



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, O

Introduction

This hearing was convened in response to an Application filed by the landlord seeking:

1. Recovery of the filing fee; and
2. Other.

In the details of dispute the landlord states that he is seeking an Order for the tenant to comply with the tenants of the rental agreement to have only 2 dogs rather than the 3 dogs she currently has.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Issue(s) to be Decided

Should the tenant be ordered to comply with the tenancy agreement?

Background and Evidence

The landlord submitted the tenancy agreement which says the tenant may have 2 small dogs. The landlord says he attended the rental unit to collect July's rent and discovered the tenant had 3 dogs on the premises. The landlord is seeking an Order that the tenant comply with her agreement to have only 2 dogs. The landlord says the dogs bark and disturb neighbours but, other than his own testimony of this, the landlord did not produce evidence of the complaints he has received regarding the dogs.

The third dog was a rescue dog and she has had this dog for 12 years. The tenant agrees that she will not replace this third dog when he passes away and that he is old and likely to pass away soon.

The landlord argued that he has no idea how long the dog has been there but he only learned about it in July and the fact remains that the tenant is only supposed to have 2 dogs, not 3. The landlord says he does not inspect the rental properties as he wishes to leave his tenants to their privacy.

Further, the landlord says he has been told that the tenant is breeding the dogs.

The tenant says she has not been breeding the dogs but one dog did become pregnant and had a litter but that dog has now been fixed.

Analysis

Given that the dog has been in the rental unit for 12 years it maybe that the landlord has acquiesced and allowed the dog to be in the rental unit. However, upon review of the terms of the written tenancy agreement supplied in evidence the tenant did agree to have only two dogs and she now has three. Although the landlord may have acquiesced for a time it is clear by the delivery of this Application for Dispute Resolution that he no longer acquiesces and he wishes the tenant to comply with the tenancy agreement she signed. I find that the landlord is entitled to make this demand even though he may have acquiesced previously. However, with respect to compliance, the tenant has given evidence that the dog is old and will not likely live long. I will therefore Order the tenant to comply with the tenancy agreement such that when one of the dogs dies, she will not replace that dog and will thereafter have only 2 dogs as set out in the tenancy agreement.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 08, 2011.

Residential Tenancy Branch