CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 28, 2026
CASE: 2025-00292N
Citation: Bateman v. Toronto Standard Condominium Corporation No. 2302, 2026 ONCAT 9

Order under section 1.44 of the *Condominium Act, 1998.*

Member: Anne Gottlieb, Member

The Applicant,
Taylor Bateman
Self-Represented

The Respondent,
Toronto Standard Condominium Corporation No. 2302
Represented by Maria Dimakas, Counsel

Hearing: Written Online Hearing – July 23, 2025 to January 5, 2026
Video Recorded Hearing – September 29, 2025, October 27, 2025, October 29, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Taylor Bateman, alleges that noise is emanating from a unit one floor below (the "lower unit"), which is occupied by an adult child of the owner(s). Neither the occupant nor owner/s of the unit have been named as a party by Mr. Bateman. Mr. Bateman maintains that the noise is unreasonable and is a nuisance under s. 117 (2) of the *Condominium Act, 1998* (the "Act") and is contrary to the governing documents of the Respondent, Toronto Standard Condominium Corporation No. 2302 ("TSCC 2302"). Mr. Bateman alleges that TSCC 2302 failed to fulfil its obligations to investigate and remedy the noise issue and allowed unreasonable noise to continue contrary to the Act and its governing documents.

[2] The evidence demonstrates that TSCC 2302 has a protocol that it uses to investigate noise complaints. For the reasons set out below, I find that TSCC 2302 took appropriate measures to investigate and reduce the impact of noise (low frequency) which was the source of Mr. Bateman's complaints and that

TSCC 2302 has taken reasonable steps to seek compliance with its own rules and with the Act. There is no evidence before me to establish that unreasonable noise that could be considered a nuisance, continues from the lower unit.

[3] Mr. Bateman has asked for costs for his filing fees and the fees he paid to issue two summonses for two witnesses to testify. He has not been successful before this Tribunal and his request is denied. Mr. Bateman has requested a specific order from the Tribunal that restricts TSCC 2302 from attempting to recover its legal costs pursuant to s. 85 of the Act. For reasons outlined below, I decline to make such an order.

[4] TSCC 2302 has asked that I declare that this application was filed for an improper purpose and that Mr. Bateman is a vexatious litigant. I have insufficient grounds to do so. TSCC 2302 asks for an order of costs for its legal costs in this case. For the reasons outlined below, pursuant to s. 1.44 (1) (4) of the Act, I order Mr. Bateman to pay TSCC 2302 $5,000 in costs within 90 days of this decision.

B. BACKGROUND

[5] Mr. Bateman first complained of noise from the lower unit on March 11 and May 26, 2024. In both instances the lower unit was contacted by security staff and the complaints were investigated. An email from the occupant of the lower unit to the condominium manager, Francisco Chavarria, indicates that “music” speakers would be removed from the floor and that headphones would be used to listen to music after 11 p.m.

[6] In his testimony, Mr. Chavarria indicates that an inspection of the lower unit confirmed that the speakers were moved off the floor, as required by Rule 3 (a) (iii) of the TSCC 2302 rules which state: “No sound systems, stereos or television sets shall be placed on or against a wall that is shared with another unit. Speakers shall not be placed directly on the floor.”

[7] Between the months of February and April 2025, Mr. Bateman sent more than 20 emails to TSCC 2302 relating to complaints of noise and the investigation of the noise complaints. These emails detail complaints of persistent low-frequency noise from the lower unit and outline proposals made by Mr. Bateman for investigating the source of the noise. Mr. Bateman took multiple sound recordings and video recordings which he submitted into evidence. He also made complaints to the city, resulting in city by-law officers attending his unit once in 2024 and once in March 2025. He has emphasized that TSCC 2302 did not send an enforcement letter from its legal counsel to the lower unit.

[8] Mr. Chavarria testified that TSCC 2302's process when a noise complaint is reported is as follows: Security is asked to approach the resident at the unit to advise them of the complaint; an incident report is made and sent to the management team the next day; if the noise persists over time, the police may be called; if there is a reoccurrence of the issue and three warnings were given, then a formal letter may be sent from the condominium corporation's counsel.

[9] Mr. Bateman summoned as a witness Mark Fox, the security supervisor for TSCC 2302. Mr. Fox testified that security staff attended at the lower unit on February 26, 2025, to investigate Mr. Bateman's complaint. Low to moderate music was heard. The lower unit occupant was advised to turn the music down. Mr. Bateman was then called and advised of the result of the attendance at the unit. A similar process was followed on February 22 and March 3, 2025.

[10] There is evidence that on March 5, 2025, one of TSCC 2302's security guards entered Mr. Bateman's unit in response to his complaint about noise. The security guard confirmed hearing music "after paying close attention." On March 11, 2025, there was loud music that was heard from the hallway on the lower unit floor. When the security guard knocked on the lower unit door, there was no response. The security guard called the lower unit resident, who was told to turn down the music volume. On March 27, 2025, another guard entered Mr. Bateman's unit and confirmed that music could be heard.

[11] Mr. Bateman also submitted two video recordings to demonstrate the low-frequency noise originating from the lower unit. The first video is of the March 5 entry by a guard into his unit, and the second video is of the March 27 entry by a guard into the unit. TSCC 2302 characterizes the noises on March 5 and 27 as "light" or "low".

[12] Complaints from Mr. Bateman continued, even after he used sound cancelling curtains. A recommendation was made to the lower unit not to use sub woofer speakers (which carry a low frequency), and to purchase other (smaller) speakers. The evidence is that the lower unit ordered new speakers on March 28, 2025, and received them March 29, 2025. Those dates were confirmed in an email from the occupant of the lower unit to Mr. Chavarria. The evidence before me indicates that the occupant of the lower unit followed the sound mitigating measures suggested to him by TSCC 2302. This is not disputed by Mr. Bateman.

[13] Mr. Bateman also entered other video records purportedly dated March 14, April 13, 14, 28, 30, May 4 and 12, 2025. I accept the submission of TSCC 2302 that these video records are not date-stamped or time-stamped and that Mr. Bateman did not report noise on any of these dates to security staff. Mr. Bateman did make

two further reports of noise to security staff on May 5, 2025, and on May 8, 2025.

[14] Mr. Bateman says the noise made it difficult to sleep and that the vibrations were felt through the floor. He acknowledges that TSCC 2302 responded to the complaints but maintains that there was no enforcement.

[15] In his email of March 28, 2025, Mr. Chavarria suggested sound testing on both units. Mr. Bateman outlined very specific and detailed protocols that he wanted for the test. Several emails followed back and forth with TSCC 2302 to set terms and conditions of the equipment to be used by TSCC 2302, and possible test dates.

[16] On April 1, 2025, TSCC 2302 responded to Mr. Bateman's detailed suggestions and indicated they were sourcing sound measuring devices to purchase for the sound testing that they would conduct. Between April 9 to 11, 2025, Mr. Chavarria and Mr. Bateman were communicating by email to address the testing method. The sound test scheduled for April 17, 2025, was cancelled. After much consideration, the board of directors decided to engage a professional sound engineering firm to investigate the noise complaints.

[17] Notice of this case was served on April 28, 2025. The parties discussed the testing protocols to be used, during the timeline of the Stage 2 – Mediation ("Stage 2"). According to the testimony of the sound engineer, many of the suggestions made by Mr. Bateman were incorporated into the testing. A date for the test was set for June 6, 2025, and the full report was issued on June 19, 2025, prior to the end of Stage 2.

[18] Mr. Bateman challenges the way in which TSCC 2302 handled his noise complaints and submits among other things, that they did not propose a mediation with the lower unit to resolve the noise issues and did not send an enforcement letter from legal counsel to the lower unit. He does not fault the lower unit; he faults TSCC 2302 for a lack of enforcement of their rules.

C. ISSUES & ANALYSIS

[19] The issues to be decided in this case are:

1. Does the music from the lower unit result in unreasonable noise which is a nuisance in violation of s. 117 (2) of the Act and Rule 3 of TSCC 2302's rules?

2. Has TSCC 2302 taken reasonable steps to respond to Mr. Bateman's complaints and enforce compliance with the Act and their governing documents?

3. What remedy, if any, is appropriate?

4. Should costs be awarded in this case?

Issue No. 1: Does the music from the lower unit result in unreasonable noise which is a nuisance in violation of s. 117 (2) of the Act and Rule 3 of TSCC 2302's rules?

[20] Ramin Behboudi of Thornton Tomasetti carried out a sound test on June 6, 2025 after much consultation with Mr. Bateman about the method for testing and the type of music to be tested. This was an objective test, and the protocols were designed so that they could be repeated. The test controlled for volume and music tracks regularly played by the lower unit. The test was conducted in the areas where Mr. Bateman said the sound was most audible.

[21] The June 19 report concludes (our redaction):

> The noise assessment criteria used in this report are based on the general human psychological response to sound. However, there are inherent differences in each individual's threshold of hearing and their ability to distinguish sounds at low or high frequencies.
>
> Thornton Tomasetti does not in any way dispute Suite [xx] resident's claim that he can hear the music beats originating from [lower unit], as we heard some ourselves. However, based on the relevant noise assessment criteria presented in this report, the sound levels recorded in Suite [xx] while loud music was being played in [lower unit] are considered to be well within acceptable limits.

[22] Based on the evidence I find that there was unreasonable noise, prior to the purchase of the new speakers, which constituted a nuisance, because it was neither an isolated incident nor was it trivial. However, the evidence indicates that measures taken by the resident of the lower unit, based on the recommendations of TSCC 2302, including the replacement of the speakers at the end of March 2025, effectively mitigated any noise/music transmission. The June 19 report supports that conclusion. The conclusion of the testing was that the current level of music did not fall outside a 'normal' range as of the date of the testing. The June 19 report did not recommend any corrective measures.

Issue No. 2: Has TSCC 2302 taken reasonable steps to respond to Mr. Bateman's complaints and enforce compliance with their governing documents?

[23] Mr. Bateman asks that I find the corporation has not fulfilled its obligations under

s. 17 of the Act, to “take all reasonable steps to ensure compliance” with its rules. Section 117 (2) of the Act states as follows:

> No person shall carry on an activity or permit an activity to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation or continuation of,
>
> (a) any unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any of the corporation; or
>
> (b) any other prescribed nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation.

[24] Mr. Bateman also places reliance on TSCC 2302’s Rule 3, and particularly the words “disturbing the comfort and quiet enjoyment.” Rule 3 states:

> No owner or occupant shall create or permit the creation or continuation of any noise … that disturbs the comfort or quiet enjoyment of the property by other owners.

[25] Odessa Lopechuk, the president of the board of directors, was summoned to testify by Mr. Bateman. She explained that day-to-day noise complaints were handled by security and management. Mr. Bateman’s complaints were brought to her attention sometime in February 2025. She testified that she resides on the floor below Mr. Bateman’s unit. She was aware of the noise complaints, of the relocation of the speakers within the lower floor unit, and of the emails between management and the lower floor unit. She confirms there was no enforcement letter sent to the lower floor unit by TSCC 2302’s counsel (which Mr. Bateman insists is a breach of TSCC 2302’s own protocol). Ms. Lopechuk explained that once the board decided to hire a sound engineer, three opinions (quotations) were tendered, and there was much back and forth with Mr. Bateman on protocols. This she gives by way of explanation of the timing of the actual sound test.

[26] Mr. Bateman’s submits that the professional test reading cannot be relied upon as definitive and that the testing was not done on the original speakers which were the subject of his complaint. The evidence is that TSCC 2302 was responsive to Mr. Bateman’s complaints. Mr. Behboudi testified that the method of testing was designed to accommodate different music tracks and base heavy music, as per the suggestions made by Mr. Bateman. The evidence is that when TSCC 2302 first received complaints from Mr. Bateman they investigated and communicated with the occupier of the lower unit. They suggested options for the occupier to bring himself into compliance with TSCC 2302’s rules, which included moving the

speakers, and later, getting new and different speakers. TSCC 2302 monitored the situation to ensure the changes were made and then conducted a sound test to ensure that the noise transmission was within a normal range. This evidence demonstrates that TSCC 2302 took Mr. Bateman's complaints seriously.

[27] Mr. Bateman himself, does not dispute that the lower unit took measures to reduce the transmission of the music. He takes issue with the steps taken by TSCC 2302 to address his noise complaints and the fact that there was no enforcement letter sent from TSCC 2302's counsel to the lower unit. While there was, at one point in time, unreasonable noise that rose to the level of a nuisance, I find that TSCC 2302 responded and took appropriate steps to investigate his complaints and ensure that the resident from the lower unit took measures to reduce the transmission of the music and eliminate the noise. According to the June 19 report, these measures have been objectively successful. I find that TSCC 2302 took reasonable steps to enforce their rules and the Act.

Issue No. 3: What remedy, if any, is appropriate?

[28] In closing submissions, TSCC 2302 asserts that a remedy in its favour would be appropriate because the case has been an abuse of the Tribunal's process, and that Mr. Bateman filed his case in bad faith. TSCC 2302 submits that Mr. Bateman commenced this application, and pursued it to a hearing, to continue to pursue his own personal issues with the condominium corporation and air issues with the condominium manager.

[29] TSCC 2302 further submits that Mr. Bateman's case is vexatious. TSCC 2302 cites the case of *Manorama Sennek v. Carleton Condominium Corporation No. 116*[1] where the Tribunal adopted the criteria to identify a vexatious proceeding outlined in *Lang Michener et al v. Fabian et al* [2] including whether it is obvious that an action cannot succeed.

[30] Rule 4.6 of the Tribunal's Rules of Practice provides that:

> If the CAT finds that a Party has filed a vexatious Application or has participated in a CAT Case in a vexatious manner, the CAT can dismiss the proceeding as an abuse of the CAT's process. The CAT may also require that Party to obtain permission from the CAT to file any future Cases or continue to

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[1] *Manorama Sennek v. Carleton Condominium Corporation No. 116,* 2018 ONCAT 4 (CanLII) at para. 8,
[2] *Lang Michener et al v. Fabian et al,* 1987 CanLII 172 (ON SC),

> participate in an active Case. The CAT may also require a Party to agree to an undertaking that they will comply with the Rules and with any CAT Orders.

[31] TSCC 2302 contends that they were in the process of hiring a sound engineer to test the noise level when this application commenced. I accept the evidence that as of the date of the sound testing, Mr. Bateman was no longer experiencing unreasonable noise that is a nuisance. Mr. Bateman did challenge Mr. Chavarria's testimony vigorously and sought to challenge the governance and decisions taken by TSCC 2302; however, there is no evidence before me that Mr. Bateman filed the case for an improper purpose. I find that Mr. Bateman had the right to bring this matter to the Tribunal because he did experience unreasonable noise that was a nuisance, earlier. The question of why this matter was pursued by him through Stage 3 – Tribunal Decision, relates to an award of costs. However, the evidence does not support a finding that the application was filed for an improper purpose or rise to the level of him acting in a vexatious manner.

Issue No. 4: Costs

[32] TSCC 2302 submits that Mr. Bateman's conduct was unreasonable, caused delay and considerable expense. They submit that the case should not have been brought and that Mr. Bateman did not report any occurrence of noise to TSCC 2302 since May 8, 2025. They submit that Mr. Bateman chose to carry things forward even when he was in possession of the June 19 report because he was clearly not satisfied by the timeline and the way his noise complaints were addressed by TSCC 2302.

[33] Section 1.44 (1) 4. of the Act, states that the Tribunal may make "an order directing a party to the proceeding to pay the costs of another party to the proceeding." Section 1.44 (2) of the Act states that an order for costs "shall be determined in accordance with the rules of the Tribunal". The cost-related rules of the Tribunal's Rules of Practice relevant to this case are:

> 48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party's CAT fees unless the CAT member decides otherwise.
>
> 48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose

[34] An award of costs is discretionary. The Tribunal's "Practice Direction: Approach to Ordering Costs" provides guidance regarding the awarding of costs. Among the factors to be considered are: whether a party or representative's conduct was unreasonable, for an improper purpose, or caused a delay or expense; whether the case was filed in bad faith or for an improper purpose; the conduct of all parties and representatives; the potential impact an order for costs would have on the parties; the indemnification provisions in a corporation's governing documents and whether the parties attempted to resolve the issues in dispute before the CAT case was filed.

[35] I have found that TSCC 2302 was responsive to Mr. Bateman's noise complaints. There is no evidence that any noise or music that might be considered a nuisance continued after the new speakers were purchased, and certainly none as of the date of testing. There is evidence that Mr. Bateman's protocol suggestions were incorporated into the testing methodology used in the sound test. Mr. Bateman chose to pursue his case through a lengthy hearing, even though he was in possession of an objective professional report indicating that the level of music played in the lower unit was well within acceptable limits.

[36] Mr. Bateman was intent on discrediting the steps taken by TSCC 2302 and the protocol that TSCC 2302 had in place. His complaint was that TSCC 2302 did not take action to enforce its own rules and the Act. I find that they did. I have found that the steps taken were reasonable in the circumstances. I agree that Mr. Bateman should pay something towards the legal costs of TSCC 2302.

[37] TSCC 2302 is claiming legal fees in the amount to $47,039.19 from Stage 2 through to the end of this hearing. The legal fees for the hearing amount to $33,346.30 and on a partial indemnity rate, $20,007.78 (exclusive of disbursements). This is a significant amount, particularly within the Tribunal context. I do not doubt the number of hours spent by Counsel, but I must take into consideration that Mr. Bateman is a self-represented party. I am also balancing the fact that it is not appropriate, in this case, that other unit owners be required to contribute to the full amount of the legal costs incurred by TSCC 2302.

[38] I have found that TSCC 2302 took reasonable steps to ensure that unreasonable noise that was a nuisance did not continue contrary to TSCC 2302's rules and the Act. I order Mr. Bateman to pay to TSCC 2302's costs in the amount of $5,000 within 90 days of the date of this decision. This is a measured assessment of the consequences of bringing an application through a hearing, when objective expert evidence demonstrates that a party has little chance of success.

[39] I find that Mr. Bateman put TSCC 2302 to great expense to defend this application. I find that other unit owners of TSCC 2302 should not fully shoulder the legal cost incurred by TSCC 2302. Mr. Bateman has asked for me to make an order that prevents TSCC 2302 from exercising its rights under s. 85 (1) of the Act. I decline to make such an order.

D. ORDER

[40] The Tribunal orders that:

1. This application is dismissed.

2. Pursuant to s. 1.44 (1) 4 of the Act, and within 90 days of the date of this decision, Mr. Bateman shall pay TSCC 2302's costs in the amount of $5,000.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: January 28, 2026