



**A Report Related to the Licence Appeal Tribunal (LAT) and Tarion
(in relation to Tarion's administration of the Ontario New Home
Warranty Plan Act)**

2006 - 2018 - Analysis

Issued Aug. 8, 2019

"The LAT: The Place that Fairness Forgot"

Please submit questions/comments to: info@canadiansforproperlybulthomes.com .

Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, not for profit corporation dedicated to healthy, safe, durable, energy efficient residential housing for Canadians, and is the only organization of its kind in Canada. Working for consumer awareness and protection, CPBH is run by a volunteer Board of Directors and is supported by a volunteer Advisory Council of industry experts and other key stakeholders. CPBH earned "partner" status with the Canadian Consumer Information Gateway (Industry Canada).

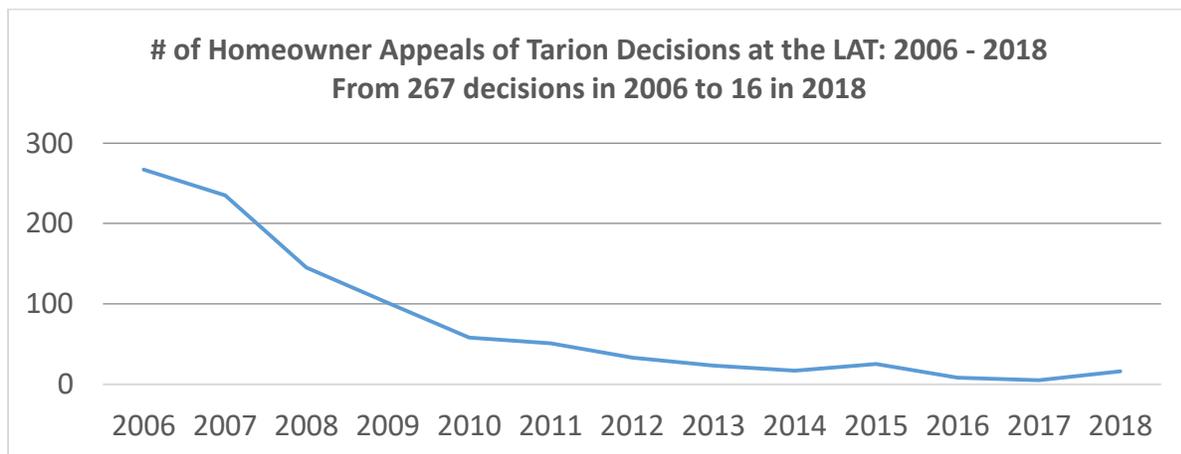
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Summary

2018 was another disastrous year for Ontario's purchasers of newly built homes who decided to fight Tarion's decisions at the Licence Appeal Tribunal. Seven cases that involved 61 issues went to the Decision stage. New home purchasers won only four of the 61 issues. That's a 93% failure rate for these consumers in 2018.

During the period 2006 to 2018, homeowners have lost more than 85% of the items that they took to the LAT. Tarion is always represented by lawyers/paralegals; homeowners typically represent themselves.

In 2018, only sixteen (16) homeowners appealed Tarion's decisions at the LAT. This is a shocking statistic. When CPBH started to analyze the LAT vis-à-vis Tarion in 2006, there were 267 cases at the LAT re Tarion.



A number of officials have acknowledged the serious operational issues at the LAT. Consumers continue to advise CPBH that they have lost confidence in the LAT as a way to appeal Tarion's decisions, and most will simply not go there. Meanwhile serious complaints about Tarion itself continue to be highlighted in the media. Homeowners continue to express serious concerns to CPBH about Tarion as well.

Access to justice appears to be worsening in Ontario in relation to newly built home construction defects and the Tarion Warranty Corporation. In Justice Cunningham's 2016 final report for the Tarion Review, he said: *"...Where there is a dispute, a dispute resolution process must not only deliver justice but also be seen to deliver justice...."*. But the Ontario Government has still not addressed this very serious matter. In addition to the operational problems at the LAT, the LAT has no authority to enforce its orders.

In 2018, former Attorney General MPP Naqvi advised that his ministry is "monitoring" this situation. It's obviously time for the Ontario Government to do more than "monitor" this situation. Clearly the LAT does not provide a fair process for new home warranty appeals. Given these results, and the ongoing, acknowledged serious process problems at the LAT, CPBH's position remains that the Government of Ontario must immediately replace the LAT for appeals of new home warranty decisions. CPBH continues to request a meeting with the current Attorney General, Minister Downey.