



A Brief Report Related to the Licence Appeal Tribunal (LAT) and Tarion

2006 – 2025

CPBH's 20th Annual Report - After 20 Years of Evidence, Inaction Is a Choice.

Submitted to:

Premier D. Ford	NDP Leader M. Stiles	Liberal MPP J. Fraser
Minister D. Downey	NDP Critic K. Wong-Tam	Liberal Critic L. Collard
Minister S. Crawford	NDP Critic T. Rakocevic	Liberal Critic S. Blais
Green MPP M. Schreiner	Acting Ombuds of ON B. Finlay	Tribunal Watch Ontario
Tribunals ON Chair, S. Weir	Auditor General of ON S. Spence	

August 7, 2026

“The LAT: The Place that Fairness Forgot”

Please submit response, questions/comments to: info@canadiansforproperlybuilthomes.com.

Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, not for profit consumer advocacy 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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Contents

Background 3

Overview of Homeowners’ Success at the LAT re Tarion in 2025 5

Additional 2025 highlights..... 5

Overview re Homeowners’ Success at the LAT re Tarion - 2006 to 2025 7

Why do so few homeowners go to the LAT to appeal Tarion decisions? 8

What happens when people refuse to go to the LAT to try to resolve disputes with Tarion and/or lose at the LAT? 8

CPBH’s previous recommendations stand:..... 8

Tarion’s mediation – Some results finally revealed 9

Background

Since 2004, Canadians for Properly Built Homes' (CPBH) volunteers have been engaged related to Ontario homeowners appealing Tarion's decisions at the Licence Appeal Tribunal (LAT). Over the decades, CPBH efforts have included:

Page | 3

- Participating as homeowners fighting Tarion decisions at the LAT;
- Observing hearings in person and on-line;
- Studying LAT decisions;
- Communicating with:
 - o Countless homeowners who considered going to the LAT to fight Tarion decisions but who decided not to proceed;
 - o Countless homeowners who did appeal Tarion's decisions at the LAT, including some who dropped out part way through, e.g., due to perceived unfairness, some who settled with Tarion once in the LAT process, and others who pursued it to the end, i.e., receiving an LAT decision;
 - o LAT officials in person, by letter and by email;
 - o Attorney Generals of Ontario in person, online, by letter and by email;
 - o Other officials in person, online, by letter and by email.
- Providing notice to the public via social media regarding upcoming on-line hearings (with information provided by the LAT) so that interested parties can watch them.
- Offering tips to homeowners to try to help them increase their chance of success, e.g., <https://canadiansforproperlybulthomes.com/wp-content/uploads/2025/03/Mar.-2025-LAT-Tips.pdf>

Since 2006, CPBH has conducted an annual analysis of the LAT's decisions concerning homeowners' appeals of Tarion's decisions¹ and prepared a related report. Those reports have been made available to the public and were sent to numerous officials each year.

With homeowners losing 85% of the time over the past 20 years, there continue to be ongoing serious concerns about the lack of fairness/perceived unfairness in this LAT process. LAT officials agreed that lack of fairness – or even a perception of the lack of fairness - is a serious concern for an organization like the LAT. After 20 years of evidence, inaction is a choice.

¹ For examples of previous years' reports, please go to <https://canadiansforproperlybulthomes.com/what-weve-learned/dispute-resolution/> and scroll down to the bottom of the page.

Others have also agreed that there are serious problems with the LAT's in relation to appeals of Tarion decisions. For example:

"...A less litigious and adversarial process would also address concerns the ministry has heard from homeowners that they are dissuaded from pursuing LAT appeals because the existing processes are not transparent, and are complicated, time-consuming, costly and unbalanced..."

F. Denton, Assistant Deputy Minister of the Ministry of Government and Consumer Services, Oct. 7, 2014.

"...clear evidence that the LAT lacks the ability to be an impartial arbiter of disputes between homeowners and Tarion...."

MPP L. Collard, Liberal Party Critic for the Attorney General, Ontario Legislature, June 6, 2024

"...Regrettably, I have heard from many Ontarians that the LAT's reputation as a fair adjudicator is called into serious question...."

MPP K. Wong-Tam, NDP Critic for the Attorney General, letter to Attorney General Downey, Aug. 7, 2024.

Yet, unacceptably, ongoing serious problems persist today.

CPBH's recommendations, summarized later in this report are offered to address these issues.

Occasionally the LAT finds in favour of the homeowner, and we have included a few of these examples in this report for 2025 results.

Overview of Homeowners' Success at the LAT re Tarion in 2025

Once again, in 2025, Ontario's purchasers of newly built homes overwhelmingly decided to not go to the LAT to fight Tarion. There were only 28 LAT decisions in 2025.

Page | 5

In 2025, there were 28 LAT decisions, involving 165 items in total. Homeowners won nine items resulting in a success rate of 5% - a failure rate of 95% .

Additional 2025 highlights

Of the 28 decisions:

- In 22 cases, homeowners were self-represented.
 - In one case, the Builder sought an order from the Tribunal for costs. In the end, the Tribunal did not agree that in this case costs against the homeowner were warranted. (Homeowners need to be aware that they may incur costs at the LAT even if they are self-represented – refer to Rule 19 which sets out the parameters of requests for costs.)
- Six homeowners' cases had lawyers and one was supported by a "representative". Related to these seven decisions, there were 17 items being appealed. Only one of the 17 items was deemed allowed/warranted by the LAT. (Note: 5.8% success rate **with** representation.)
- Two cases included major structural defects, and within these two cases, there were five items. None of these items were allowed by the LAT; neither of these two cases had a lawyer present.
- The LAT continues to rule against some homeowners using Tarion's Construction Performance Guidelines (CPG), which CPBH understands have not been independently assessed by the LAT for appropriateness. CPBH has raised this with Tribunals Ontario and the Attorney General of Ontario, Minister Downey, previously, yet this practice

continues. (In 2024, the Liberal Party Critic, MPP Collard, and the NDP Critic, MPP Wong-Tam also raised this issue with the Attorney General.)

- In one 2025 decision, the adjudicator referred to Tarion's CPG as "a helpful tool".
- In another 2025 decision, the adjudicator noted that these CPG are not the law.

Page | 6

- One case had a number of interesting elements, e.g.,
 - the homeowners requested that the LAT's decision be anonymized as the homeowners were concerned that publicly displaying their names and address may result in reducing the market value of their home and make their home difficult to sell. LAT agreed that including the address of the property is not needed, but refused the homeowners' motion to not include their names in the decision.
 - a large, well-known home inspection company's report was found by the LAT to be "unhelpful" for a number of reasons. The LAT preferred the homeowners' reports that were written by engineers. The LAT said that engineers are more qualified to provide an opinion concerning the structural integrity of the building, improper drainage and lot grading than a home inspector.
 - Tarion and the builder maintained that lot grading is not covered by the two-year Tarion warranty and is the responsibility of the municipality not the builder. The LAT disagreed, and noted that problems with grading is a known cause of water penetration in a building envelope and the two are closely tied. (How many times has Tarion denied support to homeowners over the years related to grading that should have been supported? Perhaps this could be included in a future audit of Tarion by the Auditor General of Ontario.)
- In one case, the homeowner wanted Tarion to take on the repair, rather than simply a payout by Tarion. Tarion wanted to make a cash settlement. The LAT sided with the homeowner and ordered Tarion to arrange for the work to be completed by someone other than the builder, given that the builder had tried multiple times to repair. (Over the years, how many homeowners have been forced to take a cheque from Tarion when they wanted Tarion to handle the repair? Perhaps this could also be included in a future audit of Tarion by the Auditor General of Ontario.)
- In one case, the homeowner did not agree with the proposed method of repair of the warranted item and denied access to the home for the repair. Tarion agreed with the

builder's proposed method of repair, referencing Tarion's Construction Performance Guidelines. The homeowner lost this appeal – the LAT sided with Tarion/the builder.

- In one case, there were problems with homeowners' use of Artificial Intelligence. When asked questions during the hearing, the homeowners admitted that there were issues, e.g., one of the cases they cited was unavailable to them, and they also paraphrased - within quotes - case law, which the homeowners then said was misplaced. The adjudicator issued a stern warning about AI hallucinations, and citing case law that does not exist, even if unintentional.
- During one hearing, the homeowner referred to reports that had not been previously submitted to the LAT process for this appeal, e.g., the 2019 Auditor General of Ontario report regarding Tarion. The adjudicator ruled that these reports could not be introduced at that late stage.

Page | 7

Overview re Homeowners' Success at the LAT re Tarion - 2006 to 2025

Ontario's purchasers of newly built homes **have lost 85.4%** of the items appealed at the LAT in relation to Tarion's decisions from 2006 to 2025.

Is it any wonder that the vast majority of Ontarians will not go to the LAT to fight Tarion's decisions given these historical outcomes?

Also, most people continue to be shocked to learn that the LAT does not have the ability to enforce its own decisions. This seriously impacts the credibility of the LAT. CPBH has raised this issue with several authorities over the years, including Minister Doug Downey, the current Attorney General of Ontario, but this situation remains.

Why do so few homeowners go to the LAT to appeal Tarion decisions?

Please refer to our 2022 report for CPBH's perspective on this:

<https://canadiansforproperlybulthomes.com/wp-content/uploads/2023/06/2022-LAT-Report-final.pdf> .

Page | 8

What happens when people refuse to go to the LAT to try to resolve disputes with Tarion and/or lose at the LAT?

Please refer to our 2022 report for CPBH's perspective on this:

<https://canadiansforproperlybulthomes.com/wp-content/uploads/2023/06/2022-LAT-Report-final.pdf> .

CPBH's previous recommendations stand:

- The Government of Ontario must immediately replace the LAT for these appeals as this is a critical component of the consumer protection and justice system;
- The replacement organization must have:
 - o Adjudicators with specialized training related to new home construction, as well as appropriate training related to working with self-represented litigants;
 - o Operational processes that are fair, efficient, transparent and easy to navigate;
 - o The ability to enforce its own decisions;
 - o An independent review of whether Tarion's construction performance guidelines are appropriate to be used by the LAT in adjudications, and if it is determined that they are not, another means of assessment that is fair and appropriate; and
 - o A substantial public relations campaign to help restore faith in this aspect of Ontario's legal system.

Tarion's mediation – Some results finally revealed

In our 2023 report, we provided considerable information regarding Tarion's mediation:

<https://canadiansforproperlybuilt homes.com/wp-content/uploads/2024/04/2023-LAT-Report-Final-April-7-2024-1.pdf>

Page | 9

Some homeowners continue to advise CPBH that Tarion seems to be aggressively “pushing” mediation or the LAT instead of Tarion trying to resolve issues directly with homeowners. This is contrary to Tarion's stated “values” of “solution seeking”, “caring” and “service oriented”.

Tarion's website reports that in 2025, 120 cases (homeowners) pursued mediation. But Tarion still does not share any information regarding the homeowners' satisfaction with Tarion's mediation process – or the settlement percentage - on its website.

At the June 25, 2026, Tarion annual public meeting, Tarion's CEO, Peter Balasubramanian, in response to a question from the floor, verbally advised that in the 120 mediations in 2025, about 60% resulted in a “consent solution” (a mutually agreed solution, settlement via mediation), about 25% didn't resolve, and about 10% were sent back to the claims process. Why is this information not available to the public via Tarion's website?

CPBH has written to Tarion and the Ministry of Public and Business Service Delivery about Tarion's lack of transparency in this regard. For example, Tarion could hire a third-party to request that homeowners provide their level of satisfaction with Tarion's mediation. Transparency is essential in order for homeowners to make an informed decision as to whether to pursue Tarion's mediation process.

It is also important to note that to participate in Tarion's mediation process, homeowners must sign a non-disclosure agreement.