



Newsletter

Canadians for Properly Built Homes

## Properly Built Times

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### Co-founders' message

We find ourselves in the enviable position of having so much news to share, that we thought it best to break it up into a series of messages for you. Indeed, if this was a paying job, we'd be putting in for overtime!

In the coming days, you will hear from us about some very interesting media coverage, the Tarion Review, the results of our recent survey and much more.

*But before we get to the news, we still need your help. Most know that CPBH can only exist and continue its work if we receive donations.* We certainly aren't looking for wages – all our volunteers work for free in their spare time – but we need to continue web hosting/maintenance, Directors' liability insurance and general office expenses. We receive no government support, are proud of our independence, but **we must ask you to help us.**

Please take a minute to show your support today at:

[http://www.canadiansforproperlybulthomes.com/html/getinvolved/ways\\_to\\_get\\_involved.html#Donations](http://www.canadiansforproperlybulthomes.com/html/getinvolved/ways_to_get_involved.html#Donations)

*Karen Somerville and Alan Greenberg*



### 40 years ago almost today! Law professor warns of problems with legislation that created Tarion



Professor Jacob Ziegel of the University of Toronto penned a scathing opinion piece on this subject which appeared in the Globe & Mail on June 19, 1976, titled, "Bill being rushed so consumers won't be heard?"

He made clear the inappropriate speed with which the legislation was passed by the then Bill Davis Ontario Conservative government, bypassing standing committee review where consumers could have made their views known. He noted the presence of unscrupulous builders in Ontario and of **consumer complaints in this area ranking third in frequency by the provincial government among all consumer complaints.**

It is into this environment that the then government quickly handed the power to regulate builders and to warranty new homes to the builders who had long sought these powers. At the federal government level, they had been refused. As professor Ziegel notes, "Imagine the furor if it was proposed that a *consumer-dominated* corporation should regulate the construction industry." He characterizes the move in this way:

“What is without precedent in Ontario consumer protection legislation is the nature of the body entrusted with the administration of the important powers contained in them. For it is not the Ministry of Commercial and Consumer Relations or any other Government agency that is entrusted with the task. It will be a non-profit corporation of undetermined composition incorporated under the Ontario Corporations Act and at best only indirectly accountable for its actions to the Legislature.”

One commenter recently noted that as consumers, we never had a chance. Successive governments of every stripe have not put a stop to this monopoly. It's time to #EndTarionMonopolyNOW. Bring more signatures to the petition! Here is the link to the CPBH petition:

<http://tinyurl.com/z6ysez8>

Read the full text of the article here: [June 19, 1976 - Globe and Mail, "Home Warranty – Bill being rushed so consumers won't be heard?"](#)



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## 40 years later: Alan Shanoff notes accuracy of what Professor Ziegel foretold



Lawyer, columnist and media law college professor Alan Shanoff recently wrote an opinion piece, “Tarion too close to builders: After 40 years, new home buyers deserve better warranty protection”. He points out:

“In a statement that bears repeating today, he [Ziegel] added: We ought no longer to tolerate the creation of legislatively sanctioned semi-private monopolies exercising important statutory powers.’ Of course, the situation has become much worse since 1976, when Ziegel made this comment. Tarion remains unaccountable to the public.”

Reminding us that Justice Cunningham’s Tarion Review is a challenging one, he also lays bare some facts. “It is up to the government to make changes. That’s where I foresee problems. The current Liberal government doesn’t seem motivated to make any real changes. ...it is noteworthy that it was the Conservatives who introduced Bill 94 and both the Conservatives and NDP have been in power in the intervening years, yet did nothing to deal with the problem.”

Read the full text of the article here: <http://www.torontosun.com/2016/06/04/tarion-too-close-to-builders>



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## Confidential consumer survey conducted by CPBH: Results Report submitted to Justice Cunningham’s Tarion Review

Thanks to multi-talented volunteers at CPBH, Justice Cunningham’s request that a confidential survey be conducted and results submitted to him by June 1, 2016 has been fulfilled. CPBH’s prediction to Justice Cunningham that homeowners would be highly unlikely to attend town hall meetings to communicate their stories to him proved to be highly accurate. Only a handful of individuals showed up. Most remain silent because of the real fears involved: litigation of builders and Tarion, loss of home value, impacts on their neighbours and community and more, all resulting in a victimization of the victims.

Despite a tight timeframe and precious few resources, CPBH was successful in obtaining statistically significant results described in the “Exploratory, Confidential Consumer Study Conducted for The Honourable J. Douglas Cunningham Q.C. for consideration in relation to his Tarion Review”. Here are some highlights:

“In considering the responses to all of these questions answered by those who have had direct experience with Tarion, a bleak assessment of Tarion’s performance is suggested.”

“...less than 4 percent of the respondents who have had direct dealings with Tarion, given their experiences - and under the current regime for Ontario’s new home warranty - would buy another newly built home. This should be an important message for Ontario’s builders/developers, and for the Government of Ontario as construction starts/new home sales are major drivers of the economy.”

“In relation to Tarion’s monopoly status, the vast majority of respondents indicated that there should be more than one warranty provider in Ontario, with Ontario offering a competitive landscape for new home warranty like British Columbia, Alberta and Manitoba. In other words, the results of this study strongly suggest that Tarion’s monopoly should be revoked.”

Read the full text of the report on [www.Canadiansforproperlybuilthomes.com](http://www.Canadiansforproperlybuilthomes.com) at:

[http://www.canadiansforproperlybuilthomes.com/html/whatsnew/2016/june/June1-finalreport\\_JusticeCunningham-study.pdf](http://www.canadiansforproperlybuilthomes.com/html/whatsnew/2016/june/June1-finalreport_JusticeCunningham-study.pdf)

If numbers aren't your thing, check out the Abstract and the Discussion and Conclusion sections.



## About CPBH

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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