



# Civil Resolution Tribunal

Date Issued: February 13, 2026

File: ST-2024-001834

Type: Strata

Civil Resolution Tribunal

Indexed as: *Bouioruov v. The Owners, Strata Plan KAS 3485*, 2026 BCCRT 254

B E T W E E N :

KONSTANTINE BOUIORUOV

**APPLICANT**

A N D :

The Owners, Strata Plan KAS 3485

**RESPONDENT**

---

## REASONS FOR DECISION

---

Tribunal Member:

Jeffrey Drozdiak

## INTRODUCTION

1. This strata property dispute is about bylaw fines for noise.
2. The applicant, Konstantine Bouioruov, co-owns strata lot 131 (SL131) in the respondent strata corporation, The Owners, Strata Plan KAS 3485. The strata fined Mr. Bouioruov a total of \$200 for 9 instances where his dog was barking. Mr.

Bouioruov says he took steps to mitigate his dog's barking. He also says the strata has not defined what level of barking would breach the bylaws. He argues the fines are not valid and seeks an order to cancel them. He values his claim at \$350. Mr. Bouioruov represents himself.

3. The strata says it received a complaint from another owner and found that Mr. Bouioruov breached the strata's nuisance bylaw. It says it followed the correct procedural steps before fining Mr. Bouioruov, and the fines are valid. The strata asks me to uphold the fines. The strata is represented by a strata council member.

## **JURISDICTION AND PROCEDURE**

4. 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). The CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. The CRT must act fairly and follow the law. It must also recognize any relationships between dispute parties that will likely continue after the CRT's process has ended.
5. CRTA section 39 says the CRT has discretion to decide the hearing's format, including by writing, telephone, videoconferencing, email, or a combination of these. I considered the potential benefits of an oral hearing. Here, there are no significant credibility issues, and I am properly able to assess and weigh the documentary evidence and submissions before me. So, the CRT's mandate to provide proportional and speedy dispute resolution outweighs any potential benefit of an oral hearing. Overall, I find that an oral hearing is not necessary in the interests of justice, and I decided to hear this dispute through written submissions.
6. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in court.

## **ISSUE**

7. The issue in this dispute is whether Mr. Bouioruov breached the strata's bylaws and whether the fines against him are valid.

## **STRATA BACKGROUND**

8. The strata was created in July 2008. The strata has 141 residential strata lots in 4 low-rise apartment buildings. SL131 is on the third floor of Building D.
9. The strata filed its bylaws with the Land Title Office on July 9, 2008. This document confirmed that the Standard Bylaws under the *Strata Property Act* (SPA) apply to the strata with several specific amendments. Relevant here, the strata amended bylaw 3(4) about pets. I will discuss this bylaw in further detail below. The strata filed several bylaw amendments between November 2008 and September 2022, which I find are not relevant to this dispute.
10. In its submissions, the strata cites bylaws 4, 5(3), and 53(c) to support its argument. These bylaws were not included in the amendments discussed above. Through CRT staff, I confirmed that the strata filed a further bylaw amendment on June 12, 2024, to repeal and replace its bylaws. Since the events in this dispute happened before this date, I find these new bylaws are not relevant to the fines at issue. However, recognizing the ongoing relationship between the parties, I comment on the relevant bylaw additions in my analysis below.

## **EVIDENCE AND ANALYSIS**

11. In a civil proceeding like this one, Mr. Bouioruov, as the applicant, must prove his claims on a balance of probabilities (meaning "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.

## ***Background***

12. Mr. Bouioruov and his spouse own a dog.
13. On September 9, 2023, the strata received a written complaint from, KS, Mr. Bouioruov's upstairs neighbour. In the email, KS mostly complained about Mr. Bouioruov smoking on his balcony. However, at the end, KS wrote that Mr. Bouioruov's dog barked and howled a lot, which disturbed them. On September 15, 2023, the strata manager sent a warning letter to Mr. Bouioruov about these issues.
14. On October 28, 2023, KS emailed the strata again listing 9 times when Mr. Bouioruov's dog was barking. On November 9, 2023, the strata manager wrote to Mr. Bouioruov about KS's noise complaint. The strata manager listed the 9 incidents and noted that Mr. Bouioruov had breached bylaws 3(1)(a) and 3(1)(c). These bylaws say in part that an owner must not use their strata lot in a way that causes a nuisance to another person or unreasonably interferes with another person's use and enjoyment of a strata lot.
15. Mr. Bouioruov disputed the bylaw violations. Eventually, the strata council decided to fine Mr. Bouioruov a total of \$200. The strata's letter is not in evidence, but Mr. Bouioruov refers to it in a December 21, 2023 email. Mr. Bouioruov requested a hearing, which was held on February 12, 2024. After the hearing, the strata manager wrote to Mr. Bouioruov confirming that the strata council had decided to uphold the fines.

### ***Did Mr. Bouioruov breach the strata's bylaws, and are the fines valid?***

16. Mr. Bouioruov admits that his dog barks from time to time. He also admits that his dog has separation anxiety and may bark or wail when they are not home. In his defence, Mr. Bouioruov argues the strata does not have a clear definition of what constitutes a nuisance. He says it is unclear how much barking is allowed. He also says the strata is "dog friendly" and some amount of barking should be expected.

17. I acknowledge it is notoriously difficult to decide whether certain noise in a strata lot rises to the level of a nuisance. The courts define a nuisance as the substantial (non-trivial) and unreasonable interference with the use and enjoyment of property. See *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13 at paragraph 19.
18. To meet this standard, the noise must be intolerable to a reasonable person. This person is someone whose notions, standards of behaviour, and responsibility correspond with those generally found among ordinary people in our society. They seldom allow their emotions to take over their reasoning. Their habits are moderate and their disposition is equitable. See *Wolodko v. Zhang*, 2014 BCSC 512 at paragraph 33.
19. Based on the relevant case law, I find there are 4 primary factors to consider when deciding whether noise in a strata lot is both substantial and unreasonable.
  - a. **The nature of the noise.** Is it everyday living noise, or is it something more like loud music or screaming? Who or what is making the noise? Can the party control the noise, or is the noise created by a third party, such as a baby, child, or animal? Has the party taken steps to mitigate the noise? A reasonable person would likely understand that a person can only do so much to address certain types of noise. In other words, a reasonable person is more tolerant of everyday living noise or involuntary noise, and less tolerant of preventable noise.
  - b. **The characteristics of the noise.** What is the noise's intensity, duration, frequency, and timing? How has the noise affected the person complaining? Does the noise exceed a decibel level that the evidence shows is unreasonable? Is the noise continuous or intermittent, and how often does the noise occur? What time was the noise being made? Is it when other people would normally be sleeping, or is the noise in the middle of the day? A reasonable person would likely be more tolerant of noise if it occurred during

the day. A reasonable person also becomes less tolerant of repetitive noise over time.

- c. **The character of the building.** In strata living, there must be a certain amount of give and take between neighbours. Who is complaining about the noise and what is the strata's layout? Does the strata lot have several neighbours, and how many neighbours complained about the noise? When was the building constructed? The building's construction is particularly relevant in older buildings where soundproofing measures are generally less robust. A reasonable person, especially someone living in an older building, would likely understand and accept that they will inevitably hear everyday living noise from their neighbours.
- d. **The strata's rules and bylaws** – Does the strata have rules or bylaws that allow or restrict this type of noise? For example, does a bylaw allow pets, and does the bylaw restrict the number, size, or type of pet? If a bylaw allows certain types of pets, a reasonable person would likely expect to hear noise associated with these pets. Does the strata have set quiet hours? A reasonable person would likely account for these quiet hours when deciding whether the noise is acceptable

- 20. These factors come from various court cases about nuisance, including *The Owners, Strata Plan 1162 v. Triple P Enterprises*, 2008 BCSC 1502, *St. Lawrence Cement v. Barrette*, 2008 SCC 64, and *Sauve v. McKeage et al.*, 2006 BCSC 781.
- 21. When considering the nature and characteristics of the noise, the type of available evidence is key. What evidence is the party using to prove that the noise was both substantial and unreasonable? Has someone, such as a strata council member or a professional, independently verified the noise? Are there audio recordings or decibel readings of the noise?
- 22. People complaining about noise generally must prove it is intolerable with objective evidence. Subjective complaints alone will typically not be enough. This guards

against the risk that a particular person may be unusually sensitive to noise. A reasonable person is not unusually sensitive to their environment.

23. With the above 4 factors in mind, I turn to whether the evidence before me shows that Mr. Bouioruov's dog's barking rose to the level of a nuisance.

#### *The Nature of the Noise*

24. Mr. Bouioruov's dog is making the noise. So, I find Mr. Bouioruov can only take so many steps to prevent it.
25. Mr. Bouioruov says he has taken reasonable steps to mitigate his dog's barking. As summarized in his November 9, 2023 email, these efforts included working with a trainer to lessen the dog's anxiety, soundproofing the dog's crate, keeping the dog in their crate when no one is home, moving the crate to a carpeted room, and closing the windows. Mr. Bouioruov provided evidence that generally supports these efforts, which the strata does not dispute.
26. Based on the evidence before me, I find Mr. Bouioruov took reasonable steps to lessen his dog's barking. I also find a reasonable person living communally in a strata accepts some level of barking. So, I find this factor partially weighs against it being a nuisance.

#### *The Characteristics of the Noise*

27. KS did not provide many specifics about the barking, only that it bothered them. There is no evidence before me about what KS used to prove that the barking was objectively unreasonable. They only provided a noise log. The strata says it investigated the complaint. However, it does not say whether a strata council member independently confirmed the level of barking. I find the lack of objective evidence weighs against it being a nuisance.
28. KS listed 9 times between September 15 and October 27, 2023, when they heard Mr. Bouioruov's dog barking. KS wrote that on some occasions, Mr. Bouioruov's

dog was barking for up to 20 minutes. However, KS also wrote that things had improved and Mr. Bouioruov's dog was barking less and for shorter periods.

29. On average, Mr. Bouioruov's dog barked every 5 days, which I find is not that often. Even if I accept that Mr. Bouioruov's dog barked for 20 minutes each time, this only totaled 3 hours over 43 days. I find the overall frequency and duration weighs against it being a nuisance.
30. KS wrote that 2 incidents were at 6:30 am, one incident was at 7:30 am, and one incident was at 10:20 pm. The other 5 incidents took place in the middle of the day. Since most of the incidents took place when a reasonable person would be awake. I find the overall timing partially weighs against it being a nuisance.
31. KS did not describe the intensity of the barking. So, I find this missing information does not weigh in favour of it being a nuisance. Overall, I find the characteristics of Mr. Bouioruov's dog's barking weigh against it being a nuisance.

#### *The Character of the Building*

32. The strata plan shows SL131 has neighbouring strata lots above it, below it, and on each side. The evidence also shows another neighbour complained about the barking and left threatening notes. Given this, I find multiple neighbours complaining about Mr. Bouioruov's dog's barking weighs in favour of it being a nuisance.
33. The strata is a relatively new, low-rise apartment building. KS lives in the strata lot above Mr. Bouioruov. There is no evidence before me that there is any issue with the soundproofing in the building. So, I find the building's age and layout is neutral in my analysis.

#### *The Strata's Bylaws*

34. On July 9, 2008, the strata amended bylaw 3(4). This bylaw allowed owners to have one dog whose weight is no greater than 25 pounds at maturity, or 2 dogs whose combined weight is no greater than 25 pounds at maturity.

35. Given the strata's pet bylaw, I find the owners agreed that residents can own small dogs. This means a reasonable person would expect to hear intermittent barking from small dogs. So, I find this bylaw weighs against some barking being a nuisance.
36. On June 12, 2024, the strata amended its pet bylaw, replacing bylaw 3(4) with bylaw 53. This bylaw expands the rules around pet ownership in the strata. However, it does not change the type of dogs allowed in the strata. The bylaw also does not affect the requirement that an owner's pet cannot be a nuisance. Given this, I find the amended pet bylaw would not have changed my conclusion above.
37. In contrast, the strata added bylaw 6 in its June 12, 2024 amendment. This bylaw creates quiet hours for the strata between 11:00 pm and 6:00 am. This bylaw would be relevant in determining whether any future barking is a nuisance. For example, KS did not list any incidents where Mr. Bouioruov's dog was barking during the newly created quiet hours. So, this new bylaw would have partially weighed against the barking being a nuisance.

### Conclusion

38. Weighing the above factors, I find the evidence does not show that Mr. Bouioruov's dog's barking rose to the level of a nuisance. So, I find Mr. Bouioruov did not breach bylaws 3(1)(a) and 3(1)(c), and the \$200 in fines are not valid.
39. In the Dispute Notice, Mr. Bouioruov claimed \$350. However, it appears that Mr. Bouioruov added his initial CRT fees to the claimed amount, which I address below. Further, all the evidence before me indicates that the strata only fined Mr. Bouioruov a total of \$200. So, my order is limited to \$200 in bylaw fines.
40. There is no evidence before me that Mr. Bouioruov has paid the fines. Mr. Bouioruov also only asks me to order the strata to "drop the fines". So, I order the strata to immediately remove the \$200 in bylaw fines charged against Mr. Bouioruov's strata lot.

## **CRT FEES**

41. Under CRTA section 49 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. Mr. Bouioruov was successful, so I find he is entitled to reimbursement of \$225 in CRT fees. Mr. Bouioruov did not claim dispute-related expenses, so I order none.
42. The strata must comply with SPA section 189.4, which includes not charging dispute-related expenses to Mr. Bouioruov.

## **ORDERS**

43. I order the strata to immediately remove the \$200 in bylaw fines charged against Mr. Bouioruov's strata lot for breaching bylaws 3(1)(a) and 3(1)(c) between September 15 and October 27, 2023.
44. Within 30 days of the date of this decision, I order the strata to pay Mr. Bouioruov \$225 for CRT fees.
45. Mr. Bouioruov is entitled to post-judgment interest under the *Court Order Interest Act*, as applicable.
46. This is a validated decision and order. Under section 57 of the CRTA, a validated copy of the CRT's order can be enforced through the British Columbia Supreme Court. Under section 58 of the CRTA, the order can be enforced through the British Columbia Provincial Court if it is an order for financial compensation or return of personal property under \$35,000. Once filed, a CRT order has the same force and effect as an order of the court that it is filed in.

---

Jeffrey Drozdiak, Tribunal Member