



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, FF

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for the Landlord to comply – Section 62; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord out of compliance with the Act or tenancy agreement?

### Background and Evidence

The tenancy started on May 16, 2015. At the time of signing the tenancy agreement the Tenant had no pets.

The Tenant states that the unit was advertised as allowing a cat and that upon viewing the unit the Landlord informed the Tenant that a mature cat would be allowed. The Tenant states that although she did not have a pet at the time and informed the Landlord of this fact that she also told the Landlord at the same time that she was thinking about getting a cat. The Tenant states that when she informed the Landlord that she found a 12 year old cat to adopt the Landlord told her that she could not have a

cat. The Tenant states that nothing in the tenancy agreement restricts the Tenant from having pets and that the Strata Rules allow pets.

The Landlord states that the ad only stated that a pet would be considered. The Landlord states that the Tenant did not inform them during the viewing that the Tenant might get a pet and that as the Tenant had no pet the tenancy was accepted. The Landlord states that although the Strata allows pets it is up to each owner to make this determination for their unit. The Landlord states that although the tenancy agreement does not restrict pets nothing in the tenancy agreement allows pets and the Landlord do not want pets allowed in the unit.

### Analysis

Section 62(3) provides that the director may make any order necessary to give effect to the rights, obligations and prohibitions under this Act, including an order that a landlord or tenant comply with this Act, the regulations or a tenancy agreement and an order that this Act applies. There is nothing in the Act that restricts a tenant from having pets in a rental unit. There are no strata rules that disallow a cat. There is nothing in the tenancy agreement that provides that the Tenant may not have a pet. Given the undisputed evidence of the advertisement of the unit, it also appears fairly clear that the Landlord had not made any restrictions on pets at the time the unit was being shown to the Tenant and when the tenancy agreement was signed. If the Landlord did not want pets in the unit, the Landlord should have ensured this restriction in the tenancy agreement. Given that there are no restrictions, I find therefore that the Tenant is not restricted from having a cat. As the Landlord has not done anything out of compliance with the Act or tenancy agreement however I cannot provide the Tenant with an order for the Landlord's compliance. I therefore dismiss the application.

### Conclusion

The application is dismissed.

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: August 10, 2015

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Residential Tenancy Branch

