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Spring 2021

Hello everyone,

Hope this finds you well and enjoying some of the sunshine and warmer days we've had lately. Since our last bulletin in December, CPBH activities have been going full tilt, so we have a lot of news to share.

We began this year with the heartbreaking news that **Daniel Browne-Emery** lost his battle with cancer: <http://canadiansforproperlybuilthomes.com/wp-content/uploads/2021/01/Jan.-1-2021-updated-Daniel-Browne-Emery-situation.pdf>. Daniel's long battle with Tarion to try to get compensation for his mould infested new home continues to inspire us to keep working. You will see some of the results in the two presentations on our new YouTube channel, as well as a related piece about Tarion's assessment by their Ombuds: <https://www.youtube.com/channel/UCcbxAGFFg5fDEKBFgtuoCw>. Let us know what you think of them. Tarion's Ombuds office is under review, and CPBH participated in that process. We await the results. We're pleased to see that our presentations are getting large numbers of views on Twitter, although this is not reflected on the YouTube page. Feel free to share them.

Early this year, we learned that **Tom Rakocevic**, Humber River-Black Creek MPP, became the NDP critic for Transit, leaving behind the work he did on our files as critic for the Ministry of Government and Consumer Services. You may have seen the heartfelt thanks and farewells to him on Facebook and Twitter. Tom brought new vigour to championing the need for a fair regime for home construction and warranty in Ontario, for consumer protection and enforcing the building code. He threw himself into the task and brought about draft legislation that follows and goes beyond the path Justice Cunningham set out in his Tarion Review. We will not forget his impassioned speeches in the legislature or any of his work on this issue. While the Ford Conservatives nevertheless rammed through their woefully inadequate Bill 159, the oxymoron-dubbed Restoring Consumer Confidence Act that claims to overhaul Tarion, Tom's draft piece of legislation remains, ready for another day and an example to other provinces. Thank you, Tom.

Our spring fundraising drive is underway. We must once again ask you to help us stay afloat. We all work for free; helping thousands of people and working to bring change is its own reward. But there are unavoidable expenses in running a not for profit. We've accomplished a lot this year but there is always more to be done. **Please chip in**—any amount will be gratefully accepted—so we can be there for new home owners in trouble and keep working for a fair system for new home construction and warranty. [DONATE NOW](#)

Karen Somerville and Alan Greenberg

Canadians for Properly Built Homes Co-founders

#NoUSEDfurnaces #RadonAction #NeverGiveUp #ConsumerProtection #EnforceTheCode #TarionIsBeyondRepair #Don'tStopBelievin' #EndTarionMonopolyNOW #DumpTheLAT

We welcomed **Terence Kernaghan** recently as the new NDP Critic. Terence is the MPP for London North Centre and is the critic for Government Services, Consumer Protection. CPBH was invited to a zoom meeting with Liberal leader Del Duca and **Stephen Blais**, MPP for Orléans. MPP Blais is the Liberal critic for Municipal Affairs and Housing, and Government and Consumer Services, among others. We have had zoom meetings with both critics to help them understand our issues and bring them up to date. We are in regular contact with the Green Party of Ontario.



Speaking of updates, we encourage you to have a look at our recently posted **Policy Issues Paper**, shared with all the parties, that describes CPBH areas of concern and the broad implications for Ontario families:

<http://canadiansforproperlybuilt homes.com/wp-content/uploads/2021/03/Mar.-3-2021-Ontario-Housing-Policy-Issues-Final.pdf> .



“Meet the new boss. Same as the old boss.” Ontario’s new **Home Construction Regulatory Authority (HCRA)** opened its doors on February 1, 2021. It is **an Administrative Authority (AA), like Tarion**, one of more than a dozen such organizations created by the Ontario government over the years. This type of organization has long been criticized because of its free reign as **an independent organization carrying out government-type responsibilities with no accountability to citizens** through Parliament. When Tarion was created in 1976 under the Davis government, University of Toronto Law Professor called it an act without precedent in Ontario consumer protection. He was highly critical in his opinion piece in the Globe & Mail: http://canadiansforproperlybuilt homes.com/wp-content/uploads/2019/07/1976Globe_Mail-ProfessorZiegel.pdf .

That said, we now have another AA. It was established via legislation by the Wynne government in 2017. In keeping with Justice Cunningham’s Tarion Review, **it stripped the regulator responsibilities from Tarion, clearly a conflict of interest given its warranty monopoly**. CPBH supported that important change of relieving Tarion of its regulator role.

HCRA opened its doors almost three years after the Ford Conservatives took power, apparently, not a priority for them. HCRA made many lofty statements during its January 2021 webinars, but it has gotten off to a very rocky start. **HCRA is now the home of the Ontario Builder Directory**, which seems to be of no more use than the Tarion version was <https://obd.hcraontario.ca> . Many **consumers have reported that the Builder Directory records are still incomplete and inaccurate**. It seems that HCRA took Tarion’s flawed records and simply dumped them into the shiny new HCRA directory without correcting them. Despite many enquiries, so far, HCRA has refused to say how many Tarion employees it hired. It seems that the **unacceptable culture implanted in Tarion has migrated to HCRA**. Meanwhile, CPBH is working to try to get a meeting with the new HCRA CEO, Wendy Acheson, who started in April. Thus far, HCRA is non responsive.

According to Tarion’s Dec. 2019 financial statements, **Tarion had transferred almost \$15 million in start-up costs to HCRA**. We are awaiting Tarion’s 2020 financial statements to see if any transfers took place in 2020. These funds that have been transferred from Tarion to HCRA largely have **come from mandatory payments made by consumers to Tarion**.



Undisclosed used furnaces in newly built homes: CPBH has been communicating with Minister Thompson about this issue since 2019, but no meaningful action to protect consumers has taken place. CPBH obtained a legal opinion on whether the Consumer Protection Act (CPA) would allow this practice. The short answer is no. The opinion states that, “the CPA requires builders to disclose material facts about the furnaces that consumers are buying. The failure to do so would constitute “false, misleading or deceptive” representations and omissions. This, in turn, constitutes “unfair practice”, which is prohibited by the CPA.” More: <http://canadiansforproperlybuilt homes.com/wp-content/uploads/2021/03/Feb.-28-2021-Moher-Legal-Letter-of-Opinion-re-Consumer-Protection-Act.pdf> We sent the opinion to Minister Thompson in February and more recently to Premier Doug Ford. Their silence on this issue is deafening. We will continue to press for a response. The intensity of the silence may point to the gravity of the issue. Government lawyers are no doubt involved.

In our ongoing quest to get answers from this government **about the reason for their choice to maintain the Tarion monopoly**, we pursued Freedom of Information requests for most of the past year. We finally received some documents, analyzed them and have just requested more. We are looking forward to sharing the results in a public statement.



Radon Gas and Building Code Enforcement are National Issues: Further to our open letter to the City of Ottawa and budget presentation last fall, CPBH sent an open letter to Ottawa City Councillors in February: Update + Outstanding Budget 2021 requests – Health and Safety Issues. Minister Steve Clark and Deputy Minister Manson-Smith of the Ministry of Municipal Affairs and Housing (MMAH) also received this letter. The case for attention and action on these two issues is clear for the well-being of citizens, province-wide. You may wish to use this document to approach your councillors and mayors about radon and building code enforcement:

<http://canadiansforproperlybuilt homes.com/wp-content/uploads/2021/02/Feb.-6-2021-Ottawa-City-Council-Open-Letter.pdf>



Did you know that the **Building Code does not require inspections of roofing membranes or flashings**? Given the many complaints we hear from home owners about leaking roofs and that these are critical elements of a newly built home, they must be inspected by municipalities before a house is turned over to the owners. CPBH research into this matter revealed this problem and wrote to MMAH Minister Steve Clark and DM Manson-Smith for their views. We understand municipal inspectors are not provided with ladders as a safety measure. We suggest drones! We also suggest writing to your MPPs about this.



What do you think of a **Consumers' Bill of Rights** for purchasers of newly built homes, including condos? We'd love to get your ideas about this! Share your thoughts with us at info@canadiansforproperlybuilt homes.com . Here is an example of another Bill of Rights: <https://oag.ca.gov/.../attorney-general-kamala-d-harris...>



Look at what we found on the House of Commons web site: "We, the undersigned, **Citizens of Canada**, call upon the **Government of Canada** to establish an independent Canadian Consumer Advocate answerable to Parliament to advance consumer interests and work with civil society to represent the consumer voice."
<https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-3150>

Yes, we couldn't agree more. Parliamentarians are steeped in interactions with lobbyists of every sort. Who is standing up for consumers in that arena? An Officer of Parliament standing up for consumers is a welcome presence that we support. This petition could be an important step in improved consumer protection in Canada. They have about 300 signatures already from across Canada and need 500 to move forward. Help us push it over the top! **Please sign it and share with your contacts!**



About CPBH

Canadians for Properly Built Homes (CPBH) is an independent, 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). Follow us:



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