

Pet bylaw comes as shock to cat owner

Condo board likely within its rights to demand eviction of one animal

By Robert Noce, Edmonton Journal
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Dear Robert: I moved into my condo a year and a half ago with my two cats. The property manager did not say anything about the limited numbers of pets per unit.

I have recently discovered there is a bylaw that states there is only one animal allowed in each unit. All of a sudden, the board is taking steps to have one cat removed from my unit.

There are other owners within the complex who keep multiple pets, but I don't know if the board is pursuing them. Do I have any rights here? What can I do?

A: The board has a duty to enforce the bylaws of the condominium corporation; it does not have the ability to pick and choose which bylaws to enforce and which owners to pursue.

Based on the facts that you have provided, the board is well within its rights to demand that any pet over and above the limit of one be removed from your unit.

It may not seem fair, but it would appear that you were misinformed about the bylaws. If there are other owners who also have more than one animal in their units, the board has an obligation to enforce the bylaws against them as well and require them to remove any additional pets over the limit of one.

Helpful hint: As bylaws vary, it is important to read your bylaws in their entirety before you sign your purchase agreement. The Condominium Property Act states that all owners/renters of units are bound by the bylaws whether or not you have read them or someone has told you otherwise.

Dear Robert: On a snowy morning in November, I was driving up the ramp of my condo parkade, and I spun out, as there was ice on the ramp.

When I braked, I slid back and into the side of the ramp, which damaged my vehicle.

When I phoned the property management company, I was told that someone had phoned 45 minutes earlier complaining about the ramp. The ice was apparently caused by the heating not working.

Is the condominium corporation responsible for the damage to my vehicle?

A: Based on the limited facts you have provided, I would say that you have a possible claim worth pursuing. The reason I say this is because it would appear that, based on your question, the property management company, an agent for the condominium corporation, knew about the ice and did not take any active steps to deal with it.

You may require the assistance of a lawyer to help you sort through the legal issues of liability.

Helpful hint: When the condominium corporation or the property management company, agent for the condominium corporation, is aware of a potential danger, it is incumbent on it to take active steps to provide notice to the owners of the danger or to remove the danger.

Ignoring the danger may expose the condominium corporation to liability if people suffer damages as a result of their failure to address the danger.

Dear Robert: Can a property manager hire a lawyer for the condominium corporation, or does the property manager require the approval of the board prior to hiring a lawyer?

A: It depends on the contract between the condominium corporation and the property management company.

Some contracts allow the property manager to hire legal counsel on certain issues without the approval of the board.

The condominium corporation, through the board, can negotiate terms and conditions in the agreement to suit the needs of the corporation. It has been my experience that most property managers will seek the approval of the board prior to hiring a lawyer.

Helpful hint: No two property management company contracts need to be the same. Each party has the ability to negotiate terms and conditions to address their concerns.

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