



When is loud too loud?

And what can you do about it?

Picture it - it is two a.m. in the morning and you are lying in bed, trying to sleep, your alarm will begin its torturous buzzing at six a.m., alerting you to the fact that another day has dawned. However, you can't sleep because your neighbours in the condominium next door are having a wingding of a party. Laughter echoes through the walls and the reverberation and pounding from their stereo is driving you completely insane. Earplugs don't work, covering your head with a pillow hardly drowns out any of the offensive noise, so what can you do?

We've all been in this situation at one time or another. Noise from neighbours can be a common source of disturbance, especially for condo dwellers, who for the most part share several walls. Frequently loud music or TV, barking dogs, banging doors or shouting can interrupt our sense of solitude. We can all expect some noise from our neighbours, but do we have any recourse if it escalates and becomes intolerable?

According to Maria Bartolotti, managing director and owner of New Concept Management, there is a procedure to follow if you have neighbours who are overtly and consistently noisy. She suggests that the very first thing that you would want to do is politely talk to them about the incident or incidents. "If you get to know your neighbours, then for the most part it is easy to deal with these types of situations," Bartolotti explains that often times people just don't realize that their actions are creating excessive noise.

If a pleasant neighbourly chat doesn't work to alleviate the noise challenge, then the next step would be to contact your management company, but remember, before they can take any kind of concrete action they will have to have your complaint in writing. Most likely they will then fire off a letter to the offending neighbour advising them that complaints have been received and quoting the noise parameters stated in the bylaws and any noise

policies set out by the corporation.

According to Bartolotti sometimes this works and sometimes it doesn't. Maria cites an example that recently occurred in an apartment style condominium that New Concept manages. Maria had received complaints from several owners because a group of teenagers, who were renting, were partying excessively. She sent over a letter to the offending party and owner of the unit. "It didn't work," she says. So Maria sent a second warning that stipulated that if a third warning had to be issued then the party would be fined \$150 or the Board would ask for an eviction of the tenants. "We ended up fining them and it worked. It didn't happen again."

Fortunately this wound up ending happily, but that is not always the case. Fines are not enforceable and they don't always work. What they do is inform the offending party that they should modify their behaviour. If the fines don't work and the noise still continues, further recourse is available. "If the party is renting, then the board can evict them. If they are owners, that is a little bit more difficult," says Bartolotti. "We usually assess their unit with a fee."

Renovations can be another huge source of disturbance. When it comes to renovation noise, most bylaws stipulate some parameters, but every corporation is different. For example, some bylaws define renovating guidelines and renovating hours. Others don't stipulate times but do indicate that if you plan on renovating you must contact the board of directors and state your intention. The board at that time will then lay out the guidelines, rules and regulations.

What happens if you move into phase one of a condominium and the builder is in the process of constructing phase two, which is right next door, and all day long there is construction noise? According to Bartolotti there is not much you can do, except grin and bear it. "Make sure you know what the plans are before you buy," she says. CL