

Dear Staff Sergeant,

I am writing to request clarification and assistance regarding a situation that is being incorrectly characterized as a "tenancy" or "civil" matter, when it is **not covered under Ontario tenancy law** and raises both **trespass** and **animal welfare** concerns.

Summary of the situation

- A **privately owned barn** in Ontario is being rented for stall/barn space only
- **No residential accommodation** is provided
- **No board or services** are provided (no feed, water, mucking, care, or supervision)
- **Rent has not been paid**
- The individual is **refusing to vacate** the property
- **Two horses remain in the barn**

This is NOT a tenancy matter

The **Residential Tenancies Act, 2006** does **not apply** to:

- Agricultural buildings
- Barns
- Non-residential premises
(RTA, S.O. 2006, c. 17)

There is no dwelling unit, no residential tenancy, and no jurisdiction of the Landlord and Tenant Board.

This is a **private property and contract matter**, not a housing dispute.

The Innkeepers Act does NOT apply

The **Innkeepers Act** (R.S.O. 1990, c. I.7) applies to inns and hotels providing accommodation to the public and may create a lien **only where services are provided and charges are owed for those services.**

In this case:

- No services are provided
- The barn owner is not feeding, watering, mucking, caring for, or supervising the horses

Accordingly, **no innkeeper–guest relationship exists and no innkeeper’s lien arises.**

Simply renting space does **not** trigger the Innkeepers Act.

Non-payment of rent = revoked permission

Failure to pay rent constitutes a **breach of agreement**. Once permission to occupy the property is withdrawn, the individual **no longer has lawful authority to remain.**

Continued presence on the property constitutes **trespass** under the **Trespass to Property Act** (R.S.O. 1990, c. T.21).

Animal welfare law DOES apply (PAWS)

While the Innkeepers Act does not apply, the **Provincial Animal Welfare Services Act, 2019 (PAWS) does.**

Relevant provisions include:

- **Section 1(1)** — Definition of custodian
A custodian includes a person who has care, charge or control of an animal **or control over the place where the animal is kept.**
- **Section 15(1)** — Duty of care
Every custodian must ensure an animal has adequate food, water, medical attention, and care, and is not in distress.

- **Section 15(2)** — Permitting distress
A person who permits distress to an animal is in breach of the Act.

As a result, a property owner may face **legal exposure simply by allowing animals to remain on their land**, even if they are not the owner of the animals and even if no services are provided.

This creates a situation where **inaction increases risk**, both legally and from an animal welfare perspective.

Why police assistance may be required

The horses are being used to **force continued access to private property** after rent has not been paid and permission has been revoked.

The barn owner:

- Cannot compel removal on their own
- Faces potential PAWS liability
- Is dealing with a **trespass situation**, not a tenancy dispute

Police attendance to address **unauthorized presence on private property** and to prevent escalation would be appropriate.

Closing

This matter is respectfully raised to clarify that:

- This is **not** covered by tenancy law
- The **Innkeepers Act does not apply**
- **Trespass law and PAWS obligations do apply**

We appreciate your time and attention and are happy to provide documentation confirming ownership, non-payment of rent, and written revocation of permission to remain on the property.

Sincerely,

[Name]

[Role / Relationship to Property Owner]

[Phone / Email]