



Volume 17, no. 3, fall 2022

Hello everyone,

It's been a busy spring and summer since we were in touch with you last May. We would like to thank those who contacted us about our 18th anniversary, and we gratefully acknowledge your kind encouragement. You keep us going.

Our Fall Fundraising Campaign is on now. Can you help us continue our work? All funds raised go to the most basic needs to keep operations going, not a penny is wasted, and our whole team works for free. All their work comes from the heart, from people with lived experience. We're often told that the work we do for new home buyers and owners is essential. CPBH is the only organization of its kind, where people in trouble can turn without worrying about cost. Please help us continue to offer our help by chipping in whatever amount you can here:

<http://canadiansforproperlybuilthomes.com/what-you-can-do/donate/> . Thank you for your support.

Please read on for the Ontario updates we have for you. Contact us anytime. We love to hear from you by email, social media or phone.

A national edition of Properly Built Times will follow in a couple of weeks.

Karen Somerville and Alan Greenberg

Canadians for Properly Built Homes Co-founders

*#ConsumerProtection #NeverGiveUp #EnforceTheCode #NoUSEDfurnaces #RadonAction
#Don'tStopBelievin' #EndTarionMonopolyNOW #DumpTheLAT #HCRA=Tarion2*



Serious ongoing issues with Tarion

Did you know that the Doug **Ford Conservatives changed the name of the Ontario government ministry responsible for consumer protection from Government and Consumer Services, to Public and Business Service Delivery?** "Consumer" has been dropped from the ministry's name – all while they claim to lead consumer protection. They're leading it all right, to its utter demise. Just

another move by this government to keep consumers at bay, in the dark, and erase the importance and responsibility for consumer protection from the face of Ford's government.

CPBH wrote to Kaleed Rasheed, Minister of Public and Business Service Delivery, and Deputy Minister Kulendran about the serious policy and operational issues at Tarion we continue to hear about from consumers. These reports suggest a **continued lack of Tarion oversight by the ministry**. This problem was highlighted by the Auditor General in 2019 under, "Lack of Government Oversight Led to Ongoing Issues Not Being Addressed" and again in 2021 when she found "little or no progress" on the 2019 recommendation.

It is interesting to note that Tarion's 2021 audited financials show an oversight fee paid to the Government of Ontario of \$611,000, while in 2020 the amount paid was \$499,000, an increase of 22.4%. Given Tarion's oversight fee payments to the Government of Ontario spanning more than a decade and the lack of any progress reported by the Auditor General, a reasonable person has to wonder where all that money went. The questions in our letter included:

1. How specifically was the \$611,000 that the Ontario Government received from Tarion in 2021 used by the Ontario Government?
2. Does your ministry/government now have effective systems and processes to ensure you collect the right information from Tarion? If yes, what are they? If no, why not?

Read the email [here](#).

Tarion is conducting a consultation from September 29 to November 14, 2022, concerning certain "regulatory changes to support improvements to the Customer Service Standard, an increase to the warranty compensation limit, and the creation of a Temporary Relocation Warranty. You may be particularly interested in an increase proposed in total warranty coverage from \$300,000 to \$400,000. CPBH's long advocacy was very much involved in the last increase from \$100,000 to \$300,000 and CPBH has continued to advocate for an increase from the \$300,000. You may wish to weigh in on this consultation at <https://www.tarion.com/node/64191> .

Tarion's July Annual Public Meeting continued its tradition of annual debacle. The low expectations of experienced observers and participants were met. Held online as well as with an embarrassingly few attending in person, Tarion received most of its questions electronically from which they could pick and choose, claiming they would answer them all and post the answers online. The vast majority of the questions CPBH submitted have not been answered. One homeowner reported that he has had 25 Tarion representatives in the last four years. The President stated that Tarion does not use non-disclosure agreements, while so many know otherwise. For example, in proceeding with Tarion's mediation process, homeowners have had to sign a non-disclosure agreement.

Tarion's board chair Hari Panday confirmed that the Tarion Board, not the Minister, approved his compensation increase of 35% in 2021. That's the same year Tarion was stripped of regulatory responsibilities and the Builder Directory, all while denying homeowner claims. Here is Mr. Panday's shameless response to the question: <pic.twitter.com/NSGBuZm7bf> . You can see the entire show here: <https://www.youtube.com/watch?v=oHbVjl-UN2E> .



HCRA Continues to Stumble

According to its recent Annual Report, only 10% of consumer complaints have been investigated: 80 out of 800. No comfort or encouragement to be found for consumers in that result. This 18 month old organization focussed on builder regulation and the builder directory logged a final closing net asset balance of \$8.4 million. Why aren't they using some those resources to

resolve consumer complaints? In the meantime, the builder directory continues to contain misleading information about many builders. Read the report

here: <https://hcraontario.ca/HCRA20212022AnnualReport-v2.0-2022-08-17.pdf>

HCRA held its Annual Meeting in September online. Board Chair Virginia West called it an annual meeting of “members” that was also open to the public. What? Who are the members? The builders? Their focus is supposed to be on regulating the industry and protecting consumers. Minister Kaleed Rasheed then heaped praise on HCRA. Apparently, he is not aware or cares not that 720 complaints lodged by consumers went unaddressed by this organization, and the Builder Directory continues to mislead on many fronts. How about the price gouging that continues to plague new home buyers who sign for a home or condo to be built at one price, only to be held to ransom by builders who come back later demanding huge price increases or an end to the contract? This is not an isolated incident. What’s more, HCRA’s CEO and Registrar is on record in support of this outrageous practice. The planned two-hour meeting wrapped up after only one hour with many questions outstanding, including more than 10 from CPBH. You will find the link on HCRA’s Events page: <https://www.hcraontario.ca/news-and-events/events/>.

We see no improvement in consumer protection since HCRA opened its doors in February 2021 – just increased bureaucracy and increased costs. These organizations are not assets to Ontario’s home buying public.



Licence Appeal Tribunal (LAT)

We are pleased to see that **NDP Critics MPP Jessica Bell and MPP Tom Rakocevic have requested an audit of the LAT from the Attorney General.** In their letter, they referenced CPBH’s work. Here is CPBH’s latest analysis of LAT decisions, which we have been tracking for over a decade: <https://canadiansforproperlybuilt homes.com/wp-content/uploads/2022/03/2021-final-LAT-Report.pdf>

Did you know that the LAT uses Tarion’s Construction Performance Guidelines in making appeal decisions? CPBH has asked Sean Weir, the Executive Chair of Tribunal Ontario, if the LAT has ever had Tarion’s Construction Performance Guidelines independently assessed for appropriateness. Despite repeated requests, this question has not yet been answered. The LAT is supposed to be independent of Tarion so **why is it using Tarion’s Construction Performance Guidelines to deny homeowner claims?** How can you have a dispute resolution mechanism in which the complainant’s case is decided by the guidelines of the body they are complaining about???

Justice Cunningham, in his 2016 Tarion Review report, raised Tarion’s Construction Performance Guidelines as an area to be addressed. If it is found that the LAT has never had Tarion’s Construction Performance Guidelines independently assessed for appropriateness, what will happen to homeowners’ appeals that were denied by the LAT based on Tarion’s Construction Performance Guidelines?

Would you go to the LAT to resolve a problem? Our analysis shows that very few do.

#DumpTheLAT



What they’re saying

From time to time, we receive some encouraging messages on Twitter. Here's one that reminds us that the work we do to help people is the most important work we do:

Tracy Wheeler wrote:

Would not have gotten through it without you and your team, things looked pretty hopeless for years, now we can turn the pg, marriage saved and little [ones] no longer ill.

Ty [thank you] from the bottom of our hearts ♥ you save lives

Thank you, Tracy Wheeler! We are so happy you now live in a properly built home, safe and well with your family.

Remembering Peter Silverman

Dr. Peter Silverman passed away October 7, 2021. He was a valued member of CPBH's team as a member of our Advisory Council for many years. His extraordinary life led him all over the world as well as to journalism, working as a consumer ombudsman, appearing on Toronto's local news station, and so much more. More about Peter here: <https://canadiansforproperlybulthomes.com/in-memoriam/>.

For their 50th anniversary, City News Toronto has compiled some clips of Peter as he championed the causes of ripped off consumers.

We miss him and hope that you will enjoy the footage below that was shared in his memory. Peter was one of a kind.

@CityNewsTO share this via Twitter. Click on the pic.twitter link to see the video.

'Watch it buddy': Peter Silverman and his [#SilvermanHelps](#) segments became part of Toronto folklore. On Citytv's 50th anniversary, we look back at some of the most dramatic moments from his storied career [#Citytv50 pic.twitter.com/Gu2DGJ4rEd](#)

2022-09-28, 1:00 PM



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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