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December 18, 2004

Frisky neighbours keep couple awake

Back-to-back beds spark noise woes

Build second wall to deaden sounds

Last week, a client of mine sent me the following question about soundproofing in new construction:

"I have a quick question that I would like your feedback on concerning the unit that we closed in September.

"The unit is fine except for one not-so-small issue. The issue is sound penetration between units through the common wall. On either side of the common wall are two master bedrooms.

"The design of the units results in back-to-back bed placements. When we are in bed, we can clearly hear conversations and activities (especially sex) in the other unit.

"The sound penetration is bad enough to wake me up on a nightly basis until our neighbours go to bed around 3 a.m. Seeing as I work from 8 to 5 (up at 6 a.m.) this causes a big problem in terms of stress and overall health, due to lack of sleep.

"I am also very concerned about our privacy because if we can hear them so clearly, they can hear us, too! I was wondering if you have ever come across a case similar to ours and the outcome of such cases."

The only reasonably close legal reference I discovered was an account of a landlord-tenant court decision in a Canadian legal weekly newspaper from about 15 years ago.

It reported on the decision of Ontario District Court Judge S.H. Murphy in a case involving a college student who moaned so loudly during sex that it woke up neighbouring children.

Several of the woman's neighbours and former neighbours testified that the noise from her unit disturbed them several nights a week, sometimes "two or three times an evening," with a duration of "between 30 and 60 minutes."

After hearing evidence that the tenant's conduct "substantially interfered with the reasonable enjoyment of the premises" by nearby tenants, the judge ordered her evicted from her apartment unit.

Murphy noted "there is no law against lovemaking," but when it creates excessive noise, the courts will get involved.

Back in 2001, the Ontario Superior Court dealt with another case involving noise in a condominium unit, resulting from the removal of broadloom in a unit and replacing it with hardwood flooring. The condominium declaration required owners to have carpeting in their units.

The unit owner was directed by Justice Gloria Epstein to cease making noise and to install carpeting immediately. The lawyer for the condominium board in that case estimated his client's legal expenses for the trial would be between \$20,000 and \$30,000.

Hopefully, my client and his condominium corporation will not have to go to court. I suggested several solutions:

- Find out if the sound insulation meets building code.
- Other units must be experiencing similar scenarios. Make sure the condo board is aware of the problem for its next technical audit.
- Ask the neighbours politely to implement some noise-reduction or time-shifting strategies.
- Read some of the many Internet discussion groups on this very subject. I saw one where a particularly creative wag suggested recording the sounds from the neighbouring unit, posting them on the Internet in "beautiful digital quality," and giving the neighbours a copy.
- Install another wall on top of the existing wall. The suggested method would be to install new studs and pack two inches of sound insulation between them. With a layer of half-inch drywall on top of the whole wall, the job could come in at under \$1,000 - cheaper than lawyer's fees for a single court case, but not if it has to be done in every suite in the entire high-rise. Maybe the neighbours would even contribute half the cost.

Have you experienced noisy neighbours? Have you solved the problem? I'd love to hear from you.

And if you're buying a new home or condominium with a shared wall, ask the builder for details about soundproofing.

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