WRITTEN SUBMISSION

Purpose

To provide the Rental Housing Task Force with recommendations for consideration as it reviews the Residential Tenancy Act.

Executive Summary

The prospective benefits of permitting tenants in British Columbia to have a companion animal outweigh potential risks. Pet ownership is a significant contributor to good physiological and psychological well-being. Pets positively impact risk factors for cardiovascular disease, anxiety and depression in individuals and improve social cohesion in neighborhoods while reducing social isolation. Pets serve as loyal companions to many responsible owners across the province, and should not be a luxury restricted only to those fortunate to own a home. Relinquishing a beloved pet due to housing is a traumatic experience for any responsible pet owner, and this ordeal should be avoided whenever possible. Though there may be additional private costs, such as insurance, and a change in the type of disputes arriving before the Residential Tenancy Board, these are unlikely to offset the benefits of secure pet ownership for tenants across British Columbia.

The BC SPCA recommends the Rental Housing Task Force advise:

- The repeal of section 18 (1) (a) of the Residential Tenancy Act, which allows for the prohibition of pets on a residential property, including restrictions on the size, kind and number of pets a tenant may keep.
- The maintenance of the right of landlords to request a pet damage deposit, in accordance with current restrictions.
- Encouragement of landlords to discuss liability insurance with pet-owning tenants and include liability insurance requirements on the lease agreement if desired.
- The adoption of provisions placing liability for a dog attack on the occupier of the premises where the dog is kept, as in Alberta's Dangerous Dogs Act.

Background

56% of Canadian households have at least one dog or cat. 1 83% of pet-owning Canadians view their pet as a family member. 2 Per market research conducted in 2013, the highest pet ownership rate is among Canadians aged 45-54, with 46% of this population owning a dog and 47% owning a cat. However, despite more precarious housing situations, younger Canadian adults are also likely to own a pet. 37% of those aged 25-34 report owning a dog and 43% own a cat. 3 Pet ownership, which provides demonstrated physiological and psychological health benefits to guardians (see Appendix A), continues to hold a high value for Canadians, despite declining home ownership rates and greater reliance upon the rental market.

In 2016, British Columbia had the second lowest home ownership rate of all provinces. Vancouver and Victoria have home ownership rates of 63.7% and 62.6% respectively, well below the 67.8% average for Canada. Further to this, 32% of Vancouver residents pay more than 30% of total household income towards housing, closely followed by the rates in Victoria, Kelowna and Abbotsford-Mission. To adjust housing costs to an affordable rate (at most 30% of before-tax income) for bottom-quartile earners in British Columbia, low-income individuals would need to earn an additional 168% of their current income. Looking at the Greater Vancouver Regional District, the proportion of additional income needed is 202.

As rental units are increasingly unaffordable in British Columbia, competition for housing units is high. Four of the five lowest vacancy rates in Canada are in BC: Vancouver, Victoria, Kelowna and Abbotsford-Mission, each with a vacancy rate below 1%. Vancouver is the most expensive location in the country to rent a two-bedroom apartment, with an average cost of $1,552 per month. Access to rental housing in the province is highly competitive and is only fiercer for pet owners.

A search of rental units available in June of 2018 in the Vancouver area provided 304 available 2-bedroom units. Of these options, just 55 were cat-friendly and 52 were dog-friendly, with some overlap as dog- and cat-friendly. An assessment of the dog-friendly units found these landlords to be highly discretionary, with various size and population restrictions, as well as comments such as “non-vicious breeds will be negotiable” and “small dogs only”. When price considerations were included in the analysis, options for pet-owners were significantly impacted. When searching for a 2-bedroom home with a monthly rent of up to $2500, of 76 available apartments, only 14 cat-friendly and 11 dog-friendly locations were found. Further, when the maximum monthly rental price was adjusted to $1600, still above the average cost for a 2-bedroom apartment in Vancouver, there were no pet-friendly apartments available.

In 2017, 1706 animals were surrendered to the BC SPCA for housing-related reasons, representing one out of every five pets surrendered by their owners. This statistic does not include pets abandoned in rental units on moving day, relinquished to other shelters, or those sold privately by owners unable to find pet-friendly accommodation. Giving up a pet is a difficult, heart-wrenching decision for pet-owners, many of whom consider their pet to be family. Pets provide considerable emotional support and have a significant influence on the physiological and psychological health of their owners. It is in the interest of the provincial government to reduce barriers to responsible pet ownership.

Current Status

Section 18 of the Residential Tenancy Act permits a tenancy agreement to include conditions “prohibiting pets, or restricting the size, kind or number of pets a tenant may keep on the residential property”. Should the tenant be permitted to keep a pet on the residential property, the agreement may govern a tenant’s obligations with regard to the pet.

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If, after January 1, 2004, a landlord permits a tenant to keep a pet on the residential property, a pet damage deposit may be required by the landlord. Per section 19, a pet damage deposit may not be greater than half of one month’s rent. Further, under section 20, the pet damage deposit may only be collected at the beginning of the tenancy or once it has been agreed that a pet will reside on the property. The landlord is permitted to collect only one pet damage deposit, no matter the number of pets allowed to reside on the residential property. Under section 23, if a previous joint-inspection of the unit was not completed, a landlord and tenant must undertake an inspection of the property before a tenant begins keeping a pet or on another agreed upon day. If a landlord is entitled to retain any amount of the pet damage deposit, it may only be used for damage caused by a pet to the residential property. Landlords, regardless of whether they offer a pet-friendly apartment, may require their tenants to purchase insurance as part of the lease agreement.

Considerations

Ontario

(A) Policy

Section 14 of the Residential Tenancies Act (RTA) in Ontario declares “no pet” provisions to be void. The introduction of this revision in 2006 prevents a tenancy agreement from prohibiting the presence of animals at the residential complex.

Under section 76, a landlord may apply to the Landlord and Tenant Board (LTB), under sections 64, 65 or 66, for an order terminating the tenancy based on the “presence, control or behaviour” of an animal on the residential complex. Section 76 outlines that the LTB will make a termination order if satisfied that the tenant is keeping an animal and that:

1. The “past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or other tenants,” unless the LTB is satisfied that the animal kept by the tenant did not contribute to the substantial interference;

2. The “presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction,” unless the LTB is satisfied the animal kept by the tenant did not cause or contribute to the reaction; or

3. The “presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants.”

Sections 64, 65 and 66 refer to conduct for which a landlord may provide notice of termination, as well as the terms of notice. Sections 64 and 65 detail that notice may be given if the tenant or another occupant “substantially interferes with the reasonable enjoyment” of the residential complex by the landlord or another tenant. These sections are differentiated by the number of tenants occupying the residential complex and the amount of notice required prior to termination. Section 66 outlines that the landlord may provide the tenant notice of termination if the tenant or another occupant “seriously impairs or has seriously impaired the safety of any person” while on the residential complex.
Further, under section 105, “the only security deposit that a landlord may collect is a rent deposit.” Therefore, landlords in Ontario, unlike those in BC, may not collect a pet damage deposit when renting to a tenant with a companion animal.

Ontario’s *Dog Owners’ Liability Act* is also important to consider. Under this legislation, liability for damage caused by a dog attack or bite is placed on the owner of the dog. Section 3 explicitly outlines that when damage from a bite or attack occurs on the premises of the owner, the definition of owner is determined under this Act, and not under the *Occupiers’ Liability Act* (which could otherwise place liability on the landlord).

(B) Practice

Importantly, landlords in Ontario are permitted to ask prospective tenants whether they have pets and may refuse to rent their property to a pet owner. The protections for pets outlined in the RTA only apply to tenants. If a tenant acquires a pet during the duration of the tenancy, or does not disclose pet ownership prior to signing the lease, this act does not constitute grounds for eviction. Tenants do not have to seek landlord approval before obtaining a pet. However, tenants must be cognizant of and comply with condominium corporation rules and municipal bylaws, which may restrict pets by number, size or species.

Further, landlords have a right to insist a tenant purchase liability insurance in the lease agreement. Under the new Standard Form of Lease, in effect for new lease agreements as of April 30, 2018, this practice is now more clear. Landlords must explicitly state whether liability insurance is required. If so, the tenant must provide proof of coverage if requested by the landlord. Many liability insurance policies provide the tenant with coverage in the event their dog causes harm to another person. Although, as noted above, the owner of the dog is liable in the event of a dog attack in Ontario, requiring liability insurance may add an additional layer of protection for the landlord incase a suit is filed against their tenant.

In Ontario, the Landlord and Tenant Board (LTB) is responsible for adjudicating matters governed by the RTA. Decisions do not form the basis of case law which would bind the future decisions of adjudicators. The LTB only publishes select decisions and does not track statistics for specific issues, including pets. Nevertheless, a review of available, relevant cases is an informative practice for examining how pet-friendly legislation applies in practice. Of the cases assessed, the primary concerns were:

1. Under section 14, the landlord unlawfully enforced a “no pets” provision. In these cases, landlords were also often found to be interfering tenant’s reasonable enjoyment of the property, under section 22, due to eviction threats issued as a result of the pet. Tenants were compensated for this interference and any costs resulting from an eviction.

2. Under section 62, the landlord provided the tenant a notice of termination as a result of the tenant or another occupant willfully or negligently causing undue damage to the rental unit. In these cases, the landlord had to provide evidence to the LTB that damage was not pre-existing, was caused by the pet and that the damage-recovery costs requested were reasonable. The adjudicator in these cases only ordered the tenant to repay costs as they applied to damage directly caused by their pet.
3. Under section 64, the landlord made an application alleging the tenant’s pet “substantially interfered with reasonable enjoyment” of the property or caused a “serious allergic reaction.” In these cases, if the landlord was able to effectively demonstrate interference caused by the pet, such as noise or odour, or produce medical evidence of an allergy, the notice to evict was upheld.

4. In violation of section 105, which states the only security deposit which may be collected is a rent deposit, the landlord collected a pet damage deposit. In these cases, the landlord was ordered to repay the pet deposit to the tenant.

Overall, there is a low volume of published pet-related LTB decisions, going back until 2009. Both landlords and tenants filed applications looking to resolve pet disputes, suggesting issues are not one-sided. Often, decisions involving pets also include other breaches of the RTA, suggesting pets are not necessarily the primary cause of concern. Pet-related conflicts between landlords and tenants could likely be reduced by improving education materials for the industry.

Alberta

(A) Policy

While Alberta does not include protections for pet owners under its Residential Tenancies Act, it does have a Dangerous Dogs Act in place establishing liability in the case of a dog attack. Under section 3, presumption of ownership, the occupier of the premises where the dog was kept at the time of a complaint is presumed to be the owner of the dog. When there are numerous occupants of the house let in separate apartments, the occupier of the particular part of the house where the dog was kept is presumed to be the owner. Both of these provisions stand unless the occupier proves they were not the owner of the dog at the time of the complaint.

(B) Practice

Cases are tried at the Court of Queen’s Bench of Alberta. Under this legislation, the court proceedings seek to determine if the dog’s owner can reasonably be deemed liable for the injuries imposed by the dog and, if so, whether they can be deemed liable for damages suffered. Consideration is also given to whether the victim’s actions enticed the aggression of the dog. There is a low volume of cases concerning dog bites posted by the Court of Queen’s Bench of Alberta. Many of the cases present involve police dogs and suspects.

Cost-Benefit Analysis of Providing Better Access to Pet-Friendly Housing

(A) Potential Benefits: Improved Cardiovascular Population Health

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7 CanLii. Landlord and Tenant Board Decisions. Retrieved from: https://www.canlii.org/en/on/onltb/#search/type=decision&ccId=onltb&text=%22pet%20damage%22%20OR%20%22illegal%20pet%22%20OR%20%22pet%22%20OR%20%22allergy%22%20OR%20%22pet%20odour%22%20OR%20%22pet%20deposit%22%20OR%20%22barking%22&origType=decision&origCcId=onltb.

8 Can Lii. Court of Queen’s Bench Decisions. Retrieved from: https://www.canlii.org/en/ab/abqb/#search/type=decision&ccId=abqb&dateRange=l10y&text=%22dog%20attack%22%20OR%20%22dog%20bite%22%20OR%20%22dangerous%20dog%22&origType=decision&origCcId=abqb.
Cardiovascular diseases receive the most direct cost spending in Canada of any diagnostic category. In 2008, over $12 billion in health spending went towards cardiovascular disease. To improve population health and reduce long-term spending, the BC Guidelines for preventing cardiovascular disease include identified “modifiable risk factors.” These nine controllable factors are behaviours and symptoms that lead to a greater possibility of developing cardiovascular disease. As outlined in Appendix A, the presence of a companion animal has considerable positive effects on cardiovascular health. Three of the modifiable risk factors have been demonstrated to be directly modified by the presence of a companion animal: low physical activity levels, elevated blood pressure/hypertension and psychosocial factors (depression, anxiety and high stress levels). Others, including body weight, diabetes and elevated lipid levels, would potentially be indirectly improved as well.

Permitting the presence of a companion animal in rental homes could serve as a cost-effective means to assist in reducing provincial health spending in this area. The improved health effects of pets could both reduce new incidences of cardiovascular disease and help diagnosed owners improve their health. Accompanying these direct benefits to physiological health are the additional positive mental health benefits and enhanced community cohesiveness the presence of pets nurtures. Improved health outcomes in this segment of the population and the resultant reduced health spending would overwhelmingly offset additional costs, both private and public, resulting from this policy change.

Further, a considerable segment of the population benefitting from this policy change are either younger or lower-income. These are two groups for whom this change could have a significant impact due to their housing circumstances. Lower-income Canadians are more likely to develop cardiovascular disease than their higher-income counterparts. Relatedly, this population is also more likely to have high blood pressure and be physically inactive. Companion animals are shown to reduce the blood pressure of owners, thus would improve the health of those renters living with heart disease and reduce risks for those without. For younger populations, meanwhile, permitting pet ownership in rental housing could have a stronger long-term impact, with the presence of a companion animal helping to prevent the onset of cardiovascular disease by fostering strong mental health, reducing blood pressure, stress and anxiety, and improving social relations.

(B) Potential Cost: Purchasing Insurance

One potential additional individual cost would be the purchase of tenants’ insurance for those who do not currently have a policy. Stipulating this purchase would potentially be viewed as of particular value to landlords renting their property to dog owners, where liability risk is interpreted to be higher. According to a survey conducted by Square One Insurance in 2017, 46% of renters in British Columbia do not have tenants’ insurance. Basic tenants’ insurance typically offers both contents insurance and liability insurance. It does not include insurance for damage to the residential property, as that is the responsibility of the landlord. The purpose of tenants’ insurance, as it regards to pets, is to provide liability in the case of a resident animal being responsible for an injury to a person or other animal.

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A review of major insurers in British Columbia explored the cost of obtaining tenants’ insurance for a couple renting a suite in Vancouver with a pet dog. Monthly costs ranged from $22 to $36. Each included a minimum $1,000,000 liability coverage. Insurers noted that if a dog isn’t spayed or neutered, or has a past history of aggressive behaviour, this could increase the liability coverage and the monthly cost. Despite the potential financial burden of obtaining tenants’ insurance, it is notable that these costs could be offset for pet-owning tenants, as renters would no longer be subject to inflated rental costs imposed by landlords for the freedom to live with their companion animal.

(C) Potential Cost: Dispute Resolution

Based on an analysis of decisions brought before the Landlord and Tenant Board in Ontario, it is unlikely that the introduction of protections for renters with pets will result in an increase in disputes brought before the Residential Tenancy Branch. A notable volume of pet-related disputes brought before the LTB in Ontario centred upon requests by landlords to recoup the cost of repairing pet-related damages. In Ontario, landlords are barred from collecting pet damage deposits. By maintaining a pet damage deposit policy in British Columbia, responsible pet ownership will be encouraged and any potential for an increase in pet damage-related disputes could likely be mitigated. Moreover, as all British Columbians would now be permitted to own a pet in rental accommodation, the volume of disputes concerning hidden/illegal pets would diminish rapidly. Overall, introducing pet-friendly legislation is unlikely to result in an increased number of disputes brought before the Residential Tenancy Branch and could result in a decrease. Providing education materials to both tenants and landlords on their rights would be an important activity during the transition period.

(D) Analysis

Overall, the prospective benefits of permitting tenants in British Columbia to have a companion animal outweigh potential risks. Pet ownership is a significant contributor to good physiological and psychological well-being. Not only do pets positively impact risk factors for cardiovascular disease, anxiety and depression in individuals, but they also improve social cohesion in neighborhoods and reduce social isolation. Pets serve as loyal companions to many responsible owners across the province, and should not be a luxury restricted only to those fortunate to own a home. Relinquishing a beloved pet due to housing is a traumatic experience for any responsible pet owner, and this ordeal should be avoided whenever possible. Though there may be additional private costs, such as insurance, and a change in the type of disputes arriving before the Residential Tenancy Board, these are unlikely to offset the benefits of secure pet ownership for tenants across British Columbia.

Recommendation

The BC SPCA recommends the Rental Housing Task Force adopt pet-friendly amendments to the Residential Tenancy Act. Rental housing in British Columbia is limited, competitive and expensive. A lack of pet-friendly accommodation leaves pet-owners in a precarious situation. If tenants arrive to a new city, are compelled to move due to renovations or similar landlord-driven reasons, or are simply looking for a more appropriate space for their family, ownership of a pet becomes an unnecessarily restrictive factor in the search for housing. Often, pet owners are unable to find appropriate or affordable accommodation and are forced to relinquish their beloved pet or consider moving to another province.
To provide pet-friendly housing to renters in British Columbia, the BC SPCA recommends the Rental Housing Task Force advise:

- The repeal of section 18 (1) (a) of the Residential Tenancy Act, which allows for the prohibition of pets on a residential property, including restrictions on the size, kind and number of pets a tenant may keep.
- The maintenance of the right of landlords to request a pet damage deposit, in accordance with current restrictions.
- Encouragement of landlords to discuss liability insurance with pet-owning tenants and include liability insurance requirements on the lease agreement if desired.
- The adoption of provisions placing liability for a dog attack on the occupier of the premises where the dog is kept, as in Alberta’s Dangerous Dogs Act.

The BC SPCA believes this recommendation represents a balanced response to improve protections for pet-owning tenants in British Columbia, while maintaining continued respect for landlords and their rental properties. The continued allowance of a pet damage deposit would reduce the likelihood of disputes and ensure transparency between tenants and landlords. As is described in the subsequent appendices, pet ownership has positive physiological and psychological health impacts on owners. Being forced into relinquishing a pet can be a highly stressful and traumatic event. Given the current state of the housing market, it is in the long-term interest of the province to establish an environment that allows all British Columbians to benefit from pet ownership, not just home owners.

Thank you for your careful consideration of this submission and its accompanying appendices. I look forward to further discussions as we work to improve protections for renters and their pets in British Columbia.

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Please find the following appendices attached:

- Appendix A: Health benefits of pet companionship
- Appendix B: Stress with housing-related pet relinquishment
The health benefits of pet ownership are wide-ranging in nature. Attachments between owners and their pets have been found to lead to improved physiological health and better psychological well-being. One of the key physiological benefits of pet ownership is improved cardiovascular health. Primarily, physiological, behavioural and psychological risk factors for cardiovascular disease are significantly lower among pet owners than non-pet owners. Risk factors identified as being improved by the presence of pets include: reduced blood pressure, increased physical activity and lowered social isolation and anxiety. The American Heart Association found that people with companion animals have healthier autonomic function and lower baseline heart rates and blood pressure than non-owners. Stroking a companion animal can lower blood pressure, cholesterol concentrations and serum triglyceride levels (associated with a higher risk of heart attack). Moreover, among individuals with cardiovascular disease, pet ownership is strongly associated with reaching the one-year survival milestone. Dog ownership has an especially strong association with decreased mortality, with the likelihood of death within one year being 4.05 times greater for non-dog owners when compared with dog owners.

Relatedly, the presence of companion animals also reduces stress. Numerous studies observing individuals placed in situations of moderate stress have found lowered autonomic responses when in the presence of animals. When tasked with reading aloud alongside a companion animal, children have reduced blood pressure compared to when performing the same task without a pet by their side. In a study of women performing a mental arithmetic examination, blood pressure levels were tracked while the test was completed alone, while accompanied by their best friend, by their spouse, and by their dog. Dramatic increases in blood pressure were found while women were in the presence of their friend or spouse, but the pattern did not continue while with their dog. Further to this, the women performed better on the test while accompanied by their dog compared to when they were alone. Relatedly, the impact of pets on reduced stress has longer term effects as well, with pet owners generally experiencing significantly smaller increases in heart rate and blood pressure in response to stress, when compared to non-owners, as well as a faster recovery to baseline levels. Pet owners seem aware of this effect, reporting having a pet “helps them feel calm, happy, and able to handle stress in their lives.”

Dog ownership encourages higher levels of physical activity, another important component of improved physiological health. Dog owners are more likely than other pet owners to achieve recommended levels of daily activity. An “obligation to care” was determined to be the key motivator for higher levels of

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15 Levine et al. (2013). The American Heart Association Scientific Statement, 2355.
17 Levine et al. (2013), 2356.
20 Levine et al. (2013), 2355.
22 Levine et al. (2013), 2354.
walking among dog owners in a study conducted in the Capital Regional District of BC. In a study conducted in Western Australia, levels of activity were found to increase following the acquisition of a dog and 78.5% of dog owners surveyed indicated their dog encouraged them to exercise more than they would otherwise. Due to the physical activity it encourages, dog ownership is a way to mitigate key public health concerns, such as obesity, due to the accessibility of walking as an activity.

Increased physical activity, coupled with the presence of a pet, also improves social interaction. This is an important mitigating negative mental health effects, including depression and loneliness. Dogs facilitate trust between people who are newly acquainted and dog walkers are more likely to experience social contact than people walking alone. Although dogs may be primary facilitators, all pet ownership is positively associated with broader social contact with neighbours and the local community. The presence of a pet in a home establishes a level of trust among other pet owners, which “can precipitate the exchange of favours between neighbours,” facilitating the perception of an integrated community.

Pets themselves also serve as direct social supports, as their attention and affection leads people to believe they are “loved, esteemed and belonging to a network of mutual obligation.” Pet interaction alters the tendency of individuals with anxiety to focus negatively on themselves. Further, elderly individuals who have a companion animal “appear to be buffered from the impact of stressful life events.” Pet owners also have higher self-reported health. Among those surveyed in Western Australia, pet owners were significantly more likely to report “excellent” or “very good” health when compared to non-pet owners. A five-year panel survey in Germany, with approximately 10,000 participants, found that individuals who continuously owned a pet during the period had the lowest number of doctor visits, followed by those who acquired a pet during the five-year timeframe.

The presence of a pet strongly affects key determinants of health by “enhancing feelings of happiness, security and self-worth and reducing feelings of loneliness and isolation on a daily basis.” Behaviours displayed by pets toward owners “create the impression of unconditional love, faithfulness and dependability.” Research continues to show that these emotional and mental benefits translate into improved physical health. Pet ownership contributes significantly to health and quality of life, and currently holds an “underutilized role” in “promoting well-being” in society.

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Appendix B: Stress with Housing-Related Pet Relinquishment

It is important to consider the distress pet relinquishment has upon guardians. A 2003 study, conducted phone interviews with families who relinquished pets due to housing-related reasons.\(^{37}\) This population was mostly relatively low-income, involuntarily moving from rental accommodation. Young adults were overrepresented. The majority of those interviewed cited that “landlord restrictions were an important factor in relinquishment.”\(^{38}\) Limiting restrictions included no pet policies, size limitations, and number of pet permissions. The study demonstrates that populations which are relatively low income and living in rental accommodation have “relatively few options other than to relinquish” their companion animal.\(^{39}\)

Although these owners relinquished their pet, it was often a heart-wrenching experience. There were clear indications from many survey participants that even being contacted for an interview to discuss relinquishing their pet was highly upsetting. 89.3% of respondents indicated they tried to keep their animal with them. Many also expressed disappointment with the dearth of pet-friendly accommodation in their area. Frustrations were aired that pet-friendly often meant either a space only for smaller pets or one which was dilapidated and unappealing to reside in. Individuals detailed being incredibly upset, using descriptors such as “heartbroken” and “broken up.”\(^{40}\) Further, these individuals scored very highly on the study’s scale measuring the bond with their pet, with almost half of respondents providing answers placing them in the top third of the scale. It is highly evident that external pressures were the only reasons these pets were left at the shelter.

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