



# Civil Resolution Tribunal

Date Issued: October 27, 2023

File: ST-2022-005654

Type: Strata

Civil Resolution Tribunal

Indexed as: *Woo v. The Owners, Strata Plan BCS3011*, 2023 BCCRT 925

**B E T W E E N :**

LINDA WOO

**APPLICANT**

**A N D :**

The Owners, Strata Plan BCS3011

**RESPONDENT**

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## REASONS FOR DECISION

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Tribunal Member:

Kristin Gardner

## INTRODUCTION

1. This dispute is about noise complaints in a strata corporation. This is 1 of 2 linked disputes about the same issue. However, the linked dispute falls within the small claims jurisdiction of the Civil Resolution Tribunal (CRT) and involves different parties. So, I have written a separate decision for the linked dispute (SC-2021-006966).

2. The applicant in this dispute, Linda Woo, owns a strata lot in the respondent strata corporation, The Owners, Strata Plan BCS3011 (strata). Ms. Woo says the strata has failed to reasonably investigate her ongoing noise complaints against the strata lot below her. She says the strata has treated her significantly unfairly, and she claims \$5,000 in damages. She also seeks an order for the strata to enforce its noise bylaws against the strata lot below her.
3. The strata denies Ms. Woo's claims of significantly unfair treatment. The strata says it has investigated the noise complaints and enforced its bylaws to the best of its ability, but that Ms. Woo has prevented the strata from fully investigating the noise. It also says that Ms. Woo's claims in this dispute are an abuse of process because they have already been dealt with by the Human Rights Tribunal (HRT) and a previous CRT dispute. The strata says this dispute should be dismissed.
4. Ms. Woo is self-represented. The strata is represented by a strata council member.

## **JURISDICTION AND PROCEDURE**

5. These are the CRT's formal written reasons. The CRT has jurisdiction over strata property claims under section 121 of the *Civil Resolution Tribunal Act (CRTA)*. 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. It must also recognize any relationships between the dispute's parties that will likely continue after the CRT process has ended.
6. 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.
7. The CRT may accept as evidence information that it considers relevant, necessary and appropriate, even where the information would not be admissible in court.

8. 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.

### ***Preliminary issues***

#### *Preliminary decision*

9. In a December 14, 2022 preliminary decision, a tribunal member considered whether the CRT should refuse to resolve part or all of this dispute, given the strata's position that previous HRT and CRT claims had already dealt with Ms. Woo's noise complaints. The tribunal member found that neither an August 25, 2021 HRT settlement agreement, nor an April 19, 2022 CRT consent resolution order (2022 CRO) resolved Ms. Woo's claims of significantly unfair treatment by the strata. So, the tribunal member declined to refuse to resolve Ms. Woo's claims in this dispute. I agree with the tribunal member's preliminary decision. I discuss the relevant terms of the HRT settlement agreement, the 2022 CRO, and the parties' arguments about their relevance further below.

#### *Bias*

10. After this dispute was assigned to me, Ms. Woo advised CRT staff of a potential conflict because she said that a law firm I previously worked for represents the strata's strata management company (FSR). This raised the issue of whether there was a reasonable apprehension of bias if I decided this dispute. I advised CRT staff that I have never represented FSR and that I was not aware of FSR being a client while I worked at my previous firm. As Ms. Woo provided no further submissions on this issue, I assume that she has since abandoned her position.
11. In any event, I find there is no basis for a reasonable and properly informed person to conclude that I might not act in an impartial manner. First, FSR is not a party to this dispute, and it is unnecessary for me to make any findings about FSR's conduct. Second, I have not worked for the relevant law firm for more than 3.5 years. It is possible that FSR has become a client since my departure from the firm. However, as FSR has never been my client and I have no knowledge of its legal

representation by my former firm, I find there is no reasonable concern that I would be unable to act in an entirely impartial manner in this case. So, I find that I can fairly resolve this dispute.

#### Document request

12. In her submissions, Ms. Woo says that the strata has failed to produce 15 warning letters, despite 2 summons for their production. She asks that the CRT request them. I infer Ms. Woo is referring to bylaw infraction notices the strata allegedly sent further to Ms. Woo's noise complaints. The strata did not specifically respond to Ms. Woo's submissions on this issue.
13. I decline to request further documentation from the strata for 2 reasons. First, I am not satisfied the documents exist. The strata responded to Ms. Woo's summons for documents. If the strata had the referenced warning letters, I find it likely would have produced them. Second, and more importantly, even if the letters exist, I find they are unnecessary to properly decide this dispute. Ms. Woo's claim is not that the strata failed to send warning letters about her noise complaints, but that it failed to investigate or impose fines. Overall, I find it would be disproportionate to pursue the requested documents at this late stage of the proceeding.

#### Additional remedies

14. In her submissions, Ms. Woo requested additional remedies, including for the strata to take particular bylaw enforcement action. For example, she requested orders that the strata send accurate warning letters, report its enforcement and fine decisions in strata council meeting minutes, perform testing when justified and practical, and acknowledge the impact of her nuisance claims. She also seeks orders that the 2022 CRO does not force her to cooperate with acoustic testing in her unit, and for the strata to stop misusing owner funds on lawyers due its failure to enforce the bylaws.
15. The strata objects to the CRT considering any remedies that were not included in the Dispute Notice.

16. The purpose of the Dispute Notice is to define the issues and provide fair notice to respondents of the claims against them. Procedural fairness requires that respondents have an adequate opportunity to respond to the claims against them and requested remedies. I agree that the strata did not have an adequate opportunity to respond to the additional remedies raised in Ms. Woo's submissions, and so it would be procedurally unfair to consider them. Therefore, I decline to consider the new remedies raised in submissions.

#### Late evidence

17. Ms. Woo provided 2 items of evidence after the deadline. The strata had the opportunity to respond to this late evidence in its submissions. So, I find there is no procedural unfairness if the late evidence is admitted, and I have done so.

18. Ms. Woo then provided 4 additional items of evidence after the parties' completed their submissions. This late evidence consisted of an audio recording of a call with police, additional bylaw violation complaints, and 2 recordings of alleged noise. The strata objects to this evidence being admitted. I find the new violation complaints and noise recordings relate to events that allegedly occurred after Ms. Woo filed this CRT claim. There is no evidence before me about how the strata responded to these new noise complaints, and I find the fact that Ms. Woo made further complaints is not relevant to the issues in this dispute. Therefore, I decline to admit that late evidence.

19. However, I find the police call recording is marginally relevant to the issues in this dispute because it relates to a noise complaint within the relevant period. Ms. Woo says she was not previously aware that this evidence was available to submit. Given the strata had an opportunity to respond to it, and bearing in mind the CRT's mandate for flexibility, I have admitted this late evidence, though note that nothing turns on it in my analysis below.

#### Anonymization

20. In submissions, Ms. Woo requests that the published version of this decision be anonymized. She says that she provided confidential business information as

evidence, and she has safety concerns about disclosing her address. The strata did not respond to Ms. Woo's submissions on anonymization.

21. Parties in CRT proceedings are generally named, consistent with the 'open court' principle, which promotes transparency of decision making and integrity in the justice system. I find it is unnecessary to discuss Ms. Woo's business in any detail. I have also not included Ms. Woo's strata lot number in these reasons. I find this sufficiently addresses Ms. Woo's concerns about disclosing her address. I decline to otherwise anonymize this decision.

## **ISSUES**

22. The remaining issues in this dispute are:

- a. Did the strata fail to reasonably enforce its bylaws?
- b. If so, what is the appropriate remedy?

## **BACKGROUND, EVIDENCE, AND ANALYSIS**

23. In a civil proceeding like this one, the applicant Ms. Woo must prove her claims on a balance of probabilities (meaning "more likely than not"). I have read all of the parties' evidence and submissions, but I refer only to what I find is necessary to explain my decision.

### ***Background***

24. The strata consists of 285 strata lots in 4 low-rise wood-frame buildings.

25. The strata filed what appears to be a complete set of bylaws in the Land Title Office on December 3, 2010, though the filing did not expressly say that it repealed and replaced all previous bylaws. The strata also filed several additional bylaw amendments after December 3, 2010.

26. The relevant bylaw from the December 3, 2010 amendments is bylaw 3(1), which has not changed in subsequent amendments. Bylaw 3(1)(a) prohibits causing a

nuisance to another person. Bylaw 3(1)(b) prohibits unreasonable noise. Bylaw 3(1)(c) prohibits unreasonably interfering with the right of other people to use and enjoy common property or another strata lot.

27. On January 26, 2021, the strata filed a bylaw amendment adding bylaw 32.11(h), which says residents must take all necessary precautions to mitigate unreasonable noise, and says quiet times are 10:00 pm to 7:00 am Monday to Friday, and 10:00 pm to 9:00 am on weekends and statutory holidays.
28. The background facts are undisputed. Starting in about 2017, Ms. Woo complained regularly to the strata about hearing noise after 10 pm from the strata lot below her. The complaints involved various knocking and banging sounds, talking, running the dishwasher and other appliances, a loud fan, and a patio door slamming, among other noises.
29. As referenced above, Ms. Woo filed an HRT claim against the strata in 2021, alleging discrimination in its treatment of her noise complaints. The parties reached an August 25, 2021 agreement to settle the HRT claim. The relevant terms of that agreement are summarized as follows:
  - a. The strata will pay Ms. Woo \$10,000 in general damages within 45 days.
  - b. The strata will adjust the process it follows when it receives a complaint from Ms. Woo about a bylaw contravention, by: investigating and making a decision promptly, requesting a volunteer strata council member attend Ms. Woo's strata lot at her request to witness alleged noise at an agreed time, and, if the noise or nuisance persists without the strata imposing fines, investigating the sound transfer between the noisy unit and Ms. Woo's unit at the strata's expense.
  - c. Ms. Woo unconditionally releases the strata from all claims of any kind arising out of any matter occurring or arising up until the August 25, 2021 settlement date, including any claim related to her ownership of her strata lot, the allegations in the HRT claim, and any act or omission by the strata related to

any of her noise or other alleged bylaw infraction complaints or how the strata has responded to those complaints.

30. Given this last term, I find Ms. Woo's claim in this CRT dispute is limited to the strata's actions in responding to complaints she has made about noise occurring after August 25, 2021.
31. That said, section 30 of the *Human Rights Code* says that a party to an HRT settlement agreement alleging a breach of that agreement can apply to the BC Supreme Court to enforce the settlement agreement. Therefore, I find the CRT has no jurisdiction to enforce the agreement. So, to the extent that Ms. Woo claims the strata has breached the settlement agreement, I decline to make any findings about that in deciding below whether the strata has treated Ms. Woo significantly unfairly.
32. After the HRT settlement, Ms. Woo continued to complain about noise after 10:00 pm coming from the strata lot below her, and the strata issued at least 2 fines. The owner of the strata lot below Ms. Woo, AA, disputed the strata's enforcement of Ms. Woo's noise complaints against them. As noted above, AA filed a CRT dispute against the strata in 2021, which was concluded by the 2022 CRO on April 19, 2022. The relevant terms of the 2022 CRO are summarized as follows:
  - a. The strata will retain an acoustical engineer to complete testing of noise transmission between AA's strata lot and Ms. Woo's strata lot, including noise levels in Ms. Woo's strata lot and noise insulation testing, within 60 days. The strata will make best efforts to obtain Ms. Woo's consent for the testing, as Ms. Woo is not a party to the CRO. The strata will advise Ms. Woo that if she does not consent to the testing, the strata will consider her past noise complaints unsubstantiated.
  - b. If Ms. Woo refuses to cooperate with the noise testing and continues to complain about noise, the strata will advise her that it cannot determine whether a bylaw infraction occurred without completing the noise tests.
  - c. The strata will reverse the fines assessed against AA's strata lot.



33. It is undisputed that the strata has attempted to arrange noise testing in Ms. Woo's strata lot since the 2022 CRO, but that the parties have been unable to agree on how or when the testing will be conducted. More on this below. It is also undisputed that Ms. Woo continued to complain about noise after the 2022 CRO, and that the strata has advised her it cannot determine whether AA breached the bylaws in the absence of the noise testing.

***Did the strata reasonably investigate Ms. Woo's bylaw complaints?***

34. Ms. Woo alleges that the strata failed to reasonably investigate her complaints and enforce its bylaws. She says the strata's failure to do so amounts to significantly unfair treatment.

35. The CRT has authority to make orders remedying a strata corporation's significantly unfair acts or decisions. The court has the same authority under section 164 of the SPA, and the same legal test applies: see *Dolnik v. The Owners, Strata Plan MLS 1350*, 2023 BCSC 133. In *Kunzler v. The Owners, Strata Plan EPS 1433*, 2021 BCCA 173, the court confirmed that significantly unfair actions or decisions are those that are burdensome, harsh, wrongful, lacking in probity and fair dealing, done in bad faith, unjust, or inequitable. In applying the test, the owner's objectively reasonable expectations are a relevant factor, but are not determinative: see *Dollan v. The Owners, Strata Plan 1589*, 2012 BCCA 44.

36. Section 26 of the SPA requires the strata to enforce its bylaws except in very limited circumstances that I find do not apply here: *Abdoh v. The Owners of Strata Plan KAS 2003*, 2014 BCCA 270. The CRT has consistently held that owners have an objectively reasonable expectation that a strata corporation will investigate complaints and enforce bylaws.

37. The evidence shows Ms. Woo complained to the strata about noise from AA's strata lot on at least 15 separate occasions between August 25, 2021 and April 19, 2022. The alleged noises included banging, loud conversations, knocking sounds, a slam, and opening a drawer in the bathroom. Most, but not all, of Ms. Woo's complaints were about noise during the quiet times set out in bylaw 32.11(h). I find that these

were essentially the same types of complaints Ms. Woo had been making about noise from the strata lot below her since 2017.

38. The evidence shows the strata sent AA at least 9 letters that she had allegedly violated bylaws 3(1) and 32.11(h) in relation to Ms. Woo's complaints after August 25, 2021. As noted, it is undisputed that the strata ultimately imposed at least 2 bylaw fines against AA, though it is unclear on the evidence before me which complaints the fines related to. The evidence shows that Ms. Woo attempted to record the alleged noise on her cell phone. I find that the fines likely related to noise the strata felt was substantiated by the recordings Ms. Woo provided.
39. Ms. Woo seems to say the strata should have accepted more of her audio recordings as proof of the alleged noises. She says she asked the strata to use earbuds to listen to the recordings or to listen to them off a cell phone because the quality is lost in an email attachment. The strata says that even with speakers on at full volume, the alleged noise in Ms. Woo's recordings is difficult, if not impossible, to detect. I agree. On my own review of Ms. Woo's recordings submitted in evidence, I find that any audible noises are generally very muffled and difficult to discern. So, I find the strata did not unreasonably fail to impose more fines based solely on Ms. Woo's recordings.
40. Ms. Woo also says the strata should have arranged a volunteer council member to come and listen to alleged noise in her strata lot. Ms. Woo emailed the strata council president, CF, on October 10, 2021 at 11:15 pm that she needed someone to come over and hear the noise from a loud conversation below. CF responded the following morning to apologize for not being available, and that they could have further conversations about setting up a contact for this purpose.
41. On December 9, 2021, the strata emailed Ms. Woo that it was willing to have a council member visit her strata lot and spend "a couple of hours there" starting at 10:30 pm on a Friday to witness the alleged noise. The strata acknowledged it was a "hit and miss" plan but that it was willing to give it a try. Ms. Woo responded that the strata's proposal was a "ridiculous" inconvenience, which she would not accept.

42. As nearly all of Ms. Woo's complaints are of noise occurring after 11 pm, I find it is not practical to require a council member to essentially be "on call" for Ms. Woo to contact in the middle of the night to listen to alleged noise, as Ms. Woo suggests. Ms. Woo's complaints often relate to single instances of a loud noise or of intermittent noises. So, I find the strata's alleged failure to arrange a council member to come and hear alleged noise in Ms. Woo's strata lot at her request does not amount to a failure to reasonably investigate Ms. Woo's noise complaints.
43. The strata's December 9, 2021 email also referred to recommended acoustical testing. Given the context of the email and Ms. Woo's response, I infer that the parties had previously corresponded about such testing, which would require Ms. Woo to vacate her strata lot for 3 days. Ms. Woo advised that she did not consent to that, given the inconvenience.
44. On April 5, 2022, the strata emailed Ms. Woo that it must proceed with acoustical testing according to the HRT settlement agreement. The strata advised that available dates for the testing included either April 22 to April 25, or April 29 to May 2. The strata confirmed it would cover Ms. Woo's hotel costs.
45. I infer that Ms. Woo declined the suggested testing dates, as the next evidence of correspondence between the parties about acoustical testing is an August 10, 2022 letter from the strata's lawyer. The letter stated that because Ms. Woo has refused to allow the strata to attend her strata lot to witness the noise and had refused the strata access to her unit to conduct the testing recommended by BAP Acoustics (BAP), the strata was unable to substantiate her noise complaints.
46. Ms. Woo later agreed to acoustical testing in her strata lot over 3 days in September 2022. However, the plans fell through when Ms. Woo advised the strata on short notice that she could not accommodate the proposed 9 am start time because hotel check-in was not until 3 pm.
47. The evidence shows that in about December 2022, the focus of Ms. Woo's noise complaints shifted from the unit below her to the unit above her. This is after Ms. Woo had already filed this CRT dispute. In brief, Ms. Woo complained that the

flooring in the unit above her was deficient and causing unreasonable noise, including in the overnight hours. In a December 20, 2022 email to the strata, Ms. Woo stated that she had been unable to sleep for about 5 months due to noise from above her.

48. On January 6, 2023, the strata emailed that it would like to arrange a date to spend time in Ms. Woo's strata lot after 10 pm to observe the noises and offered several dates. Ms. Woo responded that the strata should check the flooring in the strata lot above her first, rather than making her prove her complaints. In a January 13, 2023 letter, the strata's lawyer stated that while Ms. Woo had provided recordings and purported decibel readings of alleged noise from the flooring in the unit above her, the strata was required to take independent steps to investigate the complaint. The strata repeated its offer to come and observe the noise from her strata lot. Ms. Woo responded that having a council member come would be ineffective and a waste of time. She asked that the strata's lawyer stop contacting her.
49. The evidence shows that 3 strata council members ultimately attended Ms. Woo's strata lot and the strata lot above her in the afternoon on March 8, 2023 to attempt to re-create the noise transfer Ms. Woo was alleging. In a March 10, 2023 email, the strata stated it was unable to verify Ms. Woo's noise complaints during the council members' attendance, including the degree and severity of the alleged noise, and so it wanted to arrange noise testing recommended by its acoustic professionals.
50. The parties continued to correspond about acoustical testing, and the strata advised on May 10, 2023 that given Ms. Woo's reluctance to agree to recommended 3-day testing, it was willing to do a 6-hour test. However, Ms. Woo disagreed with the type of noise testing to be conducted.
51. Essentially, the strata says (and the evidence shows) that BAP recommended testing that monitors noise in Ms. Woo's unit, and compares the measured level, duration, time of day, and quantity of occurrences with a "norm". However, Ms. Woo says the strata should be measuring the sound insulation performance between the

strata lots. So, the parties have been unable to agree, and no acoustical testing has been conducted to date.

52. Ms. Woo argues the strata has focused solely on the noise level and has ignored the impact of the noise on Ms. Woo. She says that rather than try to determine whether the noise is at an unreasonable level under bylaw 3(1)(b), the strata should consider whether the noise is a nuisance under bylaw 3(1)(a) and how it has unreasonably interfered with her use and enjoyment of her strata lot under bylaw 3(1)(c).
53. A nuisance in the strata context is a substantial and unreasonable interference with an owner's use and enjoyment of their property: *The Owners, Strata Plan LMS 1162 v. Triple P Enterprises Ltd.*, 2018 BCSC 1502. The test for nuisance depends on several factors, such as its nature, severity, duration, and frequency: *St. Lawrence Cement Inc. v. Barrette*, 2008 SCC 64. I agree with Ms. Woo that when assessing whether a noise constitutes a nuisance, the focus is on the effect of the noise, not its source or cause.
54. However, the test for nuisance is objective, and so it is measured with reference to a reasonable person occupying the premises: see *Sauve v. McKeage et al.*, 2006 BCSC 781. The objective requirement guards against those with abnormal sensitivity or unreasonable expectations: see *Sutherland v. Canada (Attorney General)*, 2001 BCSC 1024.
55. So, I find it was not enough for the strata to rely solely on Ms. Woo's reports that the noises she complained about created a subjectively unreasonable interference with her use and enjoyment of her property. Regardless of whether the strata assessed the noise complaints under bylaw 3(1)(a), 3(1)(b), or 3(1)(c), I find it was required to assess the effect of the noise on an objective standard.
56. Ms. Woo argues that testing the level of noise heard in her strata lot is unnecessary because noise does not have to reach a particular decibel range for it to be considered unreasonable. She cites previous CRT decisions, including *Tran v. The Owners, Strata Plan VIS 6828*, 2021 BCCRT 28, *Tollasepp v. The Owners, Strata*

*Plan NW 2225*, 2020 BCCRT 481, and *Chen v. The Owners, Strata Plan NW 2265*, 2017 BCCRT 113. I agree with Ms. Woo there is no decibel threshold for a noise level to be considered a nuisance. However, I find that acoustic tests can be a relevant factor in determining whether a noise is objectively unreasonable.

57. I note that in *Tran*, the applicant provided reliable video evidence, decibel readings, World Health Organization noise guidelines, and detailed noise logs, one of which recorded 180 entries in a single day. In *Tollasepp*, the applicant provided videos with live measurements of the sound level in decibels, including comparisons of the background level noise and alleged unreasonable noise. In *Chen*, the evidence included noise testing reports from 2 separate professionals about the noise levels. In other words, in each of those cases there was evidence other than the applicant's own complaints, on which to base a determination that the noise was objectively unreasonable, including objective evidence about the noise level.
58. Here, I find Ms. Woo did not provide any such reliable evidence on which the strata could assess the alleged noises on an objective standard. I agree with the strata that Ms. Woo's noise recordings are insufficient to demonstrate that the noises were objectively disruptive or unreasonable. Ms. Woo did not provide a statement from anyone who had heard the alleged noises from inside her strata lot. Ms. Woo also generally refused to accommodate the strata's offer to have a council member come over to witness the noises she complained about occurring mostly at night.
59. Under the circumstances, I find it was reasonable for the strata to take the position that acoustical testing was required to help confirm Ms. Woo's assertion that the noises were unreasonable. I find the strata reasonably relied on a professional to recommend the type of testing that would best measure the noise Ms. Woo complained about. I acknowledge Ms. Woo's argument that the testing was not guaranteed to capture the noises, as it was impossible to know whether they would occur on a given night. However, I find the longer 3-day testing period would increase the likelihood of getting an accurate picture of the noise. I find the risk that noises would not occur is insufficient to conclude the strata should not reasonably attempt to test for them.

60. Overall, I find the strata has reasonably attempted to investigate Ms. Woo's noise complaints against the strata lot below her since August 25, 2021. It follows that I find the strata has not treated Ms. Woo significantly unfairly in its handling of those noise complaints. Therefore, I find Ms. Woo is not entitled to her claimed damages or the requested order for the strata to enforce its bylaws against the strata lot below Ms. Woo.
61. I note that in a March 13, 2023 email, Ms. Woo stated that the noisy behaviour from the strata lot below her had more or less stopped, and so there was no longer an issue there. So, I would not have made an order for the strata to enforce its bylaws against AA's strata lot in any event.
62. I also note that while I referred to some of Ms. Woo's complaints about noise from the strata lot above her, I did so to provide context for the strata's continued efforts to conduct acoustical testing in Ms. Woo's strata lot. Ms. Woo did not make any claims or request any remedies in this dispute related to her complaints about noise from the strata lot above her. So, I have not made any findings in this decision about the strata's investigation of those noise complaints against the strata lot above Ms. Woo.
63. I dismiss Ms. Woo's claims.

## **CRT FEES AND EXPENSES**

64. 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. As Ms. Woo was unsuccessful, I dismiss her claim for reimbursement of CRT fees and dispute-related expenses.
65. The strata did not pay any fees, but it claims \$8,926 for legal fees. CRT rule 9.5(3) says the CRT will not order one party to pay another party's legal fees in a strata property dispute unless there are extraordinary circumstances.

66. The strata argues that its legal fees should be reimbursed because Ms. Woo was re-litigating issues already decided, and so this dispute was an abuse of process. As referenced above, I find the previous proceedings did not consider whether the strata treated Ms. Woo significantly unfairly in its investigation of her complaints. While Ms. Woo was ultimately unsuccessful, I do not agree that her claim was meritless from the outset.
67. Overall, I find this dispute was essentially a typical strata property dispute about noise bylaw enforcement, an issue the CRT commonly deals with. I find the legal issues and arguments were not unusually complex. So, I find there are no extraordinary circumstances in this case, and I decline to order reimbursement of the strata's legal fees.
68. The strata must comply with section 189.4 of the SPA, which includes not charging dispute-related expenses against the Ms. Woo.

## **ORDER**

69. I dismiss Ms. Woo's claims, the strata's claim for legal fees, and this dispute.

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Kristin Gardner, Tribunal Member