

Can I Break My Lease If People Bark about My Dog?

By [Alison Rogers](#) | Sep 4, 2009 |

Dear Ali;

I have a companion dog that we kept out on our apartment's patio until we got complaints saying he barks too much when people walk by. Since then, we have kept him in a kennel in our home when we leave, but now we have more complaints, including one from Animal Control. (We live in Orange County, CA.). Can we legally break our lease because of the complaints?

A: "There's no 'get-out-of-jail-free' card for having a pet and a change in circumstances," says Zachary Schorr of the Los Angeles-based firm Schorr Law, and author of the [Land and Lease blog](#).

So you probably can't break your lease legally. **But Schorr says it's worth looking for a loophole in the form of an "early termination" clause.** Such a clause is rare in residential leasing, though not impossible to find.

It might be possible, Schorr says, to argue that your own enjoyment of your premises is being disrupted because you're receiving complaints from neighbors about your dog ... but taking the position that you're the victim will probably just anger your landlord, I think.

Instead — since it sounds like a few other people in your complex wouldn't mind if you moved — try to approach the landlord (with your tail between your legs) and ask nicely for an early termination because of the unusual situation. Given the lousy rental real estate market in OC, it's doubtful that he'd be understanding, but it couldn't hurt to try.

Schorr recommends you first call the landlord or speak to him in person, rather than asking in writing: "It's harder to say 'no' to someone when you're talking to them in person." If he agrees verbally, follow up in writing.

Good luck. Also, I know I'm going to hear from dog people about what I'm about to say (do me a

favor, guys, just go ahead and stick them in the comments section), but my brother-in-law has had success using a citronella collar on a fairly barky terrier. You might want to try a couple of sessions with a dog trainer as well — you don't want to run into this problem at your next apartment too!

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Since graduating from Harvard summa cum laude, Alison Rogers has been a reporter, an editor, a real-estate agent, a Wall Street desk jockey, a columnist, a failed flipper, and a landlady. A member of the National Association of Realtors, she currently sells and rents luxury co-ops in Manhattan for the Chelsea-based firm DG Neary. (If you've got \$27,500 a month, the firm has an apartment for you!) Her book, *Diary of a Real Estate Rookie*, was called "a valuable guide for rookie buyers" by AOL/Walletpop, "beach-read fun" by the New York Observer, and "witty" by Newsweek.

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