating the corporation's pet nuisance rule that ordered the removal of the pet, and the responsibilities of the tenant to comply, the matter was finally brought before the superior courts. A landmark ruling was handed down determining that where a dangerous pet was recognized and the irresponsibility of the tenant's actions identified, not only was it legal to forcibly remove the pets from the unit using police resources, it was also ruled that the tenant was barred from gaining ownership of additional pets in the future while residing in the unit.

This case is seen as a strongbone in how condominium matters are handled when brought before the courts, and to what lengths we as managers can use our skillset to employ legal teams to physically enforce the condominium documents. And although one should hope matters do not reach this extent, it is important to understand what resources are available to condominium managers when matters are not resolved by simple communication.

In closing, condominiums are a communal living environment designed for the fair and equitable use by all of its members. At times, it can be difficult to help all residents within the community understand this. But where an offending unit arises, ensure you identify the issue at hand, offer some education, create a custom approach on a case-by-case basis and where further enforcement is required, connect with your Declarant Board or Board of Directors to discuss what support you will need as a manager to ensure a solution is reached.