

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 1, 2026

CASE: 2024-00659N

Citation: Kaur v. Waterloo North Condominium Corporation No. 61, Jovanovic, Jovanovic, 2026 ONCAT 101

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

Member: Nicole Aylwin Vice-Chair

The Applicant,

Nirmal Jot Kaur

Self-Represented

The Respondents,

Waterloo North Condominium Corporation No. 61

Represented by Michelle Kelly, Counsel

Vladimir Jovanovic

Self-Represented

Bozana Jovanovic

Self-Represented

Hearing: Written Online Hearing – February 5, 2026 to May 28, 2026

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Nirmal Jot Kaur, is a unit owner of the Respondent, Waterloo North Condominium Corporation No. 61 (“WNCC 61” or the “corporation”). The Applicant alleges that the owners of the unit above her, Vladimir Jovanovic and Bozana Jovanovic (“Respondent Owners”), are creating unreasonable noise that is a nuisance. The Applicant further submits that the corporation has allowed this noise to continue and in doing so has failed to take reasonable steps to enforce compliance with s. 117(2) of the *Condominium Act, 1998* (the “Act”) which prohibits the creation of unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or assets of the corporation.

- [2] The Respondent Owners deny making unreasonable noise. They submit that any noise being experienced by the Applicant is the result of normal daily living and is reasonable. The corporation submits it has investigated the Applicant's complaints and that they have not been able to determine that the Applicant is experiencing unreasonable noise. The corporation asks the Applicant to pay legal costs in the amount of \$5000.
- [3] For the reasons set out below, I find there is no evidence that the Respondent Owners are creating unreasonable noise that constitutes a nuisance, annoyance or disruption contrary to the Act. I conclude that the corporation has taken reasonable steps to enforce the Act. I dismiss this case with no costs to any party.
- [4] Finally, I note that at times the parties made arguments in their submissions about issues that were not properly before me (e.g., allegations of harassment). I do not address these issues as they are not relevant to the application as filed. Additionally, while I have reviewed and considered all of the evidence and submissions before me, I refer only to what is relevant to the issues properly before me.

B. PRELIMINARY ISSUE

- [5] At the outset of the proceeding, the Applicant requested that a confidentiality order be issued anonymizing the name and any identifying details of any witnesses who provided statements on her behalf. The Respondent Owners also requested that their names be anonymized in the decision as a means to ensure sensitive information about their child does not become public.
- [6] In accordance with Rule 21.4 and 21.5 of the CAT's Rules of Practice, the Tribunal can take steps, give directions or issue orders to protect the confidentiality of personal information, and / or restrict public access to an order upon request (i.e. can issue a confidentiality order).
- [7] Section 5 of the CAO Access and Privacy Policy deals with access to the adjudicative record of a CAT case. Section 5.1.5 states:

In deciding whether to issue a confidentiality order, the CAT Member will consider several factors including the nature of the information at issue, the interests of affected individuals, and the public interest in the openness of proceedings.

For greater specificity, please note that the CAT is guided by the provisions regarding the issuance of confidentiality orders set out in section 2 (2) of the Tribunal Adjudicative Records Act, 2019 – in particular, the CAT may issue

a confidentiality order if:

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters contained in the record are of such a nature that the public interest or the interest of a person served by avoiding disclosure outweighs the desirability of adhering to the principle that the record be available to the public.

- [8] I advised the parties of the factors the Tribunal considers when determining whether a confidentiality order should be issued and invited submissions from both parties on their individual requests. Neither party provided submissions explaining why the order should be granted.
- [9] In making my decision on this issue I have considered the Tribunals Rules and the law relating to the balancing of the open court principle and individual's privacy interests (such as is set out clearly in the Supreme Court of Canada decision in *Sherman Estate v. Donovan*, 2021 SCC 25)
- [10] Regarding the Applicants request, beyond her argument that the name and details of her witnesses should be anonymized because they are not a party to this case, she has provided no reasons why a confidentiality order should be granted. The simple fact that a witness is not a party to a case is not a reason to anonymize their names. I see no matters involving public security that would be disclosed by the inclusion of the name of her witnesses. Nor would publishing the name of her witnesses reveal any information of an such an intimate or personal nature that would justify excluding it from the public record. Therefore, I decline to make confidential the name of her witnesses.
- [11] The Respondent Owners request is of a different nature. They have requested that their names be anonymized to protect personal information about a family member. This decision does not rely on or reference any information about their family member such that the privacy interest is engaged. I decline the request.

C. BACKGROUND

- [12] In September of 2025, shortly after the Respondent Owners purchased their unit, the Applicant began complaining of noise. The Applicant sent correspondence to both the corporation and the unit owners about the noise.
- [13] The Applicant delivered a letter to the Respondent Owners through their door alleging she was experiencing noise coming from their unit through her ceiling. The letter complained of "running, heavy footsteps, stomping and the constant dropping of objects on the floor". The letter went on to advise the Respondent

Owners that “impact noise is considered **zero tolerance**” (emphasis in the original) because of how intrusive and disruptive it can be. The letter “advised” them that they should take steps to mitigate the noise such as installing new flooring that would provide “adequate soundproofing”, and wearing cushioned rubber-soled indoor shoes. On the back of the letter was an additional handwritten note which read “Keep your kid in control. Thanks. Absolute[ly] no running. No shouting.”

- [14] According to the Respondent Owners, they had not yet fully moved into their unit at the time of receiving the note. They did not complete the move and fully occupy the unit until November 1, 2025. Nonetheless, they assumed that perhaps the complaint was in response to noise caused by their move and/or their child's activities during this period.
- [15] In an attempt to be cooperative, the Respondent Owners sent a letter back to the Applicant trying to explain some of the reasons for the alleged noise. The letter went on to indicate that “they were committed to being respectful neighbors” and were taking steps to reduce noise by laying rugs, soundproofing materials and observing quiet hours. The Respondent Owners claim that in retrospect they regret sending this letter as they feel the Applicant has seized upon the information they provided in the letter and used it to make unfounded complaints of unreasonable noise. Nonetheless, the Respondent Owners have taken steps to try to reduce any noise migration – they have put down area rugs with sound-dampening material under them and have allowed the corporation to inspect their unit and flooring for deficiencies.
- [16] At the same time, the Applicant began sending emails to the corporation complaining of noise from the unit of the Respondent Owners. The Applicant sent several emails between the end of September 2025 and November 2025. In these emails, the Applicant raised not just current noise issues but referred to noise created by the previous tenants of the unit.
- [17] In November 2025, the Applicant also made two calls to the municipal by-law office complaining of noise emanating from the Respondent Owners' unit. In response to these calls, by-law officers attended the Respondent Owners' unit on November 2 and November 19, 2025. The by-law reports for each visit were entered into evidence. No noise violations were noted in either report.
- [18] Meanwhile, the corporation responded to the emails sent by the Applicant. The emails sent in response to the Applicant's complaints advised the Applicant of the various actions the corporation was taking including speaking to the Respondent Owners and sending them letters about the noise.

- [19] The Applicant's complaints continued; however, the corporation felt they could not take further steps as they had little evidence of actual noise. So, on November 16, 2025, the condominium manager requested that the Applicant send her audio examples of the noise to assist the corporation in investigating. The Applicant declined, indicating that audio recordings would not accurately capture what she was experiencing, and that the letter from the Respondent Owners (as referenced above) was "proof" that they were making unreasonable noise. The Applicant also claimed that the mere fact that by-law officers had attended the unit was further evidence of unreasonable noise. She indicated that if the corporation required additional proof, they should arrange for "24/7" noise monitoring or send "floor quality or acoustic professionals" to do a "full investigation". The Applicant continued to send emails and letters to the corporation about the noise throughout the close of 2025 and into 2026. Between November 2025 and the end of February 2026, the Applicant sent nearly 40 noise complaint emails to the corporation. While I do not have evidence indicating the corporation responded to each and every email, the evidence in front of me does demonstrate they responded to many and were regularly engaged with the Applicant regarding her complaints.
- [20] In December 2025, the Applicant called the police about the Respondent Owners. While the exact nature of the reason for the call is not disclosed in the police report provided, because some of it is redacted. What is demonstrated by the evidence is that the police did attend the unit and found no evidence of "screaming, yelling or child crying." The report concludes that "the offence reported did not occur." The report also advises the parties to call "By-law" for noise complaints and contact police if there are safety concerns.
- [21] Around this time, the Applicant also filed this Tribunal application. However, she remained in communication with the corporation outside the Tribunal process by sending noise complaints and communicating with them about how she wanted the issue resolved. The condominium manager continued to respond to her emails advising the Applicant how the complaints were being addressed and seek solutions. For example, the condominium manager asked the Applicant to contact the superintendent, Vladimir Andrijvic, when she heard noise as he was regularly on the property explaining that this could help them to verify her complaints. According to the statement of Mr. Andrijvic, he never received any calls about noise from the Applicant, which is disputed by the Applicant.
- [22] In January 2026, in response to the Applicant's request that the flooring in the Respondent Owners' unit be inspected, the corporation contacted contractors and engineers to get quotes and advice on what kind of acoustic testing would best

assist them in determining what if anything may be contributing to the noise issue as described by the Applicant. On review of the issue, Marc Bechthold from Premium Engineering advised the corporation that investigating the flooring in the Respondent Owners' unit (which was the remedy suggested by the Applicant) was not sufficient to provide the needed information and that the inspection should take place in both the Respondent Owners' unit and the Applicant's unit to help determine if there are any building construction issues that may be contributing to noise migration. The corporation proceeded to arrange for this test, however while the Respondent Owners agreed to allow the engineer access to their unit, the Applicant denied access to hers. Nonetheless, Mr. Bechthold did inspect the Respondent Owners' unit and found that the flooring assemblies meet the original and current Building Code Requirements for Sound Transmission Class.

[23] The Applicant maintains that she continues to experience unreasonable noise caused by the Respondent Owners.

[24] It is within this context that I have been asked to decide the following issues:

1. Are the noises experienced by the Applicant unreasonable and resulting in a nuisance, annoyance or disruption contrary to s. 117 (2) of the Act and/or the condominium's governing documents? If so, what is the appropriate remedy?
2. Has the corporation taken reasonable steps to respond to the Applicant's complaints and enforce compliance with the Act and their governing documents? If so, what is the appropriate remedy?
3. Should an award of costs be assessed?

D. ISSUES & ANALYSIS

Issue No. 1: Are the noises experienced by the Applicant unreasonable and resulting in a nuisance, annoyance or disruption contrary to s. 117 (2) of the Act and/or the condominium's governing documents?

[25] Section 117 (2) of the Act states:

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 of 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;

- [26] The Applicant has not identified any provisions in the corporation's governing documents pertaining to noise that she alleges have been breached.
- [27] To find that s. 117 (2) of the Act has been breached, I need to find that the noise the Applicant complains of is unreasonable and amounts to a nuisance, annoyance or disruption at law. To find this, the evidence must demonstrate the interference created by the alleged noise must be substantial and unreasonable; the requirement for substantial interference can incorporate a component of frequency and duration of the interference as well as volume and must be considered in context. A 'trivial' interference will not suffice to support a claim in nuisance, annoyance or disruption.
- [28] While I accept that the Applicant is hearing noise that comes from the unit of the Respondent Owners, based on the evidence before me I cannot conclude that this noise is unreasonable and causing a nuisance, annoyance or disruption at law.
- [29] In both her submissions to this Tribunal and her numerous email complaints to the corporation, the Applicant regularly describes the noise she hears as "thundering" and "aggressive" running stomping. She often indicates the noise sounds like heavy impact noise, as if things are being dropped. These descriptions can also be found in the personal noise log she kept. She states that whatever is causing the noise is so intense that it has caused vibrations strong enough to vibrate her furniture.
- [30] The evidence demonstrates that the noise, while audible, is akin to regularly living noise that ought to be expected and tolerated when living in a multi-residential community. For example, I have listened to the audio recording of the noise and hear some occasional heavy footsteps that sound at times like running. These sounds are only audible with the volume turned nearly to maximum. They are never for a long period of time and the noise heard is faint. Additionally, the two by-law reports issued after the Applicant made complaints to the municipality about the noise, while acknowledging noise, describe the noise heard as "very brief and inconsistent light running" but "not a violation due to not sounding like excessive play" and "common daily living noises". One of the by-law officers followed up with the Applicant by email after a complaint was made and, in the email (that was in addition to the formal report), again reiterated that while the officer could confirm noise was being heard from the above unit it was considered common-living noises based on the circumstances surrounding where and when the noise is being heard. And, in the one instance that the Applicant called the police on the Respondent Owners, the police report notes the complaint was 'unfounded'.

- [31] I accept that the Applicant is hearing noise in her unit and it may be distressing for her. However, the evidence simply does not support her characterizations of the noise. Rather, it demonstrates that over time the Applicant has become fixated on the noise, perhaps losing perspective, leading to more aggressive complaints and allegations that the noise is “intentional”, which are claims that are simply not supported by the evidence.
- [32] I am unconvinced that the noise being heard by the Applicant is beyond what might ought to be reasonably expected in a common-living situation. Even if I accept, as the Applicant told the corporation, that the sound is not properly captured in audio/video and that one occasion, as reported only by the Applicant, that Mr. Andrijvic heard noise in her unit, this is not enough for me to find the noise is unreasonable. The evidence is that the noise that is heard is typically during the day or within reasonable hours (i.e., not overnight), is intermittent. Several objective parties have indicated that when the noise is heard, it is daily living noise. Weighing of the evidence on a balance of probabilities I find the noise being experienced by the Applicant, is at a volume, frequency and duration that may be considered reasonable in a multi-residential living situation.

Issue No. 2: Has the corporation taken reasonable steps to enforce compliance with the Act?

- [33] The Applicant submits that the corporation has not taken reasonable steps to enforce the Act and investigate her complaints.
- [34] Whether or not the corporation responded to the Applicant’s complaints in a way that satisfies the Applicant is not the issue before me. The issue before me is whether the corporation took reasonable steps to enforce compliance with s. 117 (2) of the Act, which means considering whether the corporation took reasonable steps to determine whether there was a nuisance, annoyance or disruption being caused and in the event that there was a breach took reasonable steps to enforce compliance.
- [35] The evidence is that the corporation took seriously the Applicant’s complaints from the outset. They responded to her emails, sent the Respondent Owners letters advising them of the complaints, spoke with the Respondent Owners about the noise, and when they still could not confirm the noise as described by the Applicant, asked her to provide audio recordings of the noise if possible and asked her to report the noise to the superintendent Vladimir Andrijvic, so that he could investigate any noise complaints as they were happening.
- [36] It is clear the Applicant was not and is not satisfied with these steps. Although she

eventually provided audio recordings to the corporation (which according to the condominium manager, the corporation could not open) the Applicant initially refused to send any recording and indicated that contacting the superintendent was not a “workable” or reasonable solution because the superintendent left the property at 4pm and the noise often occurred after this time. This is not persuasive as the Applicant’s own log of the noise often cites alleged noise issues at times prior to 4pm. While I appreciate that the superintendent may not have been able to investigate all the complaints due to the timing of them, there was an opportunity for him to investigate some. There was no reason for this suggestion to be rebuked.

- [37] I do wish to note that there is conflicting evidence about whether the Applicant ever called Mr. Andrijvic to report noise. In his sworn statement, he indicates she did not. The Applicant says she did and provided a screenshot of her call logs. The latter is not compelling evidence. It does not provide proof that the Applicant was calling Mr. Andrijvic to report noise. Regardless, even if I accept that the Applicant did call – the point here is that the corporation was making a reasonable attempt to find ways to investigate in order to determine if there was unreasonable noise being made by the Respondent Owners.
- [38] In an additional attempt to address the Applicant’s concerns and attempt to ascertain whether there may be unreasonable noise, the corporation accepted the Applicant’s request to do acoustic testing. Yet, as noted, when the corporation arranged for such testing, the Applicant refused access to her unit – making, as noted by the engineer, an inspection of the Respondent Owners’ unit of limited value. Nonetheless, the corporation did inspect the floors of the Respondent Owners’ and determined that there was no issue with them.
- [39] Acting reasonably to enforce compliance does not require a corporation to take the steps dictated by any individual owner. What constitutes reasonable enforcement depends on a variety of contextual factors. For example, boards must act in good faith, with due diligence, and the decision must lay within a range of reasonable choices. In this case I find the corporation acted reasonably. It took the Applicant’s complaints seriously, attempted to verify and investigate them, and did so to the best of their ability given the Applicant’s lack of willingness to cooperate in some forms of investigation and could have assisted in helping the corporation determine if unreasonable noise was being created or experienced. It attempted to verify non-compliance before taking enforcement action, which is reasonable.

Issue No. 3: Should an award of costs be assessed?

- [40] The Applicant requested costs in the amount of \$200 to cover her Tribunal fees.

As she was not successful, she is not entitled to costs.

- [41] The Respondent Unit Owners have not requested costs.
- [42] The corporation has requested costs in the amount of \$5000 arguing that the Applicant's behavior was at times unreasonable, for an improper purpose or caused delay or expense. The behavior cited by the corporation includes, for example, making unfounded allegations that the Respondent Owners were intentionally making noise without providing any proof of such a claim, the Applicant's retaliatory behavior towards the Respondent Owners and the misrepresenting of evidence, for example, claiming the by-law reports found unreasonable noise when they clearly state they did not, claiming that no inspection was done in response to her complains.
- [43] Costs awards are discretionary and are made in accordance with the rules of the Tribunal as per s. 1.44 (2) of the Act. 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 during 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, or that caused a delay or additional expense.
- [44] In determining whether costs should be awarded, I have considered the factors set out in the "Tribunal's Practice Direction: Approach to Ordering Costs". The practice direction references several factors that may be considered when awarding costs: conduct of all parties and representatives; whether the parties attempted to resolve the issue in dispute before the CAT case was filed; the potential impact an order for costs would have on the parties; and ,the provisions of the corporation's governing documents.
- [45] I note that much of the conduct cited by the corporation is not relevant to the cost analysis in this case because it refers to conduct that is unrelated to this proceeding. For example, the Applicants alleged harassment of Respondent Owners and the tone of the Applicant's communications with the condominium manager are not behaviors that impacted this hearing or took place during it. It did

not add time, expense, or otherwise increase the costs of this proceeding.

[46] In considering whether there was conduct during the proceeding that added additional time, expense or delay or was for an improper purpose, I find there was none. Litigants frequently find themselves on the losing side when a court or tribunal decides questions of law and they often have their own interpretation of the evidence and how it supports their position. This does not, in and of itself, mean that they sought to 'mischaracterize' evidence or that pursuing a case was unreasonable and I exercise my discretion and decline to make any order for costs.

E. ORDER

[47] The Tribunal orders that:

1. The case be dismissed.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: June 1, 2026