

Animals on Condo Balconies

680 News [recently reported](#) about a dog that had been left on a condominium balcony for over three hours on a day where the temperature approached 37° Celsius. The owner of an adjacent unit, who was concerned about the dog's well-being, called the police. The police indicated that this situation was a grey area as their ability to enter into the unit is limited. It is interesting that in this case the concerned neighbour called the police, not the Ontario Society for the Prevention of Cruelty to Animals ("SPCA"). However, inspectors or agents of the [OSPACA](#) are not permitted to enter a dwelling unit to attend to an animal in immediate distress without a warrant.

Leaving a pet unattended on a condo balcony is problematic for many reasons. In addition to concerns for the animal's safety, there are health concerns if the animal urinates or defecates on the balcony, especially when excrement falls onto the balcony below. If an unattended dog on a balcony barks or whines, this could also create a nuisance for other condominium owners.

Condominium boards should have rules in place that specifically deal with pets in the condominium. The rules should prohibit leaving unattended pets on condo balconies. The rules should also include a provision that any pet that is deemed by the Board to be a nuisance must be removed within two weeks. Animals that urinate/defecate or that bark or whine on balconies could be declared to be nuisance animals.

Depending on the wording in the condominium documentation, the condominium corporation may have the ability to enter a unit to remove a pet that has been left unattended on a balcony for an extended period of time during extreme weather conditions or without food or water. However, corporations should consult legal counsel to confirm what rights of entry are permitted and what actions they can take in situations such as this.