

## 31. Pet Damage Deposits

Jan-04

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*This Policy Guideline is intended to provide a statement of the policy intent of legislation, and has been developed in the context of the common law and the rules of statutory interpretation, where appropriate. This Guideline is also intended to help the parties to an application understand issues that are likely to be relevant. It may also help parties know what information or evidence is likely to assist them in supporting their position. This Guideline may be revised and new Guidelines issued from time to time.*

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As of January 1, 2004, a landlord may require, under the *Residential Tenancy Act*, that a tenant pay a “pet damage deposit” in addition to a normal security deposit<sup>1</sup>. The rule does not apply to existing tenants with pets nor does it apply to manufactured homes governed by the *Manufactured Home Park Tenancy Act*.

### **When is the deposit given?**

A landlord may require a pet damage deposit either when the tenant has a pet at the start of a tenancy or later, at the time a tenant acquires a pet and the landlord’s required agreement is obtained<sup>2</sup>.

Sometimes a tenancy agreement might already provide that a tenant will pay a pet damage deposit on acquiring a pet, in which case, the deposit would be paid then.

If a tenancy agreement is silent about pets, then the landlord cannot require a pet damage deposit.

A landlord cannot require a pet damage deposit for a guide animal under the *Guide Animal Act*.

### **How much is the deposit?**

A landlord can require a deposit of up to one-half month’s current rent as a pet damage deposit, regardless of the type or number of pets. This amount is in addition to any security deposit that may also be required by a landlord<sup>3</sup>.

### **What does the deposit cover?**

The deposit is to be held by the landlord as security for damage caused by a pet.

### **When can a landlord keep the deposit?**

Pet damage deposits are generally treated the same as security deposits.

At the end of a tenancy, if the tenant agrees in writing, the landlord may keep all or part of the pet damage deposit<sup>4</sup>.

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1 *Residential Tenancy Act*, s. 18(2)

2 RTA, 20(c)

3 RTA, s. 19

4 RTA, s. 38(4)

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pay an amount previously awarded by an arbitrator for damage caused by a pet and which was still unpaid at the end of the tenancy<sup>5</sup>.

The landlord may apply to an arbitrator to keep all or a portion of the deposit but only to pay for damage caused by a pet. The application must be made within the later of 15 days after the end of the tenancy or 15 days after the tenant has provided a forwarding address in writing.<sup>6</sup>

If a tenant does not give the landlord a forwarding address within one year after the end of the tenancy, the landlord may keep the pet damage deposit<sup>7</sup>.

### When is a deposit repaid?

As with security deposits, a landlord must return any remaining pet damage deposit and any statutory interest within 15 days after the tenancy ends or the landlord receives the tenant's forwarding address in writing, whichever is later<sup>8</sup>.

A landlord does not have to comply with this 15 day rule if the landlord has applied for an arbitrator's order within the 15 days, in which case the landlord can hold the deposit and any statutory interest until the arbitrator's decision. Similarly, a landlord does not have to comply with the 15 day rule if the tenant fails to provide a forwarding address in writing within a year after the end of the tenancy<sup>9</sup>.

If a landlord is required to return a pet damage deposit and fails to do so, the tenant may apply to an arbitrator for an order for double the amount of the deposit plus any statutory interest.<sup>10</sup>

### Manufactured Home Parks

The *Manufactured Home Park Tenancy Act* does not permit a landlord to require a pet damage deposit. If one is paid, the tenant may deduct the amount of the deposit from rent or recover the amount.

### Tenancy Condition Reports

A landlord or a tenant may lose the right to keep or be repaid a pet damage deposit if the rules regarding tenancy condition reports are not followed. See the Residential Tenancy Regulation.

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5 RTA, s. 38(3)

6 RTA, s. 38(1)(d)

7 RTA, s. 39

8 RTA, s. 38(1)

9 RTA, s. 39

10 RTA, s. 38(6)