



Report Card for Minister David Orazietti – the Ontario Government’s minister responsible for consumer protection and Tarion¹

Grade: F

Minister Orazietti is failing to provide adequate consumer protection for Ontario’s purchasers of newly built homes.

Feb. 28, 2015

In June 2014, Minister Orazietti was appointed Ontario’s minister responsible for consumer protection, and overseeing Tarion, Ontario’s mandatory, monopoly new home warranty program. To date, Minister Orazietti has not responded to CPBH about any of the issues that CPBH has brought to his attention (details attached). Meanwhile, Minister Orazietti has been communicating with consumers and the media as if he is a member of Tarion’s marketing department, rather than the Minister responsible for consumer protection. He refers to “working with” Tarion, as if he/his ministry have a partnership with Tarion. He/his ministry are supposed to be overseeing Tarion, and ensuring adequate protection for Ontario’s consumers – not “selling” Tarion. He appears to be content with very slow, incremental change at Tarion, while far too many Ontarians are suffering from inadequate consumer protection from Tarion.

There is also a serious transparency issue, e.g., minutes of meetings between the Minister/Ministry and Tarion are not available. A culture of secrecy continues.

Despite many appeals from consumers and CPBH, and numerous media reports since he became Minister of Government and Consumer Services, it appears that Minister Orazietti is more interested in protecting Tarion than Ontario’s purchasers of newly built homes. Ontarians expect and deserve transparency and accountability from Minister Orazietti (and his ministry). Minister Orazietti’s failing performance has been added to the growing list of serious problems with the Wynne Government.

Ontario consumers urgently need transparency, accountability and appropriate action from Minister Orazietti -- and the Wynne Government. The purchase of a home is the largest purchase most consumers make. It is clear that new, meaningful legislation is urgently needed. Some are suggesting that Minister Orazietti is biding his time until he can get shuffled off to another portfolio. Over the past decade, on average, ministers in this Ministry last a year.

¹ On Mar. 3, 2015 a draft of this Report Card was sent to Minister Orazietti, his Chief of Staff (Michael Simpson) and his Policy Advisor (Jenny Shiller). We requested that they advise us if there are any inaccuracies in this report, and/or if they had any comments by return e-mail by Friday, Mar. 6, 2015. No response was received.



Examples of communication by CPBH with Minister Orazietti:	Response from Minister Orazietti	Status
<p>June 26, 2014 – Email to welcome him to the role of Minister responsible for consumer protection and Tarion.</p> <ul style="list-style-type: none"> - Provided background to some of the serious issues consumers have been experiencing with Tarion. - Provided a copy of document submitted to Ministry officials on Aug. 10, 2010, that identified key issues with Tarion (all of which remain as issues), and to which CPBH did not receive a response from the Ministry. - Requested his response to the issues brought to Minister MacCharles’ attention in a meeting held Sept. 25, 2013, including the Aug. 10, 2010 list submitted to his Ministry. - Made him aware of the Tarion employees’ whistleblower letter sent to Premier Wynne Mar. 2014. - Advised him that according to Tarion’s own survey data, approximately 57,000 of Tarion’s customers are dissatisfied with Tarion. - Asked if he would support an audit of Tarion by the Auditor General of Ontario. Provided CPBH’s list of 10 key issues to be included in such an audit, along with related questions for each. 	- None	- Outstanding
<p>July 11, 2014 – Email about sinking homes in Ontario. For example, raised questions/concerns about Tarion’s \$5.14 million repair.</p> <ul style="list-style-type: none"> - Requested that he advise if his ministry would assess four key factors and make the assessment results to the public. 	- None	- Outstanding
<p>July 12, 2014 – Email requesting that his ministry post minutes of Tarion’s Apr. 30, 2014 annual public meeting on the ministry’s web-site.</p>	- None	- Outstanding
<p>Aug. 9, 2014 – Email requesting:</p> <ul style="list-style-type: none"> - At least an acknowledgement that he received the June 26, 2014 e-mail - A response to the July 12, 2014 e-mail - A response to questions about Tarion’s Pan Am “deal”. 	- None	- Outstanding
<p>Sept. 7, 2014 – Email advising Minister Orazietti of</p>	- None	- Outstanding

concerning statistics released by Tarion, and requesting that he take the necessary steps to allow the Auditor General to conduct a Value for Money audit of Tarion.		
Sept. 7, 2015 – Email regarding his Ministry continuing to stall regarding the 2009 Delegated Administrative Authority Model Review recommendation concerning Tarion’s board composition.	- None	- Outstanding
Sept. 23, 2014 – Email with Toronto Star article about \$29 million condo class action suit. Asked him to quickly introduce new legislation so that consumers don’t need to resort to law suits.	- None	- Outstanding
Sept. 30, 2014 – Email with CPBH annual analysis re LAT and requesting that he respond to questions re Tarion.	- None	- Outstanding
Oct. 12, 2014 – Email providing links to various media reports of serious issues in the marketplace, including Macleans referring to Ontario as the “Wild West” (Tarion is the regulator), and further law suits launched by consumers. Requested that he advise why he has not yet taken any meaningful action to protect consumers. Also asked questions about Ministry employee Deborah Brown’s role on the Tarion board.	- None	- Outstanding
Oct. 13, 2014 – Email with further information about issues with Tarion. Requested: <ul style="list-style-type: none"> - That he facilitate obtaining answers from Tarion to MPP Marchese’s six questions from Apr. 30, 2014 and CPBH’s questions from Nov. 13, 2013. - Again that his Ministry publish minutes to Tarion’s Apr. 30, 2014 meeting on the Ministry’s site as these minutes should not be secret. - That he ensure that the Tarion web-site reflect the \$5.14 million repair under the builder performance section, and advise of who the builder was for the \$5.14 million Tarion repair. - That he request that Tarion make the \$5.14 million case study public. - Information regarding what his Ministry has done “to move Tarion towards truly reflecting 	- None	- Outstanding



<p>a culture of public service” (Ombudsman of Ontario report, May 2008).</p>		
<p>Nov. 2014 to Feb. 2015 – Numerous emails related complaints from consumers about them freezing in their homes, Tarion’s lack of consumer protection re HVAC and consumers’ requests that Minister Oraziatti facilitate a resolution to their issues with Tarion.</p> <ul style="list-style-type: none"> - Note: Embarked on a series of meetings with the Minister’s staff (Michael Simpson, Chief of Staff and Jenny Shiller, Policy Advisor) about these serious issues. Simpson agreed on Jan. 15, 2015 to advise about whether he had received a key report from Tarion by Jan. 19, 2015, however, Simpson did not keep this commitment. Further, inexplicably, both Simpson and Shiller abruptly stopped communicating effective Jan. 15, 2015 for some unknown reason. 	<p>- None</p>	<p>- Outstanding</p>