



Newsletter

Canadians for Properly Built Homes

## Properly Built Times

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Ontario Election Special Issue

### *From our Co-Founders --*

We're still thinking about how December 13, 2017 was such a watershed moment for all stakeholders in consumer protection for newly built homes. That day, the Ontario Liberal government passed Bill 166, the Bill that made a mockery of the consumer protection recommended for newly built homes by Justice Cunningham in his recent Tarion Review.

That day, the Liberal government walked away from tens of thousands of new home buyers – over 63,000 of them last year alone – to side with the builders. They turned their backs on Judge Cunningham's roadmap for a fair and equitable framework for new home warranties, building code enforcement and dispute resolution. Their talk of "Consumers First" and "Fairness" was empty.

Apparently, Premier Wynne still believes that this is not an election issue. Well, together, we decide what the election issues are and soon, she will see that she was once again wrong. The combined owners of newly built homes now under warranty translate into about 600,000 potential voters.

You know, the fact that the Ontario Liberals were able to ram through Bill 166 with their majority government was not remarkable. The important message was the gathering strength of the people of Ontario to say no, this is wrong, this is not in the best interests of the majority of Ontarians.

That message was delivered when one by one, every non-Liberal Member of Provincial Parliament voted against Bill 166. All 43 of them, without exception: Conservatives, New Democrats and Trillium. CPBH was very proud that day and continues to be honoured to be making a difference through our advocacy in Ontario and across Canada.

Let's remember that the power of the people who vote exceeds that of those who hold office. If our elected officials prefer to side with big business against the best interests of consumers, well, there is plenty we can say and do about that. We're proud to have been called "the mouse that roared"!

To be fair, note that the legislation that led to the current regime in Ontario, the Ontario New Home Warranty Plan Act of 1976, was pushed through by the then Bill Davis Conservative government. Since then, three parties have been in power in Ontario: Liberals, Conservatives and NDP. To date, none of them has moved to put a fair system into place.

Meanwhile, owners of newly built homes have felt the brutal impact of the regime we have, through:

- the dearth of building code enforcement which risks their health and safety;
- the Tarion monopoly working against consumers in favour of builders;
- the farce that is the dispute resolution mechanism called the LAT where consumers almost never win and where the decisions against builders are not enforceable (see latest report: <http://www.canadiansforproperlybuilt homes.com/html/whatsnew/2018/may/2017LAT-FinalReport.pdf>);
- homeowner bankruptcies;
- the health of homeowners and their families ruined because of building code violations;
- families in crisis who just can't take the stress of endless years of fighting to get the house they paid for.

But times change. A new provincial government may ensure Bill 166 is never implemented and a new regime is put into place.

## Provincial Parties' Positions on Consumer Protection Regarding Newly Built Homes

**Liberals:** In the absence of a position statement, the Liberal Party of Ontario's position has been made clear through their actions. Notably, they:

- largely ignored Justice Cunningham's 37 recommendations
- held secret meetings regarding Tarion last summer with a group of stakeholders dominated by builders and Tarion representatives, with the outcome of these meetings leading to the fundamentally flawed Bill 166
- blocked CPBH's Freedom of Information request for the agendas for these secret meetings, who was in the room and copies of ministry staff meeting notes
- during her townhall meetings, Premier Wynne dodged and brushed off questions about Bill 166, Justice Cunningham's report and blocking our FOI request
- pushed through Bill 166 which all opposition parties voted against -- and which is not expected to be implemented until 2020, while consumers continue to suffer under the Tarion regime
- have done nothing related to enforcing the Ontario Building Code
- have done nothing about all the serious problems with the Licence Appeal Tribunal (LAT) which is supposed to be the consumers' dispute resolution mechanism. It is shocking that this tribunal cannot even enforce its own orders, but that shock is eclipsed by the fact that consumers almost always lose at this tribunal.

**Conservatives** Responding on behalf of the Interim Leader MPP Vic Fedeli, MPP Jim McDonell of Stormont-Dundas-South Glengarry, wrote to us and said in part: "...the TARION reform legislation lacked most of Justice Cunningham's recommended consumer protection safeguards, including independent assessment and dispute resolution and a competitive model. The Ontario PC Caucus moved amendments to that effect and supported the NDP's amendment to institute Auditor-General oversight over the existing TARION structure. We are on the record advocating for more flexibility in the new home warranty market and for greater independence of the dispute adjudication process, and we remain strongly in favour of legislation that would make these changes possible.

Our amendments struck a balance by not abolishing the "public" warranty provider outright but allowing the government to prescribe acceptable alternative plans from licensed insurers...Enforcing the Ontario Building Code is a municipal responsibility and one that municipalities should be given the tools and funding to carry out...Clearly, we can do more with municipalities to ensure home buyers and owners aren't left without any recourse but the courts." Read MPP McDonell's letter:

<http://www.canadiansforproperlybulthomes.com/html/whatsnew/2018/may/Feb-15-18%20McDonell%20-PC%20party-highlighted.JPG>

**NDP** MPP Wayne Gates, Niagara Falls, provided a position statement concerning Tarion, in which he also refers to the lack of enforcement of the OBC and the LAT. MPP Gates goes on to say, "An NDP government would ensure, once and for all, that Ontario's new home warranty system and regulator answer to home buyers and the public, not to private interests. Ontario's new home buyers will finally get the consumer protection they deserve." MPP Gates went on to make 12 specific commitments which you can read in the position statement

here: <http://www.canadiansforproperlybulthomes.com/html/whatsnew/2018/may/Feb-1-18-Letter%20-MPPGatesRETarion.pdf>

The NDP's Percy Hatfield, MPP for Windsor-Tecumseh, told us, "Ontario's new home buyers deserve homes that have been properly built to the Building Code. An NDP government will review the building inspections system, and strengthen coordination between municipal building inspectors, the regulator and the new home warranty system. We will also review HVAC standards to ensure that people don't freeze in their new homes. Under an NDP government, Ontario's new home buyers will finally get the consumer protection they deserve."

**Green Party** Leader Mike Schreiner said: "...The Tarion monopoly fails new home buyers. #GPO will work to end the Tarion monopoly..." More:

[http://www.canadiansforproperlybulthomes.com/html/whatsnew/2018/may/MikeSchreiner\\_monpoly.png](http://www.canadiansforproperlybulthomes.com/html/whatsnew/2018/may/MikeSchreiner_monpoly.png)

**Trillium Party** Leader Bob Yaciuk, said, in part: "...I concur with his Honour Justice Cunningham regarding the concerns and recommendations of his final report...It is my position that the Tarion Home Warranty and the Tarion Corporation program should be revoked and dismantled completely. Home builders need to be insured through their own insurance providers..." Read the statement:

<http://www.canadiansforproperlybulthomes.com/html/whatsnew/2018/may/Sept-2017-Trillium.JPG>

## Did you know CPBH is celebrating its 14<sup>th</sup> Anniversary?

At 14, you know we will #NeverGiveUp! We know we have worked hard to make sure politicians at all levels understand this complex problem, its often horrific effects on families, and the range of very plausible actions that can be taken to right this wrong. We are indebted to our all our volunteers and supporters, proud of our advocacy, our accomplishments, and we are grateful to be able to continue to help consumers. And we will continue to ask for your financial support to keep our doors open. Fourteenth anniversary donations will be gratefully accepted: <http://www.canadiansforproperlybulthomes.com/html/donate/index.html> .

And we are more convinced than ever that the playing field can be levelled, and that a regime that works for both consumers and builders is possible.

So, join us in demanding answers from candidates, going to all-candidates debates, taking to social media and spreading the word through your contacts about why our fight is so important. And don't miss the opportunity to get out and vote!

***Karen Somerville and Alan Greenberg***

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### 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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