

**CONSUMER TRADER AND TENANCY TRIBUNAL
Strata & Community Schemes Division**

APPLICATION NO: SCS 07/63941
STRATA SCHEME: Strata Plan 30478
PREMISES:
APPELLANT:
RESPONDENT:
APPLICATION: Appeal
LEGISLATION: *Strata Schemes Management Act 1996*
DATE: 9 April 2008.

ORDERS

The order made by the Adjudicator in matter no.07/50283 on 16 November 2007 is affirmed.

REASONS FOR DECISION

The appeal is lodged in respect of the adjudicator's determination on file SCS 07/50283 of 16 November 2007.

The order is that the appellant comply with by-law 14 and ensure that all floor space within her lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the lot's floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot, namely Unit 156 which is situated immediately below Unit 157.

The facts are as set out by the Adjudicator, the appellant removed the carpets and installed a floating timber floor.

The expert evidence which is not in dispute is that the measured floor performance of the floating wooden floor is a rating of LTNW of 49 or 50.

The evidence submitted by the appellant is that the Building Code of Australia standard is a rating of LTNW of 60.

A carpet floor with underlay achieves a rating of LTNW of 40.

The appellant installed the wooden floor for health reasons and attempts to minimise the impact by installing rugs and wearing rubber soled shoes.

All these considerations were taken into account by the adjudicator and the expert evidence relied upon by both parties indicates that there is a 25% increase in noise level as measure by the LTNW rating from carpet to the floating wooden floor despite meeting Building Code of Australia guidelines.

The test according to the expert is that *"a new timber floor system should have a LTNW rating of 40 (or lower) in order to ensure impact noise from Unit 157 is not likely to disturb the peaceful enjoyment of the residents on Unit 156."*

I affirm that Adjudicator's decision to rely upon the independent expert's report and the findings made therein.



P. R. Smith
Strata Schemes Adjudicator

15 May 2008

