

Renting with Assistance and Support Animals



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Sometimes a tenant requires the assistance and support of an animal when renting. Does a landlord need to accommodate a tenant with an assistance or support animal? How about when the tenant has a qualified service dog or guide dog? What happens if the animal is a companion, emotional support or therapy animal? The following guide covers what you need to know about this area of law.

What is the difference between service and guide dogs?

Under the *Service Dogs Act* in Alberta, service dogs are qualified dogs trained as a guide for disabled persons. Under the *Blind Persons' Rights Act* in Alberta, guide dogs are a type of dog trained as a guide for blind people. Both types of dogs must meet the qualifications under the *Service Dogs Qualification Regulations*.

Are landlords required to accommodate people with service and guide dogs?

Under the *Service Dogs Act* and *Blind Persons' Rights Act*, landlords cannot discriminate against disabled and blind persons with a qualified service or guide dog, as long as the person can control the dog's behavior. Landlords who discriminate against or deny occupancy of a dwelling unit to a person with a service or guide dog are guilty of an offence and can be fined up to \$3,000.

The *Alberta Human Rights Act* also protects the right of a disabled or blind person to use a service or guide dog. Landlords have a duty to accommodate disabled persons with a qualified service or guide dog to the point of undue hardship. Some of the factors that are considered in undue hardship include: financial costs of the accommodation, health and safety concerns and substantial interference with other people. Undue hardship is a difficult standard to meet. Generally, landlords must provide some level of accommodation.

EXAMPLE

A potential tenant is blind and has a guide dog. A landlord cannot refuse to show the rental property or refuse to rent to the person because of their guide dog.

What is the difference between companion, therapy and emotional support animals?

There are other types of animals that provide assistance and support, for example:

- Companion animals (also known as "pets") are a type of animal kept for pleasure
- Therapy animals are animals that are used by therapists for short-term therapeutic purposes
- Emotional support animals are typically used for providing support to individuals with mental illness (like anxiety or depression) or chronic illness

Unlike service and guide dogs, companion, therapy and emotional support animals are not covered by provincial legislation in Alberta.



TIP

In October 2018, changes to the City of Calgary's Responsible Pet Ownership Bylaw came into effect. Citizens in Calgary may be able to keep a Livestock Emotional Support Animal on their property as long as their permit application is approved. For renters in Calgary, the City may issue a permit and allow for an exemption for a Livestock Emotional Support Animal but cannot tell a landlord to allow the animal on their premises. For more information, refer to the City of Calgary's website: bit.ly/3IQvguM

Are landlords required to accommodate people with companion, therapy or emotional support animals?

Landlords may have a duty to accommodate disabled persons with other types of animals such as therapy, emotional support or companion animals. Whether there is a duty to accommodate depends on whether there is reliable medical evidence confirming a person's disability and the person's dependence on the animal. For more information on human rights issues in residential tenancies, contact the Alberta Human Rights Commission.

How can landlords determine that an animal is certified and covered under Alberta legislation?

The certification of service and guide dogs are covered under the *Service Dogs Act* and *Blind Persons' Rights Act*. Landlords can determine if a service or guide dog is certified by checking the tenant's Government of Alberta identification card. The card identifies the individual and their dog. The identification card is proof that the individual and their dog are qualified.

What are the requirements for a qualified service dog?

Under the *Service Dogs Qualifications Regulation*, a dog is considered a qualified service dog if:

- the dog has successfully completed a training program through a school or institution accredited by Assistance Dogs International Inc. (ADI) or
- the dog has successfully completed:
 - a training program delivered by an organization identified on the Minister's Qualified List or
 - a test administered by an organization identified on the Minister's Qualified List.

For more information on the Minister's Qualified List and more information about ADI, refer to the Government of Alberta's Alberta Human Services website: www.alberta.ca/service-dog-information.aspx



TIP

A person who falsely claims to be a disabled or blind person with a qualified service or guide dog is guilty of an offence and liable for a fine of up to \$300.

Where can I find information on the certification and qualification of other animals (e.g., non-dogs)?

There is currently no legislation in Alberta that covers the certification or qualifications of other types of animals. The *Service Dogs Act* and *Blind Persons' Rights Act* only covers dogs.

Resources to learn more

Service Dogs Act

bit.ly/2IE6cPr

Service Dogs Qualifications Regulations

www.qp.alberta.ca/documents/Regs/2017_059.pdf

Blind Persons' Rights Act

www.qp.alberta.ca/documents/Acts/b03.pdf

Government of Alberta, Alberta Human Services

Information on service dogs

www.alberta.ca/service-dog-information.aspx

Alberta Human Rights Commission

Information on discrimination and human rights law

www.albertahumanrights.ab.ca



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