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## Consumer protection common theme in 2008

When it comes to consumer issues, my goal in this column is to educate, protect, and occasionally, entertain.

Over the past year, I emphasized how important it is to have a lawyer's input in a purchase or sale transaction as early as possible in the process, and how lawyers may wind up recommending against a deal if it is not in the client's best interest.

In May, I wrote about a homebuyer who got stuck with the seller's unpaid final water bill when her title insurer refused to reimburse her. Shortly after the column appeared, the title insurer announced that it had changed its policy and would now be covering unpaid final utility bills.

In a city like Toronto, where many people live in close proximity to their neighbours in condominiums or attached houses, noise continues to be an issue for many residents. Two columns dealt with this issue, and a third was devoted to the problem of second-hand cigarette smoke in multi-unit rental and condominium units.

Three columns dealt with environmental issues related to home ownership. Leaks from fuel oil tanks and the problem of asbestos discovered during a home inspection were the kind of horror stories that attracted reader attention.

Regular readers will be aware that I am not overly fond of litigation as a way to resolve property disputes. The process is expensive, time-consuming, aggravating and risky: sometimes even the "good guys" lose.

This year I wrote about a number of cases involving home ownership where nobody except the lawyers came out ahead.

The importance of obtaining a building permit was highlighted in a B.C. case involving a pirate ship tree fort, which had to be demolished for lack of a permit.

Mortgage and title fraud are always popular topics when they appear in this space. Stories of people losing ownership of their homes to fraudsters always generate a considerable amount of reaction, along the lines of "it could happen to me." Related to the fraud theme, I wrote about the problems of counterfeit cheques and bogus powers of attorney being used to steal the title to someone's home.

Disclosure of property defects is a recurring theme in my columns. Whenever I write about the dangers of Seller Property Information Statements (SPIS), I can always be assured of considerable reader reaction some of it supportive and some of it hostile.

This year, my columns on SPIS litigation convinced at least one large Toronto real estate brokerage to stop using the forms.

Cottage ownership inevitably provides considerable grist for the mill. This year, I wrote about how registered road access is critical to cottage ownership, how lakeside lots can appear to "grow" when water levels recede and how shared cottage ownership can give rise to painful family feuds.

In 2008, I continued my ongoing crusade on the issue of the importance of land surveys to real estate transactions, and how risky it is to buy or sell a property without one.

After all, what good is buying an expensive piece of land with a house on it if you don't know where the boundaries are, how big the lot is, and where the house is on the lot?

If you missed any of these columns, they are online at [thestar.com/comment/columnists/94630](http://thestar.com/comment/columnists/94630) and at [aaron.ca](http://aaron.ca).

For me personally, the highlight of the year was my appointment by Small Business and Entrepreneurship Minister Harinder Takhar to the board of directors of Tarion Warranty Corp. earlier this month. My letter of appointment asked me to ensure that the interests of Ontario's new homebuyers are well represented on the board, and I hope to carry out the Minister's wishes at Tarion as I have done for more than eight years in the *Star*.

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