

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 11, 2026

CASE: 2025-00404N

Citation: Muhanna v. Metropolitan Toronto Condominium Corporation No. 1221, 2026 ONCAT 44

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

Member: Anne Gottlieb, Member

The Applicant,

Duja Muhanna
Self-Represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 1221
Represented by Neil Tavares, Agent

Hearing: Written Online Hearing – August 14, 2025 to February 10, 2026
Video Conference Hearing, December 12, 2025, and December 17, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Duja Muhanna, complained of persistent and unreasonable noise from the unit above which includes flooring impact noises, renovation/construction noises, banging and drilling noises. She claims that the Respondent, Metropolitan Toronto Condominium Corporation No. 1221 (“MTCC 1221”), failed to enforce its rules, and permitted an ongoing nuisance, annoyance, and disruption that has “destroyed” her right to quiet enjoyment. She claims that construction and flooring impact noise originating from the unit directly above (the “unit above”), constitutes a substantial nuisance, annoyance, and disruption, and that MTCC 1221 failed to take reasonable steps to investigate, verify compliance, and stop the unreasonable noise.

[2] In her opening remarks Ms. Muhanna sought an order for enforcement of the

MTCC 1221's rules relating to noise and nuisance and an order that acoustical testing be done to ensure the flooring in the unit above meets the flooring soundproof standards required by the corporation's rule. She asked for mandatory training for the board of directors and the condominium manager on their statutory duties under s 17 (3) of the *Condominium Act, 1998* (the "Act"). She has asked for reimbursement of the fees she paid to bring this case before the Tribunal.

- [3] Ms. Muhanna tried to raise several issues regarding breaches of rules and asked for orders relating to suite entry rules, adverse behaviour rules, and communication directives. She sought orders related to flooring requirements, and renovation requirements and an order for alternate accommodation. She asked that a new Noise Enforcement Policy be drafted for approval and implementation within 60 days of this Order.
- [4] A revised list of the orders sought by Ms. Muhanna was presented in her closing remarks. She has categorized these as declaratory orders; orders regarding noise enforcement; acoustic/flooring compliance orders and monetary orders. She states that the evidence demonstrates that persistent construction and flooring impact noise originates from the unit directly above.
- [5] For the reasons outlined below I dismiss this application and decline to make the orders requested. I find that there is not sufficient evidence before me to establish that unreasonable noise comes from an activity in the unit above. I further find that MTCC 1221 has taken reasonable steps to investigate complaints of noise and seek compliance with the Act and its own governing documents. Ms. Muhanna has asked for costs for filing fees. She has not been successful before this Tribunal and her request is denied.

B. BACKGROUND

- [6] By the start of this hearing, Ms. Muhanna had 145 recordings of noise. I instructed her to create a catalogue, and when she uploaded this catalogue to the document tab, she had 176 entries. This was in addition to her log entries from October to December 2025. I allowed her to upload a selection of five recordings to form part of this hearing record. I further allowed her to enter her own reports of decibel readings from October 2025, created from an app on her smartphone.

- [7] Ms. Muhanna complained of noise in an email sent to management on January 28, 2025. There are further emails of May 27, 2025, July 3, 2025, and September 30, 2025, submitted into evidence by Ms. Muhanna outlining her complaints regarding noise, which she states went unanswered. The testimony of the condominium manager, Mr. Tavares, is that he spent two hours meeting with her on January 29, 2025, to address her complaints. She does not dispute this meeting, but claims there was no resolution.
- [8] Ms. Muhanna claims she was forced to relocate to libraries for two days in May 2025, to work or study, and that in April and May 2025 she was disrupted from preparing for exams. She claims that in September and October 2025, she was forced to reorganize her entire workday into late-evening hours due to excessive daytime industrial machine noise, over the course of several days.
- [9] Ms. Muhanna's catalogue references the following types of sounds: banging noise; construction noise; high frequency mechanical noise; banging and drilling noise, flooring impact noise; vibration noise (kitchen walls); flooring impact noise and sleep disruption; banging and scraping noise; high frequency mechanical noise from building exterior; and tapping noise.
- [10] Ms. Muhanna has itemized sounds in seconds, minutes, hours and days. She listed noise of 2, 4, 6, 8, 9, 10 and 30 second duration. She itemized sounds of 1, 2, 3, 4, 8, 10, 17, 33, 37, 40, 45, 50, and 55 minute duration. She also categorized sounds lasting 1 hour and 5 minutes; 1 hour and 25 minutes; and 1 hour and 37 minutes. She claims there were nine hours of combined construction and flooring impact noise on August 22, 2025; over thirteen hours of sustained running and stomping noise vibrations on August 29, 2025. These are but some examples of the sounds catalogued.
- [11] Most of the catalogue entries relate to daytime sounds. However, there are entries in the evening between 6 and 8 p.m. and one October date with multiple entries after 10 p.m. The entry for December 4, 2025, lists noise from 11 a.m.–11:41 p.m. and for December 15, from 1 a.m.–1:45 a.m. She also submitted into evidence decibel readings which were taken, of the "industrial machine noise" inside her unit. She claims the readings reached 97.4 dB (maximum) and 119.0 dB (peak), measured using the NIOSH Sound Level Meter app on at least four occasions between the hours of midnight and 5:30 a.m.

- [12] Ms. Muhanna has become so focused on noise that she has even included entries of sounds that she hears from the sidewalk, such as her entry for Tuesday, October 14, 2025, where she catalogued a high frequency noise while she was on the public sidewalk 15–20 metres from the west side of the building. She noted the duration as 1 minute from 6:44–6:45 p.m.
- [13] Mr. Tavares testified and submitted that the nature of the complaints by Ms. Muhanna changed over time. He says that initially the complaints were about banging and drilling and construction noise. In April and May 2025, the complaints were of running and stomping. He testified that it is helpful if management or security is contacted “on the spot,” when noise is happening so that a cause can be determined. He says that incident reports are completed by staff, for noise complaints by Ms. Muhanna, but none were submitted into evidence or provided to her.
- [14] In response to allegations that MTCC 1221 was not responsive to her noise complaints, Mr. Tavares, pointed to his email of April 2, 2025, which confirmed that on January 31, 2025, security guard Harpreet attended the Applicant’s suite. Ms. Muhanna says the guard witnessed banging noises that “sounded like it was coming from above.” Ms. Muhanna states that there was no follow-up investigation, testing, or enforcement and that Mr. Tavares suggested she use noise-cancelling headphones to deal with the banging and drilling noise disturbances. Mr. Tavares recounts the incident differently, and states that Harpreet went to the upstairs floor, and waited for fifteen minutes to try to identify the source of the noise.
- [15] Mr. Tavares testified that MTCC 1221 investigated every unit above below and surrounding the applicant’s unit, on multiple levels. These inspections found no evidence of any renovation or unauthorized DYI project. In speaking with the residents of neighbouring units, he confirmed that sometimes sources of noise included: announced building project repairs, authorized suite renovations, one-off building repairs in common areas, in suite repairs following an event (such as water damage). He admitted that on occasion there are reports of noise from other residents, but these were not of long duration and generally during “waking” hours.
- [16] In his June 6, 2025 letter, to Ms. Muhanna, Mr. Tavares states that he “inspected every single room of every single suite for the top several floors of the building” and found “no obvious signs” of an ongoing renovation, and further that management was “unable to find any obvious signs of a construction workstation that would be suitable for small/ongoing construction-like activities.” By late July, this application was before the Tribunal.

- [17] Mr. Tavares instituted “patrols” of the floors by MTCC 1221 staff, to ascertain if any noise was occurring and to try to identify the source. There were over 1000 patrols done at various times of the day and on different days of the week. Other staff members testified to conducting these patrols, with the intent to try to identify the source of noise to explain Ms. Muhanna’s complaints.
- [18] A chart was introduced into evidence to substantiate the dates and times of these patrols, spanning weeks and months. These patrols did not uncover any unreasonable noise. This was confirmed by the testimony of the concierge Isa, who stated that MTCC 1221 instituted patrols with the staff team at random times to check if there were any unusual sounds. Isa recounted that she was called to Ms. Muhanna’s unit on one occasion because of a complaint of banging and knocking. As per the protocol she went to the suites above and below the unit to investigate. She could not find the source of any noise from the hallways.
- [19] As to the allegations by Ms. Muhanna that the unit above did not follow renovation flooring requirements, and that this was the source of the noise, Mr. Tavares explained that when a renovation request is received, there are ‘specs’ submitted that relate to the type of flooring. This is a necessary step to obtain approval for a renovation project. Flooring underlay is required at a 55 rating or higher and specifications are submitted by the renovation company. He states that when the unit above was renovated, all the specs received approval. I make no finding in this regard.
- [20] Mr. Tavares indicated that the unit above was inspected on three occasions, and that there were two meetings with the occupants and a meeting with the unit owner and occupants. He stated that he observed carpets in the living and dining area of the unit. Ms. Muhanna acknowledges that Mr. Tavares, accompanied by the unit owner, held a meeting with the tenant of the unit above, sometime after this hearing commenced, and says there was no reported outcome to her.

C. ISSUES & ANALYSIS

- [21] The issues to be decided in this case are:
1. Is MTCC 1221 permitting a person to carry on an activity in a unit that results in unreasonable noise that is a nuisance, annoyance, or disruption in breach of s. 117 (2) of the Act and the corporation’s governing documents?
 2. Has MTCC 1221 fulfilled its obligations to take reasonable steps to enforce compliance with the Act and its governing documents?

3. What remedy, if any, is appropriate?
4. Should costs be awarded in this case?

Issue No. 1: Is MTCC 1221 permitting a person to carry on an activity in a unit that results in unreasonable noise that is a nuisance, annoyance or disruption in breach of s. 117 (2) of the Act and the corporation's governing documents?

[22] Subsection 117 (2) of the Act states that:

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.

[23] MTCC 1221 has a Declaration section and two rules relating to noise, as follows:

Declaration Section 12 (a): "No condition shall be permitted to exist, and no activity shall be carried on in any unit that is likely to damage the property, or that will unreasonably interfere with the use or enjoyment, by other unit owners."

Rule A.05 (Nuisance): Prohibits occupants from creating or permitting either the creation, undertaking or continuance of any undue, excessive or repeated nuisance, noise, disturbance, or any interference with the rights, enjoyment or quiet enjoyment of another Occupant's use of any unit.

Rule A.06 (Noise): Prohibits "levels of excessively loud, repeated or prolonged sound (including sounds emanating from flooring impacts) which disturb any Occupant in any other unit." It states that no noise caused by any person may unduly disturb, detrimentally impact, or interfere with the comfort, convenience, enjoyment, or quiet enjoyment of any other Occupant, and requires that occupants avoid causing an undue nuisance at all times.

[24] I have no doubt that Ms. Muhanna was hearing noise. She heard noise frequently, but not always for a long duration. Some of the noise has been explained as activity in the building that included authorized construction or repair projects. Unreasonable noise and substantial interference are objective standards. The interference needs to be greater than that perceived by the person involved.

Remedies before this Tribunal must flow from a finding of unreasonableness be it unreasonable noise, or unreasonable interference.

[25] Ms. Muhanna has the burden to prove that there is an activity carried on in the unit above that results in unreasonable noise that is a nuisance, annoyance or disruption. She has not. I have no basis to conclude, on the balance of probabilities, that the unit above is carrying on activities resulting in unreasonable noise that is a nuisance, annoyance or disruption as alleged by Ms. Muhanna. The Tribunal does not have evidence of an activity causing a nuisance or disturbance in violation of s. 117(2) of the Act.

Issue No. 2: Has MTCC 1221 fulfilled its obligations to take reasonable steps to enforce compliance with the Act and its governing documents?

[26] The rules of MTCC 1221 prohibit noise which disturbs the comfort or quiet enjoyment of the property by another owner. Based on the evidence before me, I find that MTCC 1221 has investigated the noise complaints and conducted patrols and in-suite inspections. They have met with the occupants and owners of the unit above. MTCC 1221 has investigated the noise complaints and is of the opinion that the noise does not rise to the level of violating MTCC 1221 rules. I find that MTCC 1221 was responsive to Ms. Muhanna's noise complaints. I find that MTCC 1221 took appropriate steps to investigate the noise and took reasonable steps to seek compliance with the Act and its own governing documents.

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

[27] Ms. Muhanna cited the case of *Bridglall v. York Condominium Corporation No. 202*, 2022 ONCAT 132 ("Bridglall") to support her request for acoustic testing. Unlike Bridglall, I have found no breach of s. 117 (2) of the Act or MTCC 1221's rules and have found that MTCC 1221 reasonably investigated the noise complaints. I decline to order the acoustic testing and to make the orders which Ms. Muhanna seeks. No remedy is necessary.

Issue No. 4: Should costs be awarded in this case

[28] Ms. Muhanna has been unsuccessful in her case and therefore I make no order for costs to reimburse her filing fees paid to bring this case to the Tribunal. MTCC 1221 did not ask for an award of costs.

D. ORDER

[29] The Tribunal orders that:

1. This application is dismissed without costs.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: March 11, 2026