

LANDLORDS' RESTRICTIONS ON PETS

Mr Kanter: A number of tenants in my riding are afraid they will be evicted from their apartments simply because they own pets. Until recently, judges generally looked at evidence of the behaviour of pets before deciding whether to issue a writ of possession or not. However, in the case of *Cassandra v Ryll*, a district court judge asked primarily at the terms of a standard form lease, rather than the behaviour of the pet in question. As the judge said in that case, "Admittedly, Fluffy was not a troublesome cat."

As a result of that decision, some landlords are threatening to evict all tenants with pets. Some tenants have told me they would seek legal advice and fight eviction attempts; others would attempt to negotiate with their landlords. I believe that one way to resolve this problem is to amend the Landlord and Tenant Act. The act should protect tenants with well-behaved pets from eviction. Judges should be encouraged to examine the nature of a tenant's conduct or that of his pets.

I have written to the Attorney General (Mr Scott) asking for a meeting on this subject. I will be proposing an amendment to the Landlord and Tenant Act to restore the balance of rights between tenants with pets, tenants without pets and landlords.

In Ontario they have researched and found that in the last ten years since Ontario brought about such change, there have been no substantive complaints regarding this change in the residential tenancy regulations. Ontario had made amendments to their related acts to disallow the no-pet policies, and the legislation they brought in is known as the Fluffy law. It was introduced by the then governing Liberal Party of Ontario.

In a recent letter of support to POWER, the Ontario Liberals, now the official opposition, still refer to it as an important matter. The Ontario NDP housing critic has also confirmed the success of the Fluffy law. I quote Rosario Marchese, who is the MPP who wrote to POWER, stating: "Over the past ten years, Ontario tenants have been able to enjoy the family pet within the apartment unit exactly the same way as homeowners do. The act is working well in Ontario, and as the housing critic for the Ontario NDP, I have not heard of any complaints from petless residents. I'm sure that the residents of British Columbia would benefit greatly if such an act were passed in B.C."

In the city of Toronto, St. Paul's councillor Michael Walker calls the Fluffy law a successful policy, adding that pets have an enormous positive impact on the lives of their owners. In New York a similar law was also passed back in 1983. The influential Community Training and Resource Center in New York wrote to support POWER's effort, stating that the New York pets law was introduced by city council to provide protection from widespread abuses by building owners.

The other jurisdictions that brought about this change have shown that their experiences have been positive. They've also shown that the problems people worry about in terms of

complaints from non-pet owners, perhaps complaints from landlords, have actually not materialized.

It brings, I think, a great opportunity to British Columbia to learn from this experience, to learn from the experts in the field and particularly those who have medical health experience, those who have studied this issue, to understand the positive impacts of pets for individuals, for seniors, for children — especially now, at a time when we have more challenges in the health care system, and we're looking for ways to reduce health care costs.

I'd like to refer to the fact that the member also spoke about the Ontario experience. The Ontario experience has been a very positive one. The information from the Pets of B.C. Residents — they've done a lot of work — indicates that the Ontario Rental Housing Tribunal reports that of the 800,000 calls they receive annually, the number of queries regarding pets and concerns about pets is officially listed at less than 1 percent. Clearly, in Ontario, what they call the Fluffy law works, and it should work here. I think everybody in British Columbia would benefit from that direction.

Again, the member for Vancouver-Burrard spoke about Mr. Julian Benedict and some of the feedback. He in fact is correct when he suggests that all three political parties in Ontario are fully supportive and have been supportive and have written nothing but good notes about the Fluffy law. In front of me, I have one from a policy analyst from the Ontario Liberals, and it says: "Ontario Liberals were pleased to pass the Fluffy law amendment while in government. We continue to support Ontario tenants' rights to have their pets in rental accommodation." An NDP housing critic from Spadina: "Over the past ten years Ontario tenants have been able to enjoy the family pet within their apartment unit exactly the same way as homeowners do." And: "The act is working very well in Ontario, and, as the housing critic for the Ontario NDP, we have not heard of any complaints from petless residents."

In summary, I would just say that responsible landlords and responsible tenants can come to a compromise, can work together and can make this type of Fluffy law situation work. As we move ahead in British Columbia, I'm hopeful that we will in fact move ahead in that direction.

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