

Part 5. Pets and Animals

Division 1. **Pets**

1. Pets

- (1) No person may have any pet or other live animal within a unit, on common areas, exclusive use areas, or on land that is a common asset; other than as permitted in up to two of the following categories:
 - a. Up to two tanks of up to thirty gallons total capacity containing plants, fish and/or other small aquarium animals, excluding venomous animals;
 - b. Up to four small caged mammals, excluding rats or mice;
 - c. Up to two caged birds of a type which does not cause unreasonable noise; d. No more than **two** domestic animals by example **one** dog or **one** cat or **two** cats or **two** dogs but not more than **two** domestic animals.

For greater clarity, the pet limits indicate the maximum number of pets of each type per unit and no other animals are permitted.

- (2) Notwithstanding the foregoing, any dog which has ever attacked a human being or another animal without provocation, or any dog which is identifiable as being entirely or partly composed of a breed including "American Pit Bull Terrier", "Staffordshire Bull Terrier", "American Staffordshire Terrier", any "Bull Dog", or "Rottweiler" is not permitted.
- (3) Dogs occupying or visiting the Development or registration plan must not be larger than 18" in height at the shoulder when standing on four legs or weigh in excess of 30 lbs, except a resident shall be deemed to comply with this bylaw if the resident obtains a juvenile dog which unexpectedly exceeds that height and/or weight restriction at adulthood.

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- (4) A pet which was exempted from previous pet bylaws and which lawfully occupied the unit in compliance with the applicable bylaws at the time, does not breach bylaws 56(2) and (3) by occupying the unit. However, any such pet is required to be kept in compliance with the remaining subsections of this bylaw. Exempted dogs must be registered with the Board of Directors with the dog's name, a photograph of the dog, the unit number it occupies, the year the dog first occupied the Development, and such other documentation as the Board of Directors may reasonably require.
- (5) An animal which is otherwise permitted within the bounds of the registration plan is only allowed on common areas, or exclusive use areas, under the supervision and control of a responsible person and subject to the following conditions:
 - a. The responsible person must be an adult or a resident child twelve years of age

or older who has satisfied an adult owner or tenant (and the animal's owner, if different) that they can fully control the animal - in which case the adult in question is jointly and severally responsible for the conduct of the animal;

- b. The animal must be controlled and must be securely harnessed, hand-leashed or properly secured while being carried or transported within an appropriate container. The animal must not be left unattended;
 - c. The responsible person must ensure that the animal doesn't relieve itself within, or otherwise soil common areas; and that any accidental soiling and/or damage caused to common areas or exclusive use areas, by the animal are promptly cleaned and disposed of in a sanitary manner and remediated at the resident's or owner's expense. This shall include an obligation to take steps to prevent pet urine from killing grass by prompt application of diluting water, or by reimbursement of any Homeowners Corporation expenses relating to remediating resulting damage;
 - d. The responsible person must ensure that the animal does not create a nuisance or disturbance;
 - e. The responsible person must ensure that the animal does not enter uninvited within a unit or the exclusive use areas of another owner; f. The animal must not be allowed to behave aggressively or to come into physical contact with any person without a specific invited interaction initiated by that person; and
 - g. Dogs must be trained and kept to the highest standards of conduct in relation to barking and interactions with any person who may be nervous of dogs or allergic to them.
- (6) For greater clarity, cats must not be let outdoors unless properly leashed or secured as described above.
- (7) Owners are responsible for all costs to repair any damage to the common areas or exclusive use areas caused by their resident and/or visiting pets.
- (8) Without limiting the generality of the noise restriction bylaws herein, owners must not permit their dog to bark to an extent that unreasonably interferes with the peace and enjoyment of other residents.

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- (9) It is the responsibility of each unit owner to ensure that the pets belonging to or under the control of the owner or their co-occupants, tenants, agents, invitees, guests and/or visitors shall not cause a nuisance, damage to any unit, common areas, exclusive use areas, or personal property, injury or death to any person, or any liability whatsoever for the Homeowners Corporation. The unit owner must fully indemnify the Homeowners Corporation for any liability incurred as a result of the pet's presence within the bounds of the registration plan, including the Homeowners Corporation's legal costs on a "solicitor and own client" basis.
- (10) If the Board of Directors receives a complaint about a pet posing a risk to person or

property, causing a nuisance, or unreasonably interfering with any person's right to use or enjoy portions of the registration plan, a bylaw enforcement hearing will be held. At the end of the hearing, the Board of Directors may take no action, fine the owner, require the person to pay the costs of remedying the contravention, and/or, if authorized by the bylaws in the manner set out below, order the removal of the pet from the unit in which case the owner, tenant or occupant must promptly and permanently remove the pet from the registration plan.

- (11) In order for the Board of Directors to order the removal of a permitted pet from the registration plan, the Board of Directors must conclude that a bylaw contravention relating to the pet has occurred, less dramatic steps have no reasonable prospect under the circumstances of resolving the bylaw contraventions, and any one or more of the following circumstances apply:
- a. The Board of Directors concludes that the bylaw contravention relating to the pet is serious, poses a risk to person or property, and/or creates a real and significant risk of liability for the Homeowners Corporation;
 - b. The Board of Directors concludes that the pet owner has clearly displayed or expressed an inability or unwillingness to prevent further breaches of the bylaws in relation to the pet; and/or
 - c. The same or equivalent breaches of bylaws have occurred in relation to the same pet or a similar pet owned or controlled by the same person in at least two separate prior findings of a bylaw contravention.
- (12) Before acting on any order to remove a permitted pet, the Board of Directors must make reasonable efforts to notify the unit owner and tenant (if any), as well as the owner of the pet (if a different person) about the outcome of the hearing in writing, and offer the recipients of notice an opportunity to request in writing a further hearing before the Board of Directors, at which hearing the Board of Directors may in appropriate circumstances decide to:
- a. Continue with reasonable efforts to enforce the order;
 - b. Provide an extension of time to comply with the order; or
 - c. Rescind or modify the order, either with or without conditions. (13)

Notwithstanding the foregoing, it is not the purpose of this bylaw to encourage or compel any person to disrupt the natural movement or inhabitation of outdoor portions of the registration plan by wild animals. However, no owner, tenant or occupant may feed birds or other wild animals from any part of the registration plan, or otherwise encourage or discourage their presence - except as permitted by law and with the written permission of the Board of Directors.

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- (14) Pets brought or kept within the bounds of the registration plan must be licensed if and as required by law for the animal in question; kept in accordance with any applicable municipal or regional district requirements as amended from time to time; must not be neglected or mistreated; and must be kept in reasonably good health, including being provided timely vaccinations if and as recommended by a

veterinarian or as required by law. Allergens such as fur and dander must be controlled by regularly grooming the animal.

- (15) This bylaw shall not apply to restrict the presence of a currently certified guide dog or service dog or a retired guide dog or service dog where a person who is a member of the team is an owner, tenant or occupant. Anyone claiming an exemption on this basis must first provide comprehensive information to Board of Directors confirming the certification as well as identifying details of the guide dog or service dog.
- (16) Nothing in this bylaw shall prevent the Board of Directors from granting an exemption to an applicant owner or resident for the purpose of keeping a properly trained animal which is prescribed by a physician in writing to assist an owner or resident with a disability. Such an animal and its owner must comply with the provisions of the bylaws, except to the minimum extent that the animal and owner need to be exempted to enable the animal to assist the owner or resident as directed by the physician. Before relying on this exemption, the owner or resident claiming an exemption must provide comprehensive information to Board of Directors including full information regarding the disability and the physician's written confirmation as described above and receive the Board of Directors written approval of the exemption.