

Pet and Pet Owners Rights, Rules, and Responsibilities

Purpose

This following document will clarify the rights, rules, and responsibilities regarding pets and pet owners in Somerset Gardens.

Please note that Article 4.2.5 of the Declaration for this Condominium forms the basis from which this document was developed. All owners and residents should make themselves aware of what is set out in the Declaration, bylaws (if applicable) and rules in regards to pets on our common elements.

General Permission

“Article 4.2.5 Pets: No animals, livestock or fowl other than a pet shall be kept upon the common elements. When on the common elements, including those parts thereof of which any owner has exclusive use, all pets must be on a leash. No pet that is deemed by the Board or Manager in its absolute discretion to be a nuisance shall be kept by any owner upon the common elements. Such owner, within two weeks of receipt of a written notice from the Board or Manager requesting removal of such pet, shall permanently remove such pet from the property.”

The Declaration allows that an owner, resident, or visitor may be accompanied by their pet(s) in and on all common elements of the building to which the pet owner has access.

Restrictions

As per our declaration, all pets must be on a leash when in or on common elements, including exclusive use common elements.

As per our declaration, no pet that is deemed to be a nuisance will be permitted to reside within, visit, or otherwise be present in the building. The Board, or Manager, in its absolute discretion, may deem a pet to be a nuisance for reasons that include, but are not limited to, the following:

- Causing bodily harm to people or other animals
- Acting in an aggressive or frightening manner towards people or other animals
- Being off-leash or out of owner control on common elements
- Urinating, defecating, or vomiting upon common elements
- Making excessive noise or causing excessive and offensive lingering odour
- Damaging common element assets or personal property
- Conduct of the pet that otherwise breaks any by-laws, laws, or regulations that apply to pets in public places in the City of Ottawa

General Owner and Resident Responsibilities

The Board authorizes any owner or resident who witnesses potential nuisance behaviour on the part of a pet in the building to notify the Board of the date, time, and particulars of the situation through email at somersetgardens@live.com.

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It is important that all owners and residents act as the eyes and ears of the corporation. Without input from these groups, it is unlikely that any irresponsible pet owners or any problem pets will be placed under any pressure to become better condominium citizens. It does not matter if only partial information can be given – that information is still important for the Board to have.

The identity of individuals who pass on this information will not be revealed to other owners or residents.

Pet Owner Responsibilities

Pet owners are required to be proactive in ensuring that their pets do not engage in potential nuisance behaviour.

The Board, however, understands that even with the best preventative measures in place, accidents do happen. With that in mind, the Board requires of any pet owner whose pet has engaged in behaviour that could qualify as nuisance behaviour to take responsible action to rectify the situation. This could include, but is not limited, to the following:

- Cleaning up pet messes on common elements
- Taking initiative to reach solutions to problems that involve neighbours
- Notifying the Superintendent, Management, or the Board of the situation and your action to resolve it if applicable
- Providing payment for damaged property

In all cases, owner behaviour that is reasonable, responsible, and respectful will be recognized by the Board as an important mediating factor in determining whether or not a pet presents a nuisance to the building.

Board Powers and Conflict Action Plan

As said above, the Board, in its absolute discretion, may deem a pet to be a nuisance. As per our declaration, if a pet is deemed by the Board to be a nuisance, the Board has the authority to order the removal of the animal from Somerset Gardens and ban it from returning.

This is not a power that the Board takes lightly, and in all but the most extreme and aggravated cases it is unlikely that it will be first action taken. Rather, the Board is committed to working with pet owners to find solutions that will stop nuisance behaviour without resorting to this option.

Therefore, the Board will make use of the following levels of action in dealing with pet and pet owner conflict:

Level 1 – Sending letters to the pet owner to advise them of problem behaviours that have been observed that need to be changed.

Level 2 – Holding meetings with the pet owner and/or other affected parties to discuss measures and put in place solutions with management and the Board to address problem behaviours.

Level 3 – Determining by a vote of the Board that a pet constitutes a nuisance in the

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building and advising the pet owner that they must remove the pet within two (2) weeks of receipt of a written notice from the Board or property manager.

If pet owners follow their responsibilities and can prove that they are taking reasonable precautions to prevent conflict and problem behaviour, the Board is confident that no Level 3 action will need to be taken. However, the Board reserves the right with any owner who shows disregard for their responsibilities or the conflict resolution process that the Board has outlined herewith to take Level 3 action against their offending pet.