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Volume 16, no. 3, Fall 2021 Ontario Edition

Season's Greetings!

First, we have **good news** to share, coming from Ontario's NDP on December 8/21. You'll remember the good work MPP Tom Rakocevic did for us as Ministry of Government and Consumer Services (MGCS) critic. Last week, he and his colleagues tabled Bill 77, draft legislation to create an independent **Ontario Consumer Watchdog** to protect Ontarians. Details on next page: Read on!

We would like to acknowledge and applaud **our more than 40 volunteers** across Canada as well as everyone else who supports our work. We are profoundly grateful for your help, advice and steadfastness. You keep us going.

We began 2021 with the tragic loss of **Daniel Browne-Emery** when he lost his battle with cancer – a cancer his doctor told him came from mould exposure. In October, we lost **Peter Silverman**, a long-time member of our Advisory Council who lent us his knowledge and experience in consumer protection and advocacy for many years. We miss them both. More about Daniel and Peter here: <http://canadiansforproperlybulthomes.com/in-memorial/> .

The federal election changed the landscape for new home buyers and CPBH. For the first time in our 17+ years, **we have FOUR federal cabinet ministers involved in our issues**. We wrote to each of them and set out the opportunities this represents: <http://canadiansforproperlybulthomes.com/wp-content/uploads/2021/11/Nov.-2021-Opportunities-for-the-Canadian-Federal-Government.pdf> .

The new federal cabinet includes a **Minister of Housing, Ahmed Hussen**. This new portfolio suggests that, despite provincial jurisdiction, the feds see an important role for themselves, have objectives and want results, including the homebuyers' Bill of Rights with a legal right to home inspection: <http://canadiansforproperlybulthomes.com/wp-content/uploads/2021/11/Properly-Built-Times-Volume-16-no.-2-Fall-2021-National-pdf-1.pdf> . We're watching this closely.

Homeowners from across Canada contact us for help, and we do our best to assist each one, always for free. Ontario is the source of most calls, where the most housing starts take place – almost 74,000 in 2020, a new high: <https://www.cbc.ca/news/canada/toronto/ontario-housing-prices-doug-ford-pc-party-polling-1.6247065> . How many of those homes will meet code – or not, leading owners to contact us?

On that note, **we must ask you once again to remember CPBH in your year-end giving**. We need to keep the doors open to respond to every request for help, to contact every new minister appointed, to manage requests for information from government, to advocate at every level of government to give voice to the plight of new homeowners living with code violations, which threaten their health and safety. **Please keep us working by donating here:** <http://canadiansforproperlybulthomes.com/what-you-can-do/donate/> .

We wish you a safe and peaceful holiday season. The battle continues and we will work for more progress in 2022!

Karen Somerville and Alan Greenberg
Canadians for Properly Built Homes Co-founders

*#NoUSEDfurnaces #RadonAction #NeverGiveUp #ConsumerProtection #EnforceTheCode #TarionIsBeyondRepair
#Don'tStopBelievin' #EndTarionMonopolyNOW #DumpTheLAT*



More on Bill 77, the Ontario Consumer Watchdog

If passed, this legislation would create a single point of contact for all consumers that would be able to investigate and impose penalties where warranted. The Watchdog office would cover organizations dealing with owners of newly built homes too. Note that the draft legislation has passed first reading and has a long path to travel before it could become law. Second reading is expected in March. Nevertheless, the difficult work of ascertaining how this would work and drafting the legislation has been done: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-77>. Kudos to Tom and his team!

With enough support, it could get passed prior to the Legislature proroguing for the June election. This is a major step for Ontario. It's certainly the most significant step ever for consumers as it covers all consumer transactions in Ontario, including newly built homes and private home inspections, except for what is covered from a consumer protection perspective federally: <https://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca03084.html>. It also covers Delegated Administrative Authorities such as Tarion, HCRA and the Electrical Safety Authority that have consumer protection responsibilities. If passed, this legislation could really shake things up for the benefit of consumers. Consumer protection has never been a priority with the Ontario government, buried, currently, in the Ministry of Government and Consumer Services.

We encourage all Ontarians to write to their MPP about this early in the New Year, ask them to support Bill 77 and press for quick approval into law.

What they're saying



Tom Rakocevic, MPP:

"For far too long, consumers in Ontario have not received the protection they deserve. This Bill would create a consumer Watchdog with real teeth that could issue fines and take other punitive action against businesses and other entities who rip consumers off." Join the conversation on Twitter: @RakocevicT



Ellen Roseman

Straight talk on personal finance and consumer issues

Ellen Roseman, consumer advocate and journalist,

"Who could disagree with this?"

@ellenroseman



Barbara Captijn, Consumer Rights Advocate @ReformTarion

"The Ontario Consumer Watchdog Act is a light for consumers in the current feeble state of consumer protection in Ontario. The patchwork of legislation, regulation, and legal grey areas in the current landscape is difficult for consumers to navigate. This bill addresses a much-needed area for modernization, and can help fix injustices and imbalances in the current system and could help improve the lives of everyday Ontarians."

CPBH is very pleased to support this legislation for an independent Ontario Consumer Watchdog. Consumer protection related to homes in Ontario has declined to near non-existence over the last 20 years. Ontario's citizens need and deserve better. The purchase of a home is the largest purchase most consumers make, and the current situation in Ontario for both newly built homes as well as resale homes is clearly unacceptable from a consumer protection perspective.



The Ministry of Government and Consumer Services said goodbye to Lisa Thompson and Ross Romano became Minister in 2021. CPBH wrote to him to share our Ontario housing policy document, an overall policy assessment: <http://canadiansforproperlybuilt homes.com/wp-content/uploads/2021/07/July-12-2021-Final-Ontario-Housing-Policy-Issues.pdf>. He wrote back with a boiler plate letter dated Aug. 9, 2021, thanking us and said he looked "forward to working with you to make life better for Ontarians". We have not heard from him since and we have seen no action. We understand he was having a house built and is on record as saying how important it is to protect builders.

We also saw a new Deputy Minister for MGCS appointed in 2021, Renu Kulendran, and although we have written to her multiple times, she has not responded.

On average, in our 17 years of operation, we have had about one new Minister per year. It is very time consuming to try to bring them up to speed and make any progress before another arrives. As former MPP Rosario Marchese said, they don't have time to learn the file before they are shuffled out. This is a big part of the problem in Ontario and a sad statement on the government's view of MGCS' responsibilities to Ontarians. That's the ministry responsible for Tarion, HCRA and consumer protection overall among other things.



You will recall that when then Minister Lisa Thompson brought Bill 159 through into law – a law opposed by every MPP in the Legislature who was not a Conservative – she said that extensive consultations had been undertaken that showed that continuing with the Tarion monopoly was in the best interests of Ontarians.

Based on our 17 years of experience and the year-long Tarion Review led by Justice Cunningham, we know that maintaining the Tarion monopoly is the worst possible choice for Ontario. So, we set out to obtain documents related to the Minister's "extensive consultation" through the **Freedom of Information** process. Suffice it to say that obtaining documents through FOI is an epic administrative burden, leading most to give up.

We persisted and obtained enough documentation to learn that the consultations were anything but extensive. Of the 27 expressing an opinion to support or not support a multi-provider warranty system, support in favour of a multi-provider warranty system was 2 to 1. Of the 11 consumers included, 2 of them were affiliated with Tarion. CPBH's analysis is here: <http://canadiansforproperlybuilt homes.com/wp-content/uploads/2021/04/April-29-2021-CPBH-FOI-analysis-statement-final.pdf> . So, this government flagrantly misled Ontarians in this regard.

Every day, Ontario's consumers are putting their life's savings on the line to buy newly built homes. They deserve to know why they are stuck with a dysfunctional, mandatory monopoly that favours builders over consumers, rather than a competitive model for new home warranties that has an incentive to back builders that meet code, like many other provinces have. CPBH called upon Lisa Thompson and Doug Ford for an explanation. At this point, Minister Thompson changed her story: "...Our analysis considered this feedback, system costs, requirements for the Ontario building and insurance industries, and interference with consumer protections...". Note that our FOI documents showed builders were agnostic and the insurance industry was willing on a multi-provider warranty system. We're not sure what "interference with consumer protections" means.

We have multiple FOI requests underway that are both time consuming and expensive. We continue to pursue them as they can at times provide critical insights as we learned with this one about Thompson's "extensive consultations".



The Auditor General released her **follow up to the Tarion audit** conducted two years ago. CPBH supported her findings in 2019 but not her recommendations. CPBH's considered conclusion is that Tarion is beyond repair.

You can find CPBH's statement from 2019 about the AG's work here: <http://canadiansforproperlybuilt homes.com/wp-content/uploads/2019/11/11-3-19FinalCPBHstatement-AGofONaudit-Tarion.pdf> . The most notable finding in the 2021 follow up is that the MGCS has done little or nothing about developing performance indicators for Tarion in two years. No performance indicators, no performance measurement. This is unacceptable. Note that there are no consequences for anyone involved – except consumers. For more, see @CPBH01 on Twitter.



The new **Home Construction Regulatory Authority (HCRA)** began operations officially on February 1 this year. This is another Administrative Authority, like Tarion, which takes over the regulatory function from Tarion as well as the builder directory. This is another independent organization carrying out government-type responsibilities with no accountability to citizens. It too will pay oversight fees to MGCS. MGCS provides no accountability to citizens on how this money is spent. It's been a very disappointing first 10 months of operation.

*Following a media story about a home buyer whose builder wanted an extra \$100k to build the home they contracted for, HCRA CEO Wendy Acheson contributed an article to the Toronto Star on Oct 9/21 supporting builders breaking contracts that have been signed <https://www.pressreader.com/canada/toronto-star/20211009/282084869979940>. Even the premier slammed the builder for this. Bad move HCRA.

CPBH provided information to HCRA about builders secretly selling used/damaged furnaces in newly built homes, including a legal opinion that this was against the law – HCRA did nothing. Here is previous article from the CBC: <https://www.cbc.ca/news/canada/ottawa/furnace-construction-1.5188006>

*The builder directory on HCRA's web site remains as inaccurate as Tarion's version was – misleading new home buyers about many builders. It seems HCRA just took Tarion's data and dumped into the shiny new HCRA platform.

*Many called this organization Tarion II from the start. It seems their concerns and ours were well founded. We don't see any improvement from Tarion's performance at this point. What has changed is that MGCS is now receiving "oversight fees" from two organizations instead of one.



We responded to the opportunity to provide input to **changes to the Ontario Building Code**. We are very concerned about the possibility of the remote inspections being proposed [Oct.-21-2021-Final-Input-re-ON-Building-Code-consultation-re-remote-inspection.pdf \(canadiansforproperlybuilt homes.com\)](#) as well as the lack of enforcement of the Ontario Building Code and concerns about radon [Nov.-29-2021-Final-Input-re-Proposed-Changes-to-the-Ontario-Building-Code.pdf \(canadiansforproperlybuilt homes.com\)](#)



How can consumers get the homes they paid for without enough inspectors to ensure code is met? This is a decades-long problem that continues across Ontario and the country. Some say it is a manufactured problem. If municipalities really wanted to have enough inspectors on board, they would have them. It doesn't take 20 years to fix a labour shortage problem. See @CPBH01 for some recent heated discussion about this. Here's a Nov. 25/21 article about this problem in Ottawa: <https://www.cbc.ca/news/canada/ottawa/planning-committee-budget-building-inspectorshortage-1.6262282> .



The next **Ontario election is less than six months away**. The NDP and Greens have said that they will end the Taron monopoly if elected in 2022. We are still awaiting the Liberal position. They voted with everyone (except the PCs) against the woefully inadequate Bill 159, but have not yet said what they will do if elected.



Notice a lot of **rental buildings** going up lately? Your federal tax dollars may be involved. Canada Mortgage and Housing Corporation (CMHC) offers developers of rental buildings loans at fixed interest rates with no payments until tenants are in and paying rent. The loans can be amortized over as much as 50 years. Will they be properly built to ensure the health and safety of residents? CMHC is not in that business. Report is here: [Evaluation of the Rental Construction Financing Initiative \(RCFi\) \(cmhc-schl.gc.ca\)](#) .



Looking for a good read over the holidays? Check out Darry Marengere's e-book titled **1001: Corruption and Treachery in a Small Town**. "Based on a lived experience, *1001: Corruption and Treachery in a Small Town* pits a rigid sense of right and wrong against long-standing small town ways in a battle for health, happiness and net worth."

"SMALL TOWNS CAN be known for being sleepy, quiet and outright boring. Not much goes on in small towns except gossip.

The small town of Harbourview, though, has a lot happening beneath its surface. Unknown to a retiree thrilled with buying a trophy new home in Harbourview is a host of hidden horrors that shatters his retirement dreams."

https://www.amazon.com/1001-Corruption-Treachery-Small-Town-ebook/dp/B09CQ99ND5/ref=sr_1_1?dchild=1&qid=1630432588&refinements=p_27%3ADarry+Marengere&s=digital-text&sr=1-1



About CPBH

Canadians for Properly Built Homes (CPBH) is an independent, 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). Follow us:





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