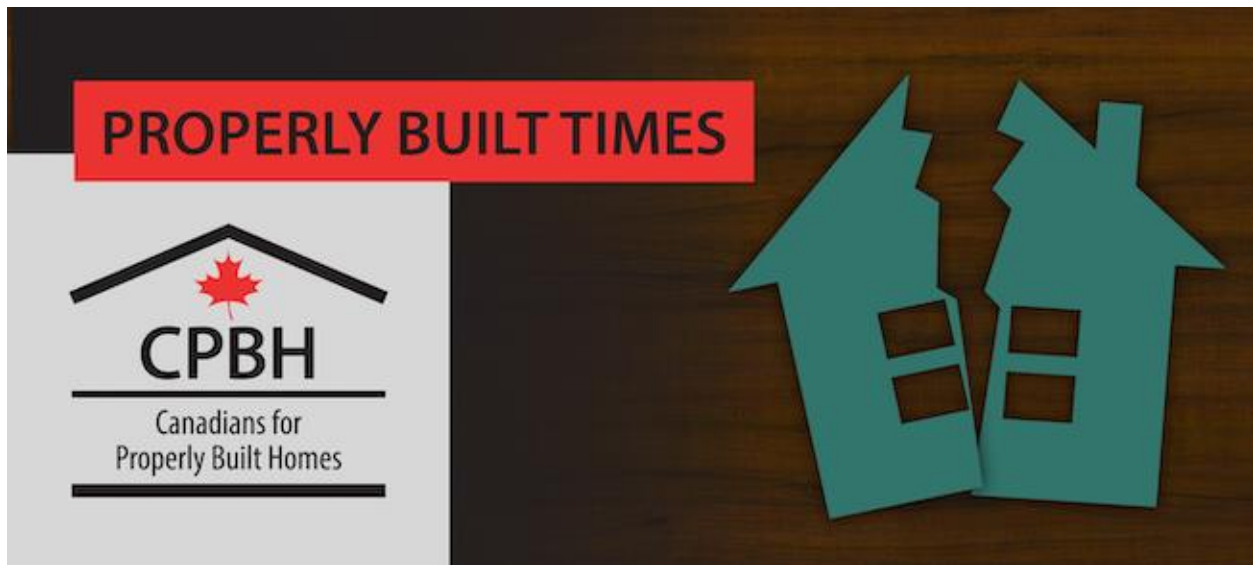


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**Volume 19, no. 4, Fall 2024, Ontario Edition**



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## **Greetings everyone,**

We hope you enjoyed the summer months. We have been very busy at CPBH responding to a barrage of requests for help from owners of newly built homes. We knew these additional

requests would come given all the “build faster” initiatives underway, and here they are. These people are often at their wits’ end in trying to get the homes they paid and waited for: Safe and healthy homes that are built to Code – at least. They have been unsuccessful with uncooperative builders and then became entangled in the quagmire that is Tarion. Many of you have lived through or are going through similar situations. We are doing our best to help every homeowner who comes to us. Whatever your situation, you are not alone!

On the advocacy side, we see that the political climate in Ontario has become uncertain and that means keeping a close watch on developments. An election means we need to know the position of each party on the new home building, warranty and dispute resolution regime so we can all make informed choices when the time comes. We will share with you what those positions are. It also means that our 20 years of experience have made clear the issues and the solutions, so we must communicate them. Read on for a summary of these issues and solutions.

Did you have a chance to read our last issue of Properly Built times? If not, there was a lot of information and impact in there, starting with the Toronto Star article about Tarion, the review of Tarion’s Annual Public Meeting and more. If not, you can find it here: <https://canadiansforproperlybuilt homes.com/wp-content/uploads/2024/06/Properly-Built-Times-Spring-2024-Ontario-Edition-Volume-19-no.-3.pdf> .

**To keep assisting homeowners in trouble and advocating at all levels of government we need your help. So many of us have lived through the nightmare of newly built homes that do not meet Code. We want to be part of the solution as do many of you. We can do this together. Our advocacy and assistance to homeowners makes a huge difference in the lives of families in trouble. We see it every day. It’s your support that makes this possible. It is indispensable.**

**And speaking of support, we are delighted to announce that for this fall’s fundraiser, your donations will be matched up to a total of \$1500 by benevolent supporters. This is an opportunity to double your donation!**

**So please, will you donate today to our fall funding campaign? There has never been a better time to do so. Here’s the link: [Donate](#)**

With gratitude for your support,

**Karen Somerville and Alan Greenberg**

Canadians for Properly Built Homes Co-founders

***#EnforceTheCode #EndTarionMonopolyNOW #ConsumerProtection #HealthAndSafety #NeverGiveUp #NoUSEDfurnaces #RadonAction #Don’tStopBelievin’ #YouAreNotAlone #MentalHealth***



## **The four high risk issues Ontario's new home buyers face and what to do about them: Talk to your provincial election candidates**

Buying a home is the largest purchase most make, and there continues to be inadequate consumer protection for newly built homes in Ontario. While there are good builders, there are also poor and marginal licensed builders, and homeowners have no objective, reliable way of knowing who the good builders are. As a result, many Ontarians are needlessly suffering financially, physically and/or mentally due to the related issues. In extreme cases, home purchasers face bankruptcy and some consider suicide.

**As the possibility of an election in Ontario is gaining strength, we have already heard of candidates knocking on doors. If that happens to you, you have below the key issues and proposed solutions on the newly built home regime in this province and you will be able to question candidates about their positions on these matters. You are welcome to share this with your neighbours and family.**

### **Four key issues, four proposed solutions**

1. **The Delegated Administrative Authority (DAA) model does not provide adequate consumer protection.** This has been raised for decades by various parties and is of particular concern for those DAAs that involve public safety. As noted by Winfield, Whorley and Kaufman (2015) related to Ontario's Technical Standards and Safety Authority, a DAA: "Public safety in private hands"<sup>[1]</sup>. Further, millions of dollars are collected annually by the Ontario Government for oversight of these DAAs. But there is little-to-no transparency or value related to those collected oversight fees. The Auditor General of Ontario has raised numerous concerns about that oversight in recent years. Tarion and the Home Construction Regulatory Authority are examples of DAAs.

#### **Proposed solution:**

- Ideally, these responsibilities should be addressed by Ontario's public servants.
- As a minimum, ensure that the Auditor General of Ontario and the Ombudsman of Ontario have jurisdiction over all DAAs, and ensure that all DAAs are required to report compensation on Ontario's Sunshine List. As well, ensure transparency related to the Ontario government's oversight, e.g.,

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<sup>[1]</sup> Winfield, M.S., Whorley, D., & Kaufman, S.B. (2002). Public safety in private hands: A Study of Ontario's Technical Standards and Safety Authority. *Canadian Public Administration-administration Publique Du Canada*, 45, 24-51.

what oversight is provided, how are the oversight fees mandated by the Ontario Government used, and what is to be accomplished by that oversight.

- 2. The Ontario Building Code is not being enforced properly by many municipalities** during construction of newly built homes. This appears to be worsening given Canadian governments' focus on building faster and reducing red tape. Code violations threaten the health and safety of the occupants of the homes, and proper repair typically significantly increases the cost of homes. The lack of an adequate number of qualified municipal inspectors has been a serious problem for many years. Responding before an Ontario Government committee in January 2024, the City of Cornwall's Mayor, Justin Towndale, advised the Committee that enforcing the building code during construction is a problem for his municipality and for Ontario municipalities "across the board".

**Proposed solution:**

- The Province of Ontario has the authority, and must use it, to ensure that there are adequate numbers of qualified municipal inspectors in Ontario, and
  - The province of Ontario must also ensure that municipalities are properly enforcing the building code during construction and hold municipalities accountable.
- 3. Tarion is still not adequately protecting Ontario Consumers**, again often in relation to building code violations, which threatens the health and safety of the occupants. Despite numerous studies over decades, and many attempts made to address serious ongoing issues with Tarion, it is clear that Tarion is beyond repair.

**Proposed solution:**

- End Tarion's monopoly and implement a multi-provider warranty model, as Justice Cunningham recommended to the Ontario Government in 2016, and like much of the rest of Canada has. There is no perfect system, but it is clear that Tarion needs to compete for the business it gets. Ontarians need the benefit of competition, not a monopoly.
- 4. The Licence Appeal Tribunal (LAT) is not a fair and independent tribunal in relation to appeals of Tarion's decisions.** CPBH has conducted an annual analysis of the outcomes of appeals at the LAT since 2006 and homeowners have lost 84% of the time. This is unacceptable. Most homeowners won't go to the LAT anymore to fight Tarion's decisions.

**Proposed solution:**

- Implement a fully independent tribunal that has qualified adjudicators with specialized knowledge of new home construction. The independent tribunal should not base its decisions on guidelines supplied by Tarion as is currently the case at the LAT.



## About CPBH

Canadians for Properly Built Homes (CPBH) is an independent, national not for profit consumer advocacy 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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