



**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 – 2016 - Eleven Year Analysis

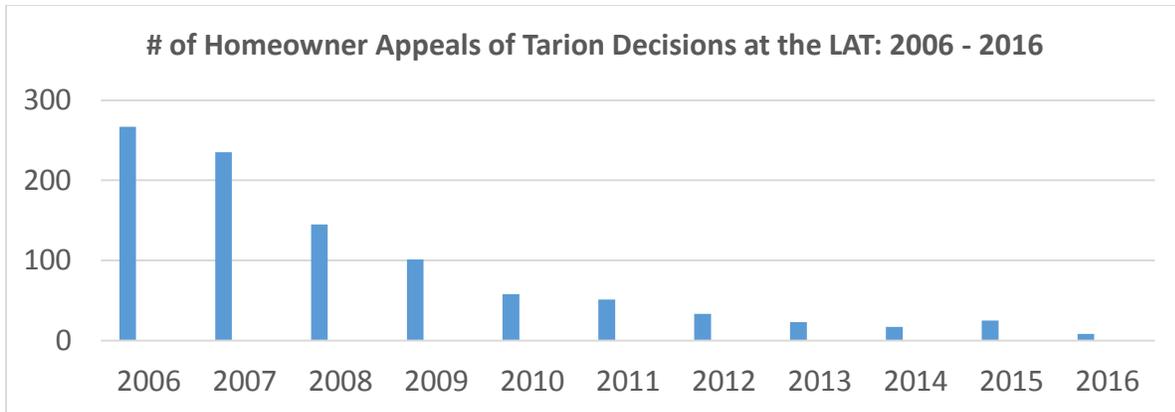
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“The LAT: The Place that Fairness Forgot”

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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The saying goes that a picture is worth a thousand words. The above picture speaks volumes: From a high of 267 cases in 2006, to a new low of 8 cases in 2016, it is clear that purchasers of newly built homes have lost confidence in the LAT as a means by which to appeal (Ontario’s mandatory monopoly new home warranty provider) Tarion’s decisionsⁱ.

Many homeowners have advised CPBH that they refuse to go to the LAT, and are addressing their construction defects in other ways, e.g., regular court, paying to fix the construction defects themselves, and “patching and running”. An Oct. 7, 2014 letter from Frank Denton (the former Assistant Deputy Minister of Government and Consumer Services) to Tarion’s President Howard Bogach also highlighted the issue of homeowners’ refusal to use the LAT, e.g., “...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...”.

<i>Period</i>	<i>Homeowner Success Rate</i>	<i>Homeowner Failure Rate</i>
2006-2016	16.2%	83.8%
2014-2016	9.0%	91.0%
2016	11.4%	88.6%

In 2016, CPBH issued a 10 year analysis (2006 – 2015), and the serious LAT process issues and homeowners’ results remain relevant in 2017. To view that full report, please go to:

<http://www.canadiansforproperlybuilt homes.com/html/ON-LATAnalyses/pdfs/June28-2016-Final-R-10yr.pdf>

Conclusion: The Government of Ontario says it puts a priority on “fairness”. 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 - and to provide Ontarians with access to justice for the largest purchase most consumers make – CPBH’s position remains that the Government of Ontario must immediately replace the LAT for appeals of new home warranty decisions.

ⁱ It is also clear that the serious problems with Tarion itself continue, e.g., Justice Cunningham’s Tarion Review report (released by the Government of Ontario Mar. 28, 2017) in effect recommended the complete dismantling of Tarion as we know it today.