



Civil Resolution Tribunal

Date Issued: December 6, 2022

File: ST-2020-006683

Type: Strata

Civil Resolution Tribunal

Indexed as: *The Owners, Strata Plan 1478 v. Cameron*, 2022 BCCRT 1312

B E T W E E N :

The Owners, Strata Plan 1478

APPLICANT

A N D :

MOIRA CAMERON

RESPONDENT

A N D :

The Owners, Strata Plan 1478

RESPONDENT BY COUNTERCLAIM

REASONS FOR DECISION

Tribunal Member:

David Jiang

INTRODUCTION

1. This dispute is about noise between strata lots. The applicant and respondent by counterclaim is a strata corporation, The Owners, Strata Plan 1478 (strata). The respondent and applicant by counterclaim is Moira Cameron.
2. Ms. Cameron owns and resides in strata lot 63 (SL63) in the strata. The strata says that for about a year, Ms. Cameron intentionally caused unreasonable noise to enter the strata lot 77 (SL77), which is above SL63. The strata seeks an order for Ms. Cameron to stop harassing its occupants, which includes refraining from 1) banging on the walls, floor and ceiling, 2) slamming the patio doors, and 3) playing loud music. It also seeks payment of \$560 in levied fines. Finally, it seeks reimbursement of \$287.88 paid in legal fees that predate the start of this proceeding.
3. Ms. Cameron denies causing unreasonable noise. She counterclaims for an order that the strata reverse all the levied fines and refund her \$150 for fines she paid in the past. She also says the strata failed to enforce noise bylaws against SL77. She seeks orders for the strata to pay compensation as follows: 1) \$9,000 for providing false information to the police, 2) \$1,500 for unfair treatment, 3) \$2,250.19 for lost wages, 4) \$4,000 for failure to enforce noise bylaws over a 17-month period, and 5) \$3,062 for hotel and living expenses. She also seeks orders for the strata to 1) hire an acoustic engineering firm to investigate and provide a report about SL77's flooring and noise, 2) pay for structural repairs or flooring replacement, and 3) pay an unspecified amount for sound equipment to prove her complaints and defend herself against inaccurate accusations. Finally, she seeks an order for the strata council to issue a full and complete retraction about a derogatory email.
4. A strata council member represents the strata. Ms. Cameron represents herself.
5. For the reasons that follow, I dismiss the strata's claims. I also find Ms. Cameron has proven only some of her counterclaims. I dismiss or refuse to resolve some others.

JURISDICTION AND PROCEDURE

6. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over strata property claims under section 121 of the *Civil Resolution Tribunal Act* (CRTA). CRTA section 2 says the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT must apply principles of law and fairness, and recognize any relationships between the dispute's parties that will likely continue after the CRT process has ended.
7. CRTA section 39 says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. Here, I find that I am properly able to assess and weigh the documentary evidence and submissions before me. Further, bearing in mind the CRT's mandate that includes proportionality and a speedy resolution of disputes, I find that an oral hearing is not necessary in the interests of justice and fairness.
8. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary and appropriate, even where the information would not be admissible in court. The CRT may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.
9. Under CRTA section 123, in resolving this dispute the CRT may order a party to do or stop doing something, order a party to pay money, or order any other terms or conditions the CRT considers appropriate.

Claims for Remedies about Defamation

10. As noted above, Ms. Cameron seeks orders for the strata to pay compensation for providing false information to the police and an order for the strata council to issue a retraction about a derogatory email.
11. Under section 10 of the CRTA, the CRT must refuse to resolve a claim that it considers to be outside the CRT's jurisdiction. Previous CRT decisions have held

that, absent a bylaw about harassment, defamation or slander, such claims are outside the CRT's strata property jurisdiction. See, for example, *Wolff v. The Owners, Strata Plan NES3191*, 2021 BCCRT 987 and *Larocque v. The Owners, Strata Plan VR 255*, 2021 BCCRT 617. Although prior CRT decisions are not binding, I agree with the reasoning in these decisions.

12. The strata registered a complete set of bylaws in the Land Title Office in March 2018, and subsequent amendments in April 2019 that are not directly relevant to this dispute. I find there are no bylaws about harassment, defamation, or slander. Given this, I refuse to resolve under CRTA section 10 Ms. Cameron's claims for 1) \$9,000 as compensation for the strata providing false information to the police and 2) for the strata to issue a retraction of an email.

ISSUES

13. The issues in this dispute are as follows:
 - a. Must Ms. Cameron pay any of the claimed fines?
 - b. Must the strata reverse the levied fines and refund \$150 in fines Ms. Cameron paid in the past?
 - c. Should I order Ms. Cameron to refrain from banging on the walls, floor and ceiling, slamming the patio doors, and playing loud music?
 - d. Are Ms. Cameron's claims about the flooring and payment for noise testing equipment moot?
 - e. Did the strata act in a significantly unfair manner by failing to enforce its noise bylaws?
 - f. Must Ms. Cameron reimburse the strata for any legal expenses?

BACKGROUND, EVIDENCE AND ANALYSIS

14. In a civil proceeding like this one, the strata and Ms. Cameron must prove their respective claims and counterclaims on a balance of probabilities. This means more likely than not. I have read all the parties' submissions and evidence but refer only to the evidence and argument that I find relevant to provide context for my decision. Ms. Cameron in particular provided a great deal of evidence, and for the purposes of brevity I have not referred to all of it in this decision.
15. As background, the strata plan shows it consists of 2 3-storey buildings. SL63 is located on floor 2 of the south building. Strata lot 49 (SL49) and SL77 are directly below and above it. A title search shows Ms. Cameron became the registered owner of SL63 in April 2007.
16. Some of the relevant facts are outlined in an October 4, 2021 decision by a judicial justice, between the Town of Sidney as complainant and Ms. Cameron as the defendant. The complainant alleged that Ms. Cameron played loud music and made noise in retaliation for noise entering SL63 from SL 77. Ms. Cameron was ultimately found guilty and fined \$398. I will refer to this as the October 2021 decision below. As noted in the October 2021 decision, the strata's buildings are 50 years old and use wood frame construction.
17. The strata's bylaws are relevant. Bylaw 3.1 says, in part, that an owner, tenant, occupant, or visitor must not use a strata lot in a way that causes a) a nuisance to another person, b) causes unreasonable noise, or c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets, or another strata lot.
18. Bylaw 5.1(h) says an owner must obtain the strata's written approval before altering or renovating a strata's lot's flooring, with the exception of carpeting. The bylaw does not specify any particular requirements for flooring. The February 20, 2014 annual general meeting (AGM) minutes show this bylaw became part of the strata's bylaw at that meeting.

19. Bylaw 23.1(b) says the strata may levy a \$70 fine for each violation of a bylaw. Bylaw 24 says the strata may impose a fine every 7 days for a contravention that continues without interruption for longer than 7 days.
20. I turn to the chronology. It is undisputed that another individual, Mr. V, previously owned SL77. It is also undisputed that Mr. V installed new flooring at some point during his ownership. I find this was likely done without the strata's permission as there is no evidence otherwise. However, the evidence and submissions before me indicate no one complained about this so the strata did not investigate the matter. Ms. Cameron explains that she did not complain because noise from SL77 was infrequent.
21. As noted in the October 2021 decision, new occupants, RR and BL, moved into SL77 in September 2019. Prior to this, there is no indication that Ms. Cameron had any significant issues with SL77's occupants.
22. The strata says SL77 was vacant before RR and BL moved in. Ms. Cameron disagrees and says Mr. V was mostly present during the work week for the past 5 years. There is little evidence about this save for BL's email to the strata, dated November 18, 2020. So, I find it is the best evidence on the subject. BL said Mr. V owned SL77 since September 2011 as a secondary residence and kept it largely vacant.
23. The October 2021 decision made the following findings. From the day they moved in, in September 2019, until January 1, 2020, and after, SL77's occupants heard loud music and banging on the ceiling, coming from SL63. RR called the police in November 2019 and January 2020, and they visited. The strata held a hearing about the noise in December 2019. RR, BL, and Ms. Cameron attended. However, the noise from SL63 persisted. Ms. Cameron said the noises consisted of "footsteps and other related household noises".
24. In the October 2021 decision, the judicial justice concluded that Ms. Cameron was guilty of playing loud music in a public or private space which disturbed or tended to

disturb the quiet enjoyment of RR and BL. In particular, Ms. Cameron did so on January 1, 2020, between 2:30 and 5:30 a.m. Ms. Cameron admitted to playing music around this date with the intention of getting RR and BL's attention and to signal to them that they were making noise that disturbed her.

25. The judicial justice further held that Ms. Cameron's testimony was inconsistent and showed she was either "intentionally or unintentionally delusional about the frequency and volume in which she played music", but knew that it was disturbing the quiet enjoyment of RR and BL.
26. I return to the particulars of this CRT dispute. By September 2020 the strata had concluded that Ms. Cameron was harassing SL77's occupants. In a September 1, 2020 letter, the strata's lawyer wrote Ms. Cameron. The lawyer wrote that Ms. Cameron's complaints were about noise associated with normal day-to-day living activities that would not offend a reasonable person in similar circumstances. The lawyer added that Ms. Cameron was harassing SL77's occupants by engaging in retaliatory conduct, such as banging on the ceiling. The lawyer said that if the strata received further complaints of retaliatory conduct toward SL77, it would take steps to enforce the bylaws.
27. The parties' conflict continued. I discuss some more specifics below. The strata levied several fines against SL63's account for breaches of bylaw 3.1. The strata claims for the following 8 fines of \$70 each in the Dispute Notice: September 9, September 25, November 5, November 14, and December 30, 2020, and January 9, 18, and August 18, 2021. It is undisputed that RR and BL sold SL77 and moved out on November 1, 2021. The strata does not claim for any fines after this.

Issue #1. Must Ms. Cameron pay any of the claimed fines?

28. Ms. Cameron says that the strata improperly imposed fines totaling \$560. SPA section 135 says a strata corporation may not impose a bylaw fine or require a person to pay the costs of remedying a bylaw contravention, unless, among other things, the strata has given that person the particulars of the complaint in writing and a

reasonable opportunity to answer the complaint. SPA section 135(2) says that a strata corporation must, as soon as feasible, give notice in writing of a decision imposing the bylaw fine. Bylaw fines are not valid if a strata corporation does not strictly comply with SPA section 135. See *Terry v. The Owners, Strata Plan NW 309*, 2016 BCCA 449.

29. The strata provided as evidence letters fining Ms. Cameron, dated April 22, 2020 and January 9, 18, and August 18, 2021. Each letter had the same basic information. The strata said that it had received a complaint about unreasonable noise coming from SL63. The strata had decided to fine Ms. Cameron \$70. Ms. Cameron had the opportunity to respond by requesting a hearing within 2 weeks. The strata also claims for letters dated September 9, 25, November 5, 14, and December 30, 2020. Ms. Cameron provided a copy of the December 30, 2020 letter, but the strata did not provide the rest.
30. I find it likely that the strata breached SPA section 135 for each of the fines. The letters show the strata ordinarily imposed fines before providing Ms. Cameron an opportunity to respond. I find the strata likely followed the same format in the letters the strata did not submit. Alternatively they were not sent to Ms. Cameron or do not exist. That would breach SPA section 135 as well.
31. Further, in some letters the strata relied on bylaw 24, which allows the strata to levy fines for a bylaw breach that is continuous and lasts without interruption for more than 7 days. In *The Owners v. Grabarczyk*, 2006 BCSC 1960 at paragraph 43, the court said that noise violations are not continuous or continuing contraventions when observed on different dates. I find bylaw 24 inapplicable as there is no indication Ms. Cameron continuously breached bylaws. Instead, the complaints against her were for incidents on different dates.
32. For all those reasons, I must dismiss this claim.

Issue #2. Must the strata reverse the levied fines and refund \$150 in fines Ms. Cameron paid in the past?

33. Ms. Cameron asks for reimbursement of \$150 she says she paid in fines to the strata on June 19, 2020. She says the fines were levied in letters dated April 22 and June 12, 2020, for unreasonable noise. The strata agrees Ms. Cameron paid the fines, but says only \$10 should be returned. It says the fines should have totaled \$140.
34. Ms. Cameron provided a copy of a June 3, 2020 letter imposing a fine of \$75, that follows the same format as the letters discussed earlier. There is also a copy of an April 12, 2020 letter levying a fine in evidence. I find Ms. Cameron likely paid the fines referred to in these letters. Ms. Cameron's payment is shown in a May 31, 2020 receipt showing a money order of \$153.04, made payable to the strata.
35. I find both letters breach SPA section 135. They each levied fines before Ms. Cameron had an opportunity to respond. As such, I order the strata to reimburse Ms. Cameron \$150 for the fines.
36. Ms. Cameron also says the strata failed to follow proper procedure in levying 25 fines. However, she did not list them, and the parties provided an incomplete set of letters about the fines. As noted earlier, I have dismissed the strata's claims for payment of the fines levied in the letters dated April 22, 2020 and January 9, 18, and August 18, 2021. Ms. Cameron also provided copies of letters dated June 3, July 4, September 7, December 30, 2020, and January 2, 4, 9, 10, 12, 13, 15, and March 14, 2021. Each of these letters share the same deficiency noted above, of imposing fines before allowing Ms. Cameron to respond. Given this, I order the strata to reverse the fines levied in these letters.

Issue #3. Should I order Ms. Cameron to refrain from banging on the walls, floor and ceiling, slamming the patio doors, and playing loud music?

37. The strata says the October 2021 decision demonstrates that Ms. Cameron banged on the walls, floor and ceiling, slammed the patio doors, and played loud music to

harass RR and BL while they lived at SL77. They seek orders for Ms. Cameron to refrain from such behaviour. Ms. Cameron disagrees such orders are necessary.

38. As noted earlier, the strata already has bylaws about nuisance and unreasonable noise. Here, I find that the strata essentially seeks orders for Ms. Cameron to stop breaching its bylaws. I find making such an order would serve no useful purpose, because Ms. Cameron must already comply with the bylaws. So, I dismiss this claim.
39. Alternatively, I would dismiss this claim because there is no indication that Ms. Cameron breached noise or nuisance bylaws after RR and BL moved out of SL77. I find this to be another reason that the order is unnecessary.

Issue #4. Are Ms. Cameron's claims about the flooring and payment for noise testing equipment moot?

40. Ms. Cameron says the strata failed to enforce bylaw 5.1(h) because it did not authorize Mr. V's flooring installation. As noted above, Mr. V sold SL77 to RR and BL, and they moved out some time ago. Ms. Cameron says the current occupants are "considerate and peaceful", and have not changed Mr. V's flooring. So, I have considered whether Ms. Cameron's claims about the flooring in SL77 are moot.
41. A claim is moot when something happens after a legal proceeding starts that removes any "present live controversy" between the parties. Generally, moot claims will be dismissed. However, the CRT has discretion to decide the claim if doing so would have a practical impact and potentially help avoid future disputes. See *Binnarsley v. BCSPCA*, 2016 BCCA 259.
42. As noted above, Ms. Cameron seeks orders for the strata to conduct noise testing, repair or replacing the flooring in SL77, and purchase or reimburse Ms. Cameron for noise-testing equipment. I find the issue of the flooring is moot. This is because Ms. Cameron expressly says the noise from SL77 no longer reaches unreasonable or nuisance levels.

43. Ms. Cameron says that the requested orders would potentially help avoid future disputes. However, case law holds that injunctions are extraordinary discretionary remedies that should only be used in the clearest of cases, keeping in mind the nature of the wrong, the availability of other remedies, and the relative effectiveness of other remedies. See *Interior Health Authority v. Statham*, 2005 BCSC 1243. Previous CRT decisions have held that injunctions should be used to address repeated wrongful conduct when other remedies, such as fines, prove ineffective. See, for example, *Athwal v. The Owners, LMS Strata Plan 2768*, 2020 BCCRT 1300 and *Barn v. The Owners, Strata Plan VR533*, 2020 BCCRT 1315. While CRT decisions are not binding, I agree with this approach.
44. Ms. Cameron requests orders that I find include injunctive relief for a problem that has passed. Given the standard outlined in the decisions above, I conclude that making the requested orders about noise testing, flooring repair and replacement, and payment for noise testing equipment would be disproportionate and unwarranted in the circumstances.
45. Further, given the contentious history of this file, I find that ordering the strata to investigate the flooring would potentially create more disputes. I find this would be counterproductive to the goals stated in *Binnersley*. For all those reasons, I dismiss Ms. Cameron's claims about the flooring and payment for noise testing equipment.
46. This still leaves Ms. Cameron's claim that the strata treated her in a significantly unfair manner by failing to enforce its noise bylaws. I find this claim is different and not moot because it is about compensation for past events. So, I will consider it below.

Issue #5. Did the strata act in a significantly unfair manner by failing to enforce its noise bylaws?

47. As noted above, Ms. Cameron's remaining monetary claims are 1) \$1,500 for unfair treatment, 2) \$2,250.19 for lost wages, 3) \$4,000 for failure to enforce noise bylaws, and 4) \$3,062 for hotel and living expenses when she temporarily vacated SL63. I find she essentially claims damages for significantly unfair treatment by the strata.

48. I turn to the applicable law. The CRT can make orders to remedy significantly unfair actions or decisions by a strata corporation under section 123(2) of the CRTA. Significantly unfair conduct is conduct that is 1) oppressive in that it is burdensome, harsh, wrongful, lacking in probity or fair dealing, or done in bad faith, or 2) conduct that is unfairly prejudicial in that it is unjust or inequitable. See *Kunzler v. The Owners, Strata Plan EPS 1433*, 2021 BCCA 173 at paragraph 88.
49. Several CRT decisions have concluded that it is significantly unfair for a strata corporation to fail to reasonably investigate and enforce its bylaws. The CRT has also previously awarded damages when applicants experience a nuisance, and the strata fails to enforce nuisance bylaws. See, for example, *Chan v. The Owners, Strata Plan LMS1946*, 2021 BCCRT 456, *Dhanani v. The Owners, Strata Plan NW 2265*, 2021 BCCRT 282, and *Bahmutsky v. Petkau*, 2020 BCCRT 244. I agree with the reasoning and approach in these non-binding decisions.
50. Under SPA section 26, the strata council has a duty to exercise the powers and perform the duties of the strata corporation. This includes a duty to enforce bylaws, such as the noise bylaws. When carrying out these duties, the strata council must act reasonably. See *The Owners, Strata Plan LMS 3259 v. Sze Hang Holding Inc.*, 2016 BCSC 32 at paragraph 237. The duty to reasonably enforce bylaws includes a duty to investigate alleged bylaw contraventions, such as noise complaints.
51. The courts have held that a strata corporation may investigate bylaw contravention complaints as its council sees fit, so long as it complies with the principles of procedural fairness and is not significantly unfair to any person appearing before the council. See *Chorney v. Strata Plan VIS 770*, 2016 BCSC 148. A strata corporation is not held to a standard of perfection, but instead “reasonable action and fair regard for the interests of all concerned”. See *Leclerc v. The Owners, Strata Plan LMS 614*, 2012 BCSC 74.
52. I turn to the chronology of Ms. Cameron’s complaints and the strata’s response. Some of these events are also described in the October 2021 decision.

53. Starting from November 5, 2019, Ms. Cameron and the strata began exchanging emails about noise entering SL63 from SL77. Both the evidence and Ms. Cameron's submissions show that her complaints were about noise I find are consistent with "everyday living". For example, Ms. Cameron created a December 2019 noise log that described occasional footsteps, thumps, banging and drawer noises. Ms. Cameron also submitted a May 7, 2020 recording that I find was likely representative of the sound she occasionally heard on a daily basis while RR and BL lived at SL77. After listening to it, I find the noises in the recording likely included footsteps and cabinet doors and sliding drawers opening and closing. I reach these conclusions in part because the sounds appear consistent with Ms. Cameron's complaints about those types of noise.
54. The strata held a hearing with Ms. Cameron in December 2019. The strata decided to take no action. It noted the RR and BL had complained to the strata about music from SL63. In December 2019, the RCMP also attended to address RR and BL's complaint about music from SL63 in December 2019. Ms. Cameron in turn continued sending emails to the strata about noise from SL77 in the following months. From my review, I find the types of noise complaints did not vary from those described earlier.
55. In January 2020, Ms. Cameron raised the idea of the strata hiring a sound engineer to conduct acoustic testing in SL63. On February 13, 2020, the strata declined to do so. It is clear from the parties' emails that this strained their relationship.
56. By September 2020 the parties' relationship had deteriorated to the point that the strata's lawyer sent the letter noted earlier. Some further events are outlined in BL's November 18, 2020 email to the strata. BL said that in September 2020, the RCMP laid 2 charges against Ms. Cameron for criminal mischief and criminal harassment. BL said the police arrested Ms. Cameron twice, and she was held in jail for 3 hours on November 6 and spent the night on November 12, 2020. Ms. Cameron gives a slightly different account. She says she was charged with criminal harassment on October 28, 2020. She was released on an undertaking to not disturb the neighbours. However, she says she was arrested on November 3 and 12, 2020 for breaching the

undertaking, and spent those nights in jail. Ms. Cameron says she then moved out from November 14 to December 21, 2020, and returned to SL63 the next day. I find nothing significant turns on these differences.

57. In January 2021 Ms. Cameron began circulating a motion to be voted on at the upcoming AGM among owners in the strata. It was to censure the strata council for, among other things, bullying her and failing to investigate her complaints. There is no indication this motion passed.
58. The parties agree that in spring 2021, RR and BL put carpet on the floors. Ms. Cameron continued to write complaints to the strata both before and after this, about noise and repeated requests for sound testing. RR and BL eventually moved out on November 1, 2021, as noted earlier.
59. Ms. Cameron says the current occupants of SL77 only produce “ordinary living noise”. She says noise only reaches unreasonable levels when a heavy person walks across the floor. In some of the emails, Ms. Cameron described BL as the main problem because he was a heavier individual.
60. I now turn to whether the strata reasonably investigated Ms. Cameron’s noise complaints. For the reasons that follow, I find the strata did so.
61. As noted earlier, the strata responded to Ms. Cameron’s initial concerns and held a hearing. Based on the evidence before me, I find that the strata acted reasonably by concluding that the noise from SL77 did not breach the bylaws. I reach this conclusion in part because of the test for what constitutes unreasonable noise, or a noise nuisance under the law. It is a substantial, non-trivial, and unreasonable interference with use and enjoyment of property. See *The Owners, Strata Plan LMS 1162 v Triple P Enterprises Ltd.*, 2018 BCSC 1502 at paragraph 33. The objectivity requirement of reasonableness guards against those with abnormal sensitivity or unreasonable expectations. See *Sutherland v. Canada (Attorney General)*, 2001 BCSC 1024. The test for nuisance depends on several factors, such as its nature, severity, duration, and frequency. See *St. Lawrence Cement Inc. v. Barrette*, 2008 SCC 64.

62. Ms. Cameron's complaints were largely limited to sounds that I find would be difficult to avoid creating, such as footsteps and the opening of cabinet doors. I find this was particularly the case given the building's age and wood-frame construction, as noted in the October 2021 decision. Consistent with this, the strata council president emailed Ms. Cameron in November 2019 and said he had lived in SL77 previously. He said others told him that his footsteps and voice could be heard below, in SL63.
63. Ms. Cameron provided the strata screenshots from the program Garage Band, measuring noise from recordings she took. I find that Ms. Cameron's conclusions about the readings, which include detailed discussions about decibel levels and the transmission of low frequency sound, are outside ordinary knowledge and therefore requires expert evidence to prove. See *Bergen v. Guliker*, 2015 BCCA 283. That evidence is not before me. I also find the strata was entitled to put less weight on these screenshots because the readings were not taken by a neutral party.
64. My conclusion might have been different if Ms. Cameron had responded by providing the strata additional evidence from a third party to corroborate her account that RR and BL were unreasonably loud. Such evidence might include a statement from another owner in the strata visiting SL63, or expert evidence from a sound engineer that Ms. Cameron hired. That did not happen.
65. There is no indication that strata council members visited SL63. I find that this would have been a reasonable and potentially helpful measure to take. However, there is no indication Ms. Cameron requested this. Instead, she pressed for acoustic testing by a sound engineer. So, I do not find this determinative.
66. Ms. Cameron says the strata did not take her complaints seriously, particularly from February 2020 onwards. I find a key part of assessing the strata's actions is that it had to act in fair regard for the interests of all concerned. These included the interests of RR and BL. As noted in the October 2021 decision, Ms. Cameron intentionally created noise to compel SL77's occupants to reduce their noise. Ms. Cameron's complaints were limited to sounds like footsteps and cabinet doors, and other sounds that are otherwise consistent with everyday living. Given this, I find the strata acted

reasonably by deciding there was nothing new to investigate. Further, given Ms. Cameron's history with RR and BL, I find the strata acted reasonably by proceeding with caution and reaching the conclusion that it did.

67. As I have found the strata did not act in a significantly unfair manner, I dismiss Ms. Cameron's claim for damages for unfair treatment and an alleged failure to enforce the bylaws, lost wages, and hotel and living expenses.

68. I would have also dismissed Ms. Cameron's claims for lost wages and hotel and living expenses because I found them unsupported by evidence. Further, I find Ms. Cameron moved out temporarily in November and December 2019 because of the situation she had a large role in creating, by playing loud music. So, I do not find the strata responsible for this.

Issue #6. Must Ms. Cameron reimburse the strata for any legal expenses?

69. As stated earlier, the strata seeks reimbursement of \$287.88 it paid to its lawyer before the strata started this proceeding. The strata did not provide a receipt or invoice to support this claim. So, I must dismiss it.

CRT FEES, EXPENSES AND INTEREST

70. Under section 49 of the CRTA, and the CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. I see no reason in this case not to follow that general rule.

71. I dismissed the strata's claims and Ms. Cameron had some limited success in proving her counterclaims. Given this, I order the strata to partially reimburse Ms. Cameron for CRT fees of \$62.50. The parties did not claim for any specific dispute-related expenses.

72. The *Court Order Interest Act* (COIA) applies to the CRT. Ms. Cameron is entitled to prejudgment interest on the reimbursement of \$150 in fines from May 31, 2020, the date of the money order, to the date of this decision. This equals \$2.71.

73. The strata must comply with section 189.4 of the SPA, which includes not charging dispute-related expenses against Ms. Cameron.

ORDERS

74. I order the strata to reverse the fines levied on SL63's strata lot account in the strata's letters to Ms. Cameron dated April 22, June 3, July 4, September 7, December 30, 2020 and January 2, 4, 9, 10, 12, 13, 15, 18, March 14, and August 18, 2021.

75. Within 14 days of the date of this order, I order the strata to pay Ms. Cameron a total of \$215.22, broken down as follows:

- a. \$150 as reimbursement for fines paid,
- b. \$2.71 in pre-judgment interest under the *Court Order Interest Act*, and
- c. \$62.50 in CRT fees.

76. Ms. Cameron is entitled to post-judgment interest, as applicable.

77. Under CRTA section 10, I refuse to resolve Ms. Cameron's claims for 1) \$9,000 as compensation for the strata providing false information to the police and 2) for the strata to issue a full retraction of an email.

78. I dismiss Ms. Cameron's remaining counterclaims and all the strata's claims.

79. Under section 58.1 of the CRTA, a validated copy of the CRT's order can be enforced through the Provincial Court of British Columbia. Once filed, a CRT order has the same force and effect as an order of the Provincial Court of British Columbia.

David Jiang, Tribunal Member