

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 5, 2026

CASE: 2025-00344N

Citation: Lozinski v. Wentworth Standard Condominium Corporation No. 601, Snow, 2026 ONCAT 1

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

Member: Anne Gottlieb, Member

The Applicant,

Lorne Lozinski

Self-represented

The Respondents,

Wentworth Standard Condominium Corporation No. 601

Represented by Jason Taylor, Agent

Bonnie Snow

Self-represented

Hearing: Written Online Hearing – August 27, 2025 to December 8, 2025

Video Conference Hearing – October 31, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] This dispute arises from allegations of noise between two units. The Applicant, Lorne Lozinski, states that the noise emanates from the unit above, which is owned by the Respondent Bonnie Snow. He 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 Wentworth Standard Condominium Corporation No. 601 (“WSCC 601”). Mr. Lozinski alleges that WSCC 601 has not fulfilled its obligations to investigate and remedy the noise issue and allowed unreasonable noise to continue contrary to the Act and its governing documents.

[2] Mr. Lozinski wishes to live in peace and quiet in his unit. He is also seeking reimbursement of the Tribunal fees he has paid. Both Respondents in this matter

request that the application be dismissed on the basis that there is no evidence that Mr. Lozinski is experiencing unreasonable noise.

- [3] Mr. Lozinski has the onus to prove that there is an activity that results in unreasonable noise that is a nuisance, annoyance or disruption. He has produced an email with a noise log, documenting when he hears noise. This outlines the date, the time of day, and the type of noise that he hears. It logs noise at times that any reasonable person would consider to be “after hours.” He has documented repetitive and frequent noise, and noises that I find to be unreasonable and a nuisance.
- [4] For the reasons set out below I find that the evidence does establish that Mr. Lozinski is experiencing unreasonable noise in his unit that is a nuisance. However, there is no conclusive evidence before me that the noise is being caused or is emanating from Ms. Snow’s unit. I find that WSCC 601 has failed to investigate the noise complaints made by Mr. Lozinski, and as a result has allowed this unreasonable noise to continue contrary to the Act and its governing documents.
- [5] For the reasons set out below, I order WSCC 601, under s. 1.44 (1) 7 of the Act to establish a protocol and process to investigate future noise complaints made in writing and provide this to Mr. Lozinski within 30 days of this decision. I further order WSCC 601 to respond, in writing, within 7 days of the date of receiving a written noise complaint from him. I order WSCC 601 to reimburse the \$200 costs incurred by Mr. Lozinski to bring this matter before the Tribunal.

B. BACKGROUND

- [6] Mr. Lozinski testified that since he took possession of his unit, he began to hear noise from the unit above. He has presented evidence of noise complaints made to the condominium management. I find his testimony to be earnest and credible.
- [7] On December 3, 2024, Mr. Lozinski sent an email to the condominium manager of WSCC 601, Mr. Cormier, with a request to forward the complaint to the WSCC 601’s board of directors. The complaints in the email itemize the noises heard by Mr. Lozinski, who described them in his email as follows:
1. thumps across the floor with hard shoes all thru the day and night. (loud footsteps) (have her wear slippers)
 2. drags heavy objects across the floor making scraping noises. It's like living under a bowling alley

3. slams cupboard doors at all times during the day and night.
4. uses a drill/and sander at all times of the day and night (1:30 AM and 6:30 AM)
5. thumps heavy objects on the floor at all times during the night
6. things are falling as she's working (sounds like hammers and tools) it's happening as I write this email.

- [8] Mr. Lozinski further notes in his email complaint that, "As I write this email (Dec 2, 2024) in my bedroom (2:18 pm in the afternoon), the noise is extremely loud and disturbing. Sounds like she is dropping tools on the hard floor (not even on a carpet)."
- [9] On December 9, 2024, Mr. Lozinski sent another email to the condominium manager to indicate that he was again experiencing noise of "dropping tools in floor again" (at 5 a.m.). The condominium manager sent a responding email to Mr. Lozinski on the same day, indicating "I can send them a notice with hopes this will get them to stop. We can start there and hopefully this will resolve the issue. A letter will be sent today."
- [10] WSCC 601 did send an email to Ms. Snow on December 10, 2024, explaining that there was a noise complaint. The response from Ms. Snow was that she was moving furniture to close her patio which took 20 minutes. She continued in a second email on that same date stating that she heard noises as well.
- [11] On January 17, 2025, Mr. Lozinski sent another email to management complaining of noise from the unit above and referencing that he emailed Ms. Snow directly.
- [12] On one occasion, prior to the commencement of the Tribunal case, Mr. Lozinski complained to security staff about noise. In that instance both he and Ms. Snow went down to speak to "Alex" in security. Neither party identified the exact date. There was no written evidence submitted of further follow up by the condominium corporation. It is noted that security staff are only available during business hours.
- [13] An email of May 13, 2025, from Mr. Lozinski to management provides a noise log for the period of January 3 to May 13, 2025. It lists dates, times, and the type of noise experienced by Mr. Lozinski. It includes individual entries for the following days in 2025: January 3, 4, 5, 6, 10, 13, 26; March 22; April 2, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27; May 6, 7, 9, 11, 12, 13. It also references noises pertaining to January 27-31, 2025. It identifies various times of day from 5 a.m. onward. Sometimes the sounds are documented as continuing for

hours, sometimes as lasting most of the day and evening, and sometimes as occurring very early in the morning or very late into the night.

[14] There are entries for noise during daytime hours, and numerous and repeated entries for hours that would be considered “after hours.” For example, there are entries of reported noise at the following times: 8:40 p.m., 9:11 p.m., 10:06 p.m., 11:15 p.m., 11:47 p.m., 12:15 a.m., 12:28 a.m., 12:58 a.m., 3:10 a.m., 4:35 a.m., 5 a.m., 5:40 a.m., 5:20 a.m., 6:10 a.m., 7:20 a.m. Much of the noise that is reported happens between 9:00 p.m.-1:00 a.m., and 5:00 a.m.-8:00 am.

[15] The evidence before me is that no member of the board of directors or the condominium manger attended Mr. Lozinski’s unit to investigate the noise. Mr. Taylor, board president, testified that he asked neighbours on the same floor as Ms. Snow, if they experienced noise. He testified that Mr. Lozinski is the only one who has made noise complaints. The condominium manager claims to have discussed the noise complaints with the board, but Mr. Taylor has no recollection of such discussions at a board meeting.

C. ISSUES & ANALYSIS

[16] The issues to be determined in this case are as follows:

1. Are the noises experienced by Mr. Lozinski unreasonable and resulting in a nuisance, annoyance or disruption contrary to s. 117 (2) of the Act and/or the condominium’s governing documents?
2. If there is unreasonable noise, has WSCC 601 taken appropriate measures to investigate and/or reduce the impact of the noise on the premises?
3. What remedy, if any, should be directed in this case?
4. Should an award of costs be assessed?

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

(2) 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; 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.

[18] WSCC 601 has rules and regulations that govern noise. Mr. Lozinski cited “section VIII – in-suite Living” which describes a prohibition of noise that disturbs the quiet enjoyment of others. The condominium manager verified this provision in the rules and regulations as follows:

1. No noise, odor, vibration, vapor or other activity or emanation however caused, shall be permitted which disturbs the quiet enjoyment and comfort of other residents.

[19] Mr. Lozinski has complained of stomping, drilling, machine noise, and hammering. He hears noise of tools, whirling noises, and noises like a lawnmower. I find that the frequency of the noise, the type of noise and the hours in which Mr. Lozinski has experienced the noise, along with the repeated and numerous occasions on which the noise has occurred, make the noise experienced by Mr. Lozinski unreasonable.

[20] The loud stomping and banging, drilling and machine noise complained of by Mr. Lozinski, given its persistence and the fact that the noise is often made in the overnight hours, is more than a trivial interference; it constitutes a nuisance that disturbs the quiet enjoyment of Mr. Lozinski. The question remains: What activity is causing the noise?

[21] Ms. Snow does not challenge the fact that Mr. Lozinski is hearing noises, rather she disputes the fact that the noise is coming from her unit and that she is making the noise. She suggested that there have been many vacancies and moves from her floor over the years. Whether or not that is the case, this does not address the incidents of late night and early morning noise.

[22] Ms. Snow testified that she does not own a vacuum cleaner and never slams the door when she exits at 5 a.m. or enters late at night. She states that she walks softly in the unit.

[23] Ms. Snow admits to running a business and having booths where she sells items, including wooden and handcrafted items at a flea market. She says she has two storage facilities for items she makes and sells. She claims that she does not have any equipment or items in her unit.

- [24] Ms. Snow has annotated Mr. Lozinski's May 2025 email to indicate those times which she claims she was not in her unit. This was submitted to counter the allegations of Mr. Lozinski. Her evidence is a line-by-line negation of Mr. Lozinski's complaints based on his May 2025 email. I prefer Mr. Lozinski's account, outlined in the email, because those were events that he documented in "real time."
- [25] Ms. Snow testified that she works two jobs. She says that, in the summer, her hours are 6 a.m. to 2:30 p.m. Otherwise, in her regular hours she leaves her unit between 8-9 a.m. and returns home after midnight. Ms. Snow went on to explain that from April to November her schedule on Saturdays is from 9:30 a.m. to 10 p.m. and Sundays from 5 a.m. to 7:30 p.m.
- [26] I note Ms. Snow's testimony about the 5-6 a.m. morning hours when she leaves her unit. These hours coincide with some of the timing of the noise complaints made by Mr. Lozinski. Similarly, the late "after midnight" noise complaints reported by Mr. Lozinski align with her testimony about her late night hours when she returns to her unit.
- [27] Ms. Snow also provided her work logs from June 2025 to October 2025. This is a timeframe when Mr. Lozinski says the case was before this Tribunal and the noise had mostly stopped. He states that he fears the noise will resume as soon as the case is over.
- [28] The statement from Mr. Taylor that he spoke to other neighbours on the same floor as Ms. Snow is not satisfactory. He states that he himself lives on the same floor as Ms. Snow and has not heard the noises that are the basis of the complaints. That does not provide any satisfactory explanation for what Mr. Lozinski has experienced.
- [29] Mr. Cormier gave testimony. He confirmed that security staff is on site during the daytime hours. He confirmed that WSCC 601's rules and regulations prohibit noise that disturbs the enjoyment of others. He is aware of the noise complaints made by Mr. Lozinski, and he says he has discussed this with the board. Mr. Taylor does not remember a discussion at a meeting of the board on this issue.
- [30] Objective evidence of unreasonable noise might have been obtained through an investigation by the condominium corporation; however, WSCC 601 provided no evidence that it attended the units to determine whether there was unreasonable noise and, if there was noise, whether it was coming from Ms. Snow's unit. WSCC 601 has only advanced vague theories that it is workman and contractors doing work in the building and/or that there are sounds coming from the roof, the garbage chute or the elevator.

[31] Based on the evidence before me, I find that Mr. Lozinski is experiencing unreasonable noise. Based on the lack of evidence before me, I cannot conclude that Ms. Snow and/or her unit are the source of the noise. I do conclude that WSCC 601 has not taken appropriate steps to investigate the noise complaints. WSCC 601 is required by the Act to enforce the Act and its rules. In this case, I find that in not investigating, WSCC 601 has permitted unreasonable noise that is a nuisance contrary to the governing documents and the Act.

D. CONCLUSION

[32] Mr. Lozinski has indicated that the noise has “ALMOST stopped completely” since the commencement of this case before the Tribunal. He fears that the noise will start again once this case concludes. Mr. Lozinski has demonstrated that the noise he experiences is unreasonable, that it substantially interferes with his enjoyment of his unit and constitutes a nuisance. It is also in violation of WSCC 601’s rules. However, the evidence does not allow me to conclude that Ms. Snow is making the noise or that it is coming from her unit. The evidence does indicate that WSCC 601 has failed to take Mr. Lozinski’s complaints seriously and investigate them; therefore, I conclude that WSCC 601 has allowed this unreasonable noise to continue contrary to the Act and WSCC 601’s own rules.

[33] Under s. 1.44 (1) 7 of the Act, the Tribunal may issue an “order directing whatever other relief the Tribunal considers fair in the circumstances.” WSCC 601 has not, to date, taken the reasonable steps necessary to identify the source of the unreasonable noise being experienced by Mr. Lozinski and has not investigated the possible cause of it. I will order WSCC 601 to establish a protocol and process to investigate future noise complaints made in writing. This is to be provided to Mr. Lozinski within 30 days of date of this decision. I will further order WSCC 601 to respond, in writing, within 7 days of the date of receiving a written noise complaint from Mr. Lozinski, should there be any future noise complaints.

[34] The authority of the Tribunal to make orders for costs is set out in s. 1.44 (1) 4 of the Act, which states that the Tribunal may make “an order directing a party to the proceeding to pay the costs of another party to the proceeding.” Subsection 1.44 (2) of the Act states that an order for costs “shall be determined in accordance with the rules of the Tribunal.”

[35] The cost-related rule of the Tribunal’s Rules of Practice relevant to this case is:

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.

[36] Mr. Lozinski was successful in this case. He has proven that he is experiencing unreasonable noise that is a nuisance. I have concluded that WSCC 601 has not investigated his complaints and has thereby allowed the unreasonable noise to continue. I find it appropriate for WSCC 601 to reimburse Mr. Lozinski the \$200 for his Tribunal filing fees.

E. ORDER

[37] The Tribunal orders that:

1. Under s. 1.44 (1) 7 of the Act, within 30 days of this order, WSCC 601 shall provide Mr. Lozinski, in writing, with the protocol and process it will use to investigate any future noise complaints made by him.
2. Under s. 1.44 (1) 7 of the Act, within 7 days of receipt of any future written noise complaint by Mr. Lozinski, WSCC 601 will respond in writing to any written noise complaints received from him.
3. Under s. 1.44 (1) 4 of the Act, within 30 days of the date of this order, WSCC 601 will pay the amount of \$200 to Mr. Lozinski, which is reimbursement of his filing fees to bring this case to the Tribunal.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: January 5, 2026