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Warranty plan could be election issue

In April I wrote about Joe and Joanne West, who bought a new home built in Hamilton without a building permit.

As a result of numerous defects in the house and their discontent with the resolution attempts of the Tarion warranty program, the Wests decided to bypass the Licence Appeal Tribunal. They are suing the City of Hamilton and the builder for \$1.5 million.

In that column, I asked for reader opinions on whether unhappy new homeowners should have to resort to the courts to get the house they expected. I received almost 70 emails, letters and faxes more than I've ever received from any column in the past seven years. With the exception of one letter supporting Tarion, the responses were all negative and many were angry or hostile or both.

Of course, the responses I received would not count as a scientific sampling. The majority of new home buyers never register a claim with Tarion and some of the emails I received are from homeowners who are on the mailing list of Canadians For Properly Built Homes, a vocal lobby group based in Ottawa.

But the number of emails and the intensity of the feelings expressed indicate that there are a great many unhappy buyers of new homes out there. This reflects poorly on the industry and the government that sets the warranty rules.

Typical of the responses I received was one from Brigitte Mark, who emailed, "I have learned my lesson the very hard way and I would never recommend anyone buy a new home unless they are into having long battles and unanswered and outstanding repairs."

Ottawa lawyer Heather Austin-Skaret noted, "A revised Tarion program would be better for consumers rather than having to launch a court action."

From Nepean, Ann LeBlanc wrote, "Tarion must be made accountable for ensuring that all homeowners do not have to endure 'patch-and-run' quick fixes that builders so often use. We need better management of Tarion."

Dave Wark of Guelph emailed, "After battling with them for two years, we think they stink and the whole rotten organization needs a complete overhaul. Like mortgage fraud, the government is way behind the reality curve."

"Consumer protection in Ontario is a joke!" exclaimed Shahed Nasrullah. "The McGuinty government has made it worse! Why should new homebuyers, who are expected to be protected under the Ontario New Home Warranty Plan Act, have to turn to the courts for remedy? The purpose of the Act should be to mitigate, in a timely manner, the inconveniences and risks a homeowner faces due to the negligent act of a new home builder. The manner in which Tarion operates suggests that it is the homeowner who is guilty and hence they have to prove themselves innocent before the various levels of the judicial system. Is this what we call a society based on rule of law?"

"The worst part about all of this," wrote Walter Pick, from Dundas, "is that I had to pay for this absolutely useless warranty program. I didn't have a choice. If I had a choice I wouldn't have paid a nickel into this program."

Mary McAllister-Diks emailed to say that, "The reality of the situation is, it would be better to know you have no support and are standing alone from Day 1, than to put your faith in a system that has no interest in getting to the root of the problems, or at the very least, fixing the problems."

Based on my flood of emails, public discontent with Tarion is palpable. It could well become an issue in the fall election campaign.

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