

November 1, 2022

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***Via Email***

To Whom it May Concern:

**Re: Pet-Friendly Provisions and PEI's *Residential Tenancy Act***

I write to you on behalf of Animal Justice – Canada's leading national animal law organization focused on improving legal protections for animals – in response to the consultation draft of the proposed new *Residential Tenancy Act* (the "**RTA Draft**") which was shared by the province on December 22, 2021.<sup>1</sup>

Animal Justice commends PEI on taking steps to modernize the *Residential Tenancy Act* and for taking time to engage in consultation with the public concerning potential avenues for improving this draft legislation. With this in mind, we wish to bring your attention to the lack of "pet-friendly" protections in the RTA Draft. More specifically, Animal Justice notes the absence of any provision which forbids or limits a landlord's ability to prohibit the keeping of non-human companion animals in a residential unit.

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<sup>1</sup> See: <https://www.princeedwardisland.ca/en/publication/consultation-draft-residential-tenancy-act>

This policy matter has far-reaching implications for individuals whose family may include a companion animal. Companion animals are integral members of families across PEI and their human caretakers are deeply connected to them. By failing to confront the issue of companion animal restriction in tenancy agreements, the RTA Draft effectively leaves the door open to landlords to further narrow an already small market for renters in PEI with companion animals, and puts animals at risk of being abandoned, surrendered to shelters, and euthanized. As is discussed in greater detail below, Animal Justice strongly recommends that your department amend the RTA Draft to include protections for tenants whose families include companion animals.

PEI has consistently taken action to improve legal protections for animals at the provincial level.<sup>2</sup> Ensuring that companion animals are provided for in any final version of a new *Residential Tenancy Act* introduced in the legislature would serve to cement PEI as a leader in Canada on the topic of companion animal protection and tenant rights.

### **1. PEI Should Take Steps to Protect the Interests of Families with Companion Animals**

As of 2020, it is estimated that 58% of Canadian households own at least one cat or dog.<sup>3</sup> While there is no data specifically on the number of PEI households with companion animals, it is reasonable to assume that this data roughly holds true on the Island. If anything, it is possible (or perhaps even likely) that the number of households with companion animals has increased in the wake of the COVID-19 pandemic due to an apparent increase in pet adoption.<sup>4</sup> With this in mind, a push towards adopting “pet-friendly” residential tenancy provisions would likely be in the interest of the majority of Islanders.

The rationale behind the push for “pet-friendly” residential tenancy provisions is consistent across jurisdictions: companion animal guardians should not be forced to choose between affordable housing options and keeping a member of their family. In PEI, this dilemma exists and is increasingly becoming an issue for renters. Indeed, over the last few years, renting an affordable residential property in the province has become difficult.<sup>5</sup> For families with companion animals, this situation is further complicated when rental properties implement pet restrictions - forcing many Islanders to make extremely difficult decisions.<sup>6</sup> According to the PEI Humane Society, more than 300 animals were surrendered for housing-related reasons in 2021 (as of September of that

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<sup>2</sup> See: <https://www.cbc.ca/news/canada/prince-edward-island/pei-animal-welfare-protection-laws-1.4210681>

<sup>3</sup> See: <https://cahi-icsa.ca/news/2020-canadian-pet-population-figures-released>

<sup>4</sup> See: <https://www.saltwire.com/nova-scotia/news/pet-adoptions-on-the-rise-in-pei-during-pandemic-434223/>

<sup>5</sup> See: <https://www.cbc.ca/news/canada/prince-edward-island/pei-rent-increase-cmhc-1.6371632>; see also: <https://www.theglobeandmail.com/canada/article-pei-families-struggling-to-find-permanent-affordable-housing/>

<sup>6</sup> See: <https://www.cbc.ca/news/canada/prince-edward-island/pei-humane-society-pets-housing-1.6170287>

year) as compared to 128 animals for these same reasons in 2019.<sup>7</sup> More broadly, the PEI Humane Society saw a “nearly 75% increase in companion animal intakes in 2021 over the previous year...the highest year-over-year increase the shelter has seen since it opened in 1974.”<sup>8</sup> It is clear that the province is approaching a crisis point and that efforts should be made to protect the interests of families with companion animals.

With this in mind, Animal Justice proposes that PEI include a provision in the new *Residential Tenancy Act* to protect the interests of families with non-human companion animals. Ideally, this provision would:

1. disallow landlords from refusing to rent to an individual or family on the basis of them having a companion animal; and
2. render any “no-pet” provisions in a residential tenancy agreement null and void.

A provision which incorporates both of these principles would serve to ensure that Islanders with companion animals would not be disadvantaged in their search for a home and discriminated against on the basis of having a pet during the application process or while living at a property. Animal guardians would no longer be forced to choose between their beloved companions and their homes.

The introduction of such a provision, which evidently serves to protect the rights of companion animal owners seeking rental security, could also serve to benefit landlords and the PEI housing market more generally. By way of example, increasing pet-friendly housing could lead to improved housing marketability for landlords, greater occupancy stability, and the building of stronger communities.

Moreover, protecting tenants with companion animals would not impact a landlord’s right to address possible concerns associated with tenants keeping companion animals (i.e., concerns related to prospective damage to a property, or noise disturbances on the property). Indeed, even with a pet-friendly provision in PEI’s *Residential Tenancy Act*, landlords would still be entitled to implement lease terms and policies which promote responsible pet ownership and accountability for any potential harms caused (e.g., terms mandating tenant responsibility for repairs and cleaning associated with companion animal ownership upon departing a rental unit, etc.).

## **2. The Rise of “Pet-Friendly” Tenancy Provisions**

The introduction of “pet-friendly” provisions in residential tenancy legislation is not a novel concept. Indeed, in jurisdictions across the world there has been an increasing willingness and interest in advocating for and introducing laws which are attentive to the reality that companion animals are core family members for a growing number of people.

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<sup>7</sup> *Ibid*

<sup>8</sup> See: <https://peihumanesociety.com/2021-record-breaking-year-for-pe-i-humane-society/>

To this end, there have been significant strides made to protect the rights of families with companion animals.

In Canada, there is a significant precedent for pet-friendly provisions in residential tenancy legislation. More specifically, section 14 of Ontario's *Residential Tenancies Act, 2006*, SO 2006, c 17 provides the following:

***“No pet” provisions void***

***14 A provision in a tenancy agreement prohibiting the presence of animals in or about the residential complex is void. 2006, c. 17, s. 14.<sup>9</sup>***

Ontario's law prohibiting the inclusion of “no pet” provisions in tenancy agreements broke new ground in Canada when it was introduced in 1997. Since the introduction of this law, many advocacy groups and animal-lovers have called upon other provinces to follow suit. For instance, in Quebec, the Montreal Society for the Prevention of Cruelty to Animals (“SPCA”) has been active in calling on the provincial government to put an end to “no pets” clauses in the province. As per the SPCA's press release on this topic “every year, countless Quebec residents are forced to make the gut-wrenching decision to part with their beloved animal, whom they consider a member of their family, in order to secure affordable rental housing.” The Montreal SPCA also points out that “no-pet clauses disproportionately affect low-income families, who have more limited housing opportunities.”<sup>10</sup> A 2022 petition in the provincial legislature launched by the group on this topic garnered over 33,000 signatures.<sup>11</sup>

Similar efforts to protect families with pets have been made in almost every Canadian province by advocacy groups and politicians alike - citing similar concerns with the lack of affordable housing for companion animal guardians and the fundamental unfairness and indignity of forcing these individuals to make a decision concerning keeping their beloved non-human family members or renting an appropriate home.<sup>12</sup> Likewise, in several international jurisdictions, including for example in the United States,<sup>13</sup> Australia,<sup>14</sup> and New Zealand,<sup>15</sup> there has been a strong recent push for the amendment of residential tenancy legislation to protect the rights of animal owners living in rental properties. In fact, in 2020, the Australian state of Victoria introduced legislation which prohibits landlords from banning companion animals in rental housing.<sup>16</sup> While tenants must still obtain consent from their landlords in most cases to have a companion animal in Victoria, they cannot refuse the request without reasonable cause. Marlene Kairouz, a government minister in Victoria, spoke to this legislation, stating: “Victorians will no

<sup>9</sup> Available online: <https://www.ontario.ca/laws/statute/06r17#BK19>

<sup>10</sup> See: <https://globalnews.ca/news/8735944/spca-petition-end-no-pets-clause-quebec-rental-leases/>

<sup>11</sup> See: <https://www.assnat.qc.ca/fr/exprimez-votre-opinion/petition/Petition-9575/index.html>

<sup>12</sup> See e.g.: <https://www.cbc.ca/news/canada/british-columbia/no-pets-rental-1.3985220>;  
<https://web2.gov.mb.ca/bills/39-4/b218e.php>;

<sup>13</sup> See: <http://publichealth.lacounty.gov/vet/docs/PetsInRentalHousingGuidebook.pdf>

<sup>14</sup> See: <https://aldf.org/article/australian-state-bans-no-pets-policies-in-rental-housing/>

<sup>15</sup> See: <https://thespinoff.co.nz/society/28-09-2022/the-absence-of-rights-for-renters-with-pets-is-just-cruel>

<sup>16</sup> See: <https://aldf.org/article/australian-state-bans-no-pets-policies-in-rental-housing/>

longer be forced to choose between the pet they love and a place to live...Pets are a part of what makes a house feel like a home... With more people renting now than ever before, it's time to make this basic right accessible to all animal lovers across the state.”<sup>17</sup>

### 3. Conclusion

The majority of Canadian households include at least one dog or cat.<sup>18</sup> Despite this, in most provinces, families with companion animals are not typically afforded basic protections when it comes to rental housing security. Animal Justice encourages PEI to be a leader in the movement towards protecting these families by including protections in the *Residential Tenancy Act* that prohibit landlords from refusing to rent to an individual or family on the basis of them having a companion animal, and prohibiting “no pet” clauses in tenancy agreements.

Thank you for taking the time to review our comments. Animal Justice would be pleased to assist in any way that we can with your consideration of this matter.

Sincerely,



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CC: **Hon. Hannah Bell** - Official Opposition Critic for Social Development and Housing  
**Hon. Gord McNeilly** - Third Party Critic for Social Development and Housing  
**Hon. Peter Bevan-Baker** - Leader of the Official Opposition  
**Hon. Sonny Gallant** - Interim Leader of the Third Party

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<sup>17</sup> *Ibid*

<sup>18</sup> See: <https://cahi-icsa.ca/news/2020-canadian-pet-population-figures-released>