October 2023

NOISE COMPLAINT POLICY – 4968 & 4978 YONGE STREET

The following describes the policy for dealing with noise complaints for a timely response and resolution of noise complaints that respects the rights and responsibilities of residents. At all times including throughout the process there will be zero tolerance of harassment of staff as laid out in the relevant policies. This policy provides clear guidelines and support for security, management, and any other staff of the Corporation implementing the policy (collectively, "**Staff**").

How Will Noises be Characterized?

Staff investigating noise complaints will record detailed information about the noise including:

- time and date,
- location where heard,
- perceived source,
- level ("none perceived", "faint"[1], "soft"[2], "moderate"[3] or "loud"[4]) as determined by the Staff in their sole discretion,
- persistence (duration and repetition),
- suspected activity,
- other people present at the same time and their reported perceptions of the noise, and
- complainant's description of the noise and impact on their unit and its residents.

What Noise is Unreasonable?

Any noise that a resident reports as disturbing in any of the following categories will be considered unreasonable.

- **Intense**
  Any noise verified by Staff at the level of "loud" at their sole discretion that has not had prior approval[5] from the management office (the "**Office**").
- **Repeated**
  Any noise verified by Staff at the level of "moderate" or above which is constant or reoccurs for minutes or more over multiple days.

During Quiet Hours

Any noise verified by Staff at the level of "soft" or above which is constant or reoccurs for minutes or more over multiple days during the hours of 10pm to 7:30am.

---

[1] "Faint" refers to sounds that can barely be heard.
[2] "Soft" refers to sounds at a volume comparable to someone talking softly from a metre away.
[3] "Moderate" refers to sounds a volume comparable to someone talking normally from a metre away.
[4] "Loud" refers to sounds louder than "moderate".
[5] Renovations during appropriate hours or building contractor activity that have been approved by the Office are reasonable and to be expected.

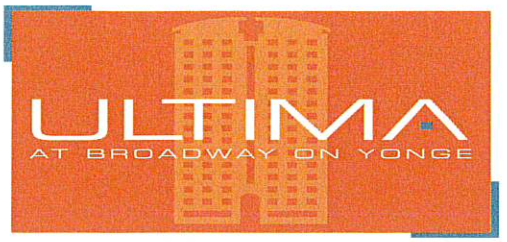
What Noise is Reasonable?

Any noise not considered "unreasonable" as per above, including, but not limited to occasional (less than a couple of times in a day), short (under a couple of minutes) or "moderate" noises related to normal living are to be expected in buildings such as Ultima, such as:

- a phone ringing,
- a child moving or playing with toys,
- a dog barking,
- moving a chair or table,
- dropping something,
- bathtub water running or toilets flushing,
- ambient street noise,
- minor repair work within a couple of minutes,
- renovations during hours as approved by the Office, or
- building contractor activity as approved by the Office.

Noise Complaint Process

- Resident noise complaints should be made by calling the Security Desk.
    - Under no circumstances should a resident visit other units in relation to a noise issue.
    - The Board will refer any correspondence related to a noise complaint to the Office.
- Guards are to record details of the noise complaint.
    - If the sound is reported to be consistent with unreasonable noise, guard will go to the hallways outside the suspected source unit(s) and note the noise characteristics there.
        - If the noise in the hallways is verified, either:
            - the source unit is identified, in which case the guard will call and request that the noise be kept at a reasonable level; or
            - the source unit is not identified, in which case the office will call the units that might be possible sources to inquire if they might be the source of the noise and if so, request that it be stopped.
        - If the noise in the hallway is not verified, then the guard will call the complainant and request access to the complainant's unit to verify the noise.
            - If access is not granted to verify the noise, the guard will ask that the complainant call back if the noise reoccur.
            - If the noise is verified, the guard will then attempt to identify the source unit as outlined above.
            - If the noise is not verified, the guard will ask that the complainant call back if the noise reoccur.



- If the sound is reported to be consistent with reasonable noise:
  - the guard will inform the complainant of the policy and that the Office will receive a report, and
  - the guard will request that the complainant call back if the noise continues or gets louder such that it becomes unreasonable.

- Recurring unverified complaints of noise will only be further investigated if Staff are granted access to the complainant's unit to characterize and verify the noise, otherwise the Guard will only make a note of the details of the complaint and report to the Office.
- Recurring verified complaints of unreasonable noise will be investigated for possible sources as follows:
  - The Office will contact units that might be the source of the noise and inquire whether they might be the source of the noise. If deemed necessary in the sole discretion of the Office, access to the unit will be requested within 48 hours[6].
    - If access is not provided within the timeframe specified, then the Office may in their sole discretion deem the unit to be the source of the noise and request an appropriate remediation plan within 48 hours based on the Office's best judgement of the likely cause of the noise. The resident and the owner will be informed that failure to provide and implement a remediation plan will require the Office to refer the matter to legal for follow up if the noise disturbance persists and that the unit owner will be responsible for all expenses incurred.
  - Regular updates of information that the Corporation is permitted to disclose will be provided to the complainant when new info is available and no later than when an update was promised. The Corporation is limited by the *Condominium Act* from disclosing specific information relating to other units or owners.
- Where deemed necessary, the Corporation may retain a consultant to assist in identifying a source and/or in verifying noise levels. Costs incurred by the Corporation may be recovered against the responsible party, as determined by the Corporation.
- The Corporation will take reasonable steps to address ongoing noise issues, including sending warning letter(s) to the source unit, engaging legal counsel to send a compliance letter, and/or commencing a Condominium Authority Tribunal application against the source unit. The non-compliant unit owner will be responsible for all expenses incurred by the Corporation.
- As each situation is unique, the Corporation reserves the right to deviate from this policy to the extent necessary to address a noise issue.

Resident Obligations

- Residents making noise complaints may be required to grant access to their unit for Staff (at the sole discretion of the Office) to verify and characterize noises (including recording and measuring sound and conducting tests as deemed required in the sole discretion of the Office) before any

[6] If the unit is rented, both the owner and the tenant will be contacted.

further investigation or intervention. Staff will not investigate potential sources or otherwise attempt to resolve recurring unverified noise complaints where access to a unit is not granted.

- Residents and owners of units that Staff reasonably believe may be the source of noise disturbing another unit (at the sole discretion of Staff) are obligated by the Corporation's Rules and the *Condominium Act* to permit access to their units to verify and characterize the noise (including recording and measuring sound and conducting tests as deemed required in the sole discretion of the Office). The Office will determine when access to the unit is required, in its discretion.
- Residents of units that Staff reasonably believe may be the source of noise disturbing another unit in the sole discretion of Staff and who fail to provide timely access to the unit for Staff, may be deemed by the Office to be the source of the noise in the sole discretion of the Office, and Staff will proceed to the next steps in the Noise Complaint Process on that basis.
- Under no circumstances will harassment, threatening or foul language or badgering of Staff be tolerated. Such behaviour will result in offenders being banned from being near or contacting the Staff at the sole discretion of the Staff and any further contact must be in writing. The Board may refer the matter to the Corporation's lawyer, in its sole discretion. The harassing party will be informed that any legal costs incurred as a result of this behaviour will be charged back to them.

Any concerns about the Noise Complaint Policy, excluding specific noise complaints, submitted in writing to the Board email address will be duly considered by the Board.

TSCC 1741 – South – board4968@hotmail.com

TSCC 1722 – North – board4978@hotmail.com