

1990

## c 19 Landlord and Tenant Amendment (Animals) Act, 1990

Ontario

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## CHAPTER 19

**An Act to amend the  
Landlord and Tenant Act with respect to Animals**

*Assented to June 28th, 1990*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 109 of the *Landlord and Tenant Act* is amended by adding the following subsections:** R.S.O. 1980,  
c. 232

(5a) Where the notice of termination is served under clause (1) (c) or (d) and is based on the presence, control or behaviour of an animal in or about the rented premises, a judge hearing an application under section 113 brought by the landlord under subsection (3) or (4) shall not direct the issue of a writ of possession unless the judge is satisfied that the tenant is keeping an animal and that, Criteria re  
animals

- (a) the past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (b) the presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction; or
- (c) the presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants.

(5b) Even if satisfied that the tenant is keeping an animal and that the criterion set out in clause (5a) (a) or the one set out in clause (5a) (b) has been met, the judge shall not direct the issue of a writ of possession if he or she is also satisfied, Idem

- (a) in the case of a finding under clause (5a) (a), that the animal kept by the tenant did not cause or contribute to the substantial interference;

- (b) in the case of a finding under clause (5a) (b), that the animal kept by the tenant did not cause or contribute to the allergic reaction.

**2. The Act is amended by adding the following sections:**

Injunctions and orders based on "no pet" provisions

**109a.**—(1) No injunction, mandatory order or other order shall be granted against a tenant based on provisions of an agreement respecting the presence, control or behaviour of an animal in or about the rented premises unless the court is satisfied that the tenant is keeping an animal and that,

- (a) the past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (b) the presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction; or
- (c) the presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants.

Idem

(2) Even if satisfied that the tenant is keeping an animal and that the criterion set out in clause (1) (a) or the one set out in clause (1) (b) has been met, the judge shall not grant the injunction, mandatory order or other order if he or she is also satisfied,

- (a) in the case of a finding under clause (1) (a), that the animal kept by the tenant did not cause or contribute to the substantial interference;
- (b) in the case of a finding under clause (1) (b), that the animal kept by the tenant did not cause or contribute to the allergic reaction.

"No pet" provisions not to be considered

**109b.** The provisions of an agreement to which the tenant is a party respecting the presence, control or behaviour of animals and the provisions of similar agreements to which other tenants are parties shall not be considered in determining,

- (a) for the purposes of clauses 109 (1) (c), 109 (5a) (a) and 109a (1) (a), whether there has been substantial interference with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants; or

- (b) for the purposes of clause 109 (1) (d), whether the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises has been seriously impaired.

**3. Subsections 109 (5a) and (5b) and sections 109a and 109b** Transition  
of the Act, as enacted by sections 1 and 2 of this Act, apply to every proceeding the hearing of which, including the hearing of an appeal, is completed on or after the day this Act comes into force, even if the proceeding was commenced before that day.

**4. This Act comes into force on the day it receives Royal** Commence-  
**Assent.** ment

**5. The short title of this Act is the *Landlord and Tenant*** Short title  
***Amendment (Animals) Act, 1990.***

