

Ottawa

Homeowners forced out over construction flaws call for reform

New homes in Ottawa subdivision riddled with mould, other deficiencies

[Laura Osman](#) · CBC News · Posted: Aug 21, 2019 4:00 AM ET | Last Updated: August 21, 2019



Marcel Bellefeuille tours the basement of his home, which was constructed just two and a half years ago. (CBC)

After months spent living in the garage of their newly built home while contractors rip out their mould-riddled basement, the Bellefeuille family is demanding the province do more to protect other new homebuyers from a similar nightmare.

They're not alone: several neighbours in their east Ottawa [subdivision of Cardinal Creek](#) have come across similar defects and building code deficiencies, and are demanding action.

More than 80 homeowners met last week to vent their frustration — and in some cases, share their desperation — before government officials and representatives from Tarion, the agency tasked with administering the Ontario New Home Warranties Plan Act and regulating the province's home building industry.

CBC wasn't allowed inside the meeting, but attendees said many speakers expressed a serious mistrust of the agency that's supposed to make sure their homes are safe to live in.



Homeowners from Ottawa's Cardinal Creek neighbourhood met with representatives from Tarion and the province to ask questions and vent their frustrations about their newly constructed homes. (Twitter:CPBH)

Tarion's role is to investigate illegal building practices and resolve disputes between builders and homebuyers, services funded by fees that are typically built into the price of a new home.

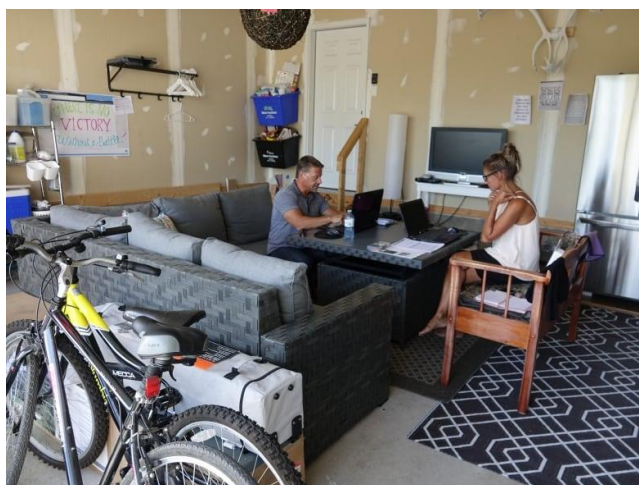
But many Cardinal Creek residents said when problems began appearing in their homes after just a few years, many had to spend their own money to prove the defects existed, and faced long delays in getting compensated to make necessary repairs.

'No one should have to go through this'

The garage of Marcel and Julie Bellefeuille has become something of a nerve centre in Cardinal Creek, a place where residents gather to compare mould reports and seek advice about dealing with Tarion.

The rest of the Bellefeuille's home is sheathed in plastic while workers use a jackhammer to pry loose the concrete in the basement in order to install the vapour barrier that was never installed during construction.

Julie Bellefeuille won't enter her own home without a mask because of the construction dust and the potential for airborne mould.



Marcel and Julie Bellefeuille have set up temporary living quarters in their garage while major repairs are made to their new home. (Laura Osman/CBC)

The couple, whose two youngest children still live at home, has set up a living room and kitchenette in the garage, where they spend their days. At night the family stays at a motel, or accept the hospitality of friends.

Tarion has approved hundreds of thousands of dollars worth of necessary repairs to the house, but even that doesn't cover all the costs.

The Bellefeuilles have filed a lawsuit against the builder, Tamarack Homes, to try to recover the rest, plus damages.



The Bellefeuille family is demanding the province do more to protect homeowners from the kinds of defects they say were discovered in their home. But Marcel Bellefeuille said progress has been slow.

"The system is so broken just generally, and it's so hard to work through," Marcel said.

"No one should have to go through this," Julie added. "This is wrong."

In its statement of defence, Tamarack said the home was constructed in a "good and workmanlike manner," and denies any negligence.

The couple also filed a claim against the city, alleging inspectors failed to spot the construction errors.

The city also denies any negligence on its part, saying in its statement of defence it "carries out reasonable and competent reviews and inspections."



Julie Bellefeuille won't enter her home without a protective mask over fears of construction dust and airborne mould. (Laura Osman/CBC)

Cardinal Creek

It's not clear exactly how many homes in Cardinal Creek are defective. The city is aware of 15 complaints from homeowners related to building code issues, according to Cumberland Coun. Stephen Blais, who represents the area.

Tarion would not say how many Cardinal Creek homeowners have made claims.

Meanwhile, CBC has obtained confirmation of seven cases of mould in the neighbourhood.

In a statement to CBC, Michelle Taggart, Tamarack's director of development, said the company stands behind its homes. The builder is normally involved in resolving warranty claims, but Taggart said not all the homeowners who complained to Tarion have let its employees back in to make repairs.

"Homeowners have bypassed us and gone directly to Tarion," Taggart wrote. "As soon as that happens, the Tarion process takes over."

When that happens, it's up to Tarion to resolve the issue with the homeowner, sometimes in the form of cash settlements.

Taggart has vowed to continue working with both the homeowners and Tarion to resolve the issues "within whatever framework the Government of Ontario provides."

Residents call for change

Brad Neil was one of the homeowners at last week's meeting. He said water is seeping into his basement through cracks in the foundation. An independent contractor confirmed there's also mould in his house, and warned Neil against exposing his three young children to it.

"It's tough to swallow. The reality is we have really nowhere else to go right now," Neil said. "It's something we'd like to see remediated quickly."



Brad Neil says he's kept up at night knowing his kids are living in a newly built home that's already riddled with mould. (CBC)

Neil said Tarion took a long time to send its own mould specialist and clean up the problem, and said many of his neighbours have had similar issues.

'We are listening'

Tarion representatives who attended the Cardinal Creek meeting said they understand the wait can be frustrating for homeowners, but said the investigations can take time to ensure the root causes of the problems are properly addressed.

"Our message to them was that we are here and we are listening and we are here to help them," said Tarion's Melanie Kearns after the meeting.

For decades, the province has faced calls to reform Tarion. Homeowners and advocacy groups have complained the relationship between the agency and the industry is too cozy, pointing out that half of Tarion's board of directors has ties to the companies they're supposed to be regulating.

But there's little choice: Tarion is the only new home warranty provider in Ontario, and participation is mandatory.



The Ford government wants to establish a independent regulator to oversee home warranties in Ontario. (Graeme Roy/Canadian Press)

Promises made

The Ford government has promised reform, including a new regulator for the homebuilding industry to reduce the risk of conflict of interest. The province is also investigating the possibility of a multi-provider insurance model for new homes in Ontario.

Minister of Government and Consumer Services Lisa Thompson, who was invited to the meeting in Cardinal Creek but didn't attend, has also promised more proactive inspections and a speedier dispute resolution process.

"Tarion is broken," Thompson said in a written statement to CBC. She said more details about the changes to Tarion will come later this year.

NDP consumer services critic Tom Rakocevic did attend the meeting, and also toured the Bellefeuilles' home.



NDP consumer services critic Tom Rakocevic, left, and NDP MPP Joel Harden, right, tour Marcel Bellefeuille's basement. (Laura Osman/CBC)

He said he was shocked by the state of the property, and chided the government for dragging its feet on the proposed reforms.

"With this government, you have to always wait and see what you're going to get," Rakocevic said.

Meanwhile, managing the repairs to their home has become a full-time job for the Bellefeuilles.

"This is kind of ongoing with no real end date in sight," Marcel Bellefeuille said.