

Top Asked Question 7. I received a notice from the Board of Directors of my condominium indicating that I have to get rid of my dog. Can they make me do this?

Answer 7: There are several circumstances in which a condominium corporation can demand the removal of a dog or other pet.

1. Pets may be prohibited in your condo

The plan, by-laws or rules of your condominium may contain a general prohibition on pets or restrictions on the types of pets that may be kept by residents. Purchasers of condo units are deemed to be aware of the provisions of their condo documents and owners and occupants (including tenants) of a condo unit are required to comply with them. Read before buying or renting!

2. The rules may allow for the board of directors or the property manager to declare a pet to be a nuisance and demand its removal

If your dog has a history of creating noise or nuisance, or poses a potential threat to the safety of other occupants or to the property, the condominium corporation may demand its removal and the unit owner or occupant must comply with this demand.

3. Weight or other restrictions

Many condos prohibit dogs over a certain weight or height because larger animals may make people uncomfortable in confined spaces such as elevators and hallways and may pose difficulties during emergency evacuations. If your dog exceeds any such restrictions, the condominium corporation may demand its removal and the unit owner or occupant must comply.

If you have a dog or other pet or intend to get one, it is important to be familiar with any provisions regarding pets in your condo corporation's plan, by-laws and rules before purchasing or renting a unit. Because unit owners might be held responsible to reimburse their condo corporation the hefty costs of enforcement (through mediation, arbitration or litigation), it is wise to get legal advice and representation promptly after receiving a demand from your condominium board or property manager. While it may be possible to argue that such rules are not applicable or enforceable in some circumstances, the cost of raising those arguments as part of the mediation, arbitration or litigation processes can be ruinously expensive, especially if the argument is unsuccessful.

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