

Note: This document is not a transcript nor is it intended to be. It is designed as a high level summary of the topics discussed during Tarion's 2015 Annual Public Meeting (APM). The Tarion APM is not a forum to discuss individual files, and therefore, the summary of this meeting does not include any mention of individual cases. Some questions and answers have been edited for the purpose of brevity and clarity (for example, summarizing lengthy questions, omitting references to individual files, duplication, etc.). It also clarifies answers that were not fully explained at the time.

## **2015 Tarion Annual Public Meeting – Meeting Summary**

Tarion's 2015 Annual Public Meeting was held on Monday June 1<sup>st</sup>, in North York, Ontario. The purpose of the meeting was to provide interested stakeholders with an update on the organization, and a forum for the public to directly interact with Tarion's Board of Directors, management and employees. This year, to encourage a broad and robust discussion, Tarion accepted questions in advance of the meeting. This enabled people unable to physically attend the meeting to have their questions answered. It also meant that Tarion could follow up with 80 homeowners individually prior to the APM to answer specific questions about their homes, and arrange to meet with an additional 27 homeowners during the APM on a one-on-one basis.

The meeting was moderated by Nigel Bellchamber, an independent moderator. He opened the event by outlining the format and rules of the meeting. The meeting then began with a presentation by Tarion's Ombudsperson, Ian Darling. Next, Mark Basciano, the Chair of Tarion's Board of Directors, introduced the board members and discussed Tarion's various committees and updates from matters arising from last year's meeting. The Chair of the Consumer Advisory Council, Mario Deo, then addressed the audience and explained the mandate of this council. President & CEO Howard Bogach provided an update on Tarion's major projects and accomplishments in 2015 and a financial review.

The presentation slides mentioned above are available [here](#). For more details on the Tarion's achievements in 2014, please read Tarion's 2014 Annual Report available [here](#).

Upon completion of the presentations, audience members were given an opportunity to ask questions and interact directly with the Chair and management. Attendees were reminded that individual files would not be discussed. Homeowners with questions about their files were encouraged to speak with the Tarion Warranty Services staff outside the meeting room. Only questions that were general in nature were discussed and are captured below. Personal comments are also not included in this summary. Questions were asked by live participants, webcast participants, and by homeowners who submitted questions prior to the meeting, which were read by the moderator. Some of the answers below include additional information that was not provided during the meeting. This is in an effort to provide a more detailed explanation which may not have been offered during the event due to time constraints or lack of readily available information at the time.

### **Question: (Pre-submitted)**

Is it Tarion's duty to protect homeowners or builders?

### **Answer:**

Tarion is a consumer protection organization. We are also the regulator of the industry. We protect new homeowners from builder failures, new home defects and we set the standards

for the new home warranty. Tarion protects consumers by registering builders and investigating illegal building practices. The protection is limited by the Ontario New Homes Warranties Plan Act. While there are responsibilities for the consumer, such as filing forms on time, the intention of the Act is to protect consumers and regulate new home builders.

**Question: (Live)**

Our condo builder is not very responsive and is taking a long time to close. We are about to elect a board and conduct an engineering report. How do we get the builder to be more responsive so we can get that engineering report in place?

**Answer:**

It appears you are in interim occupancy at this time. Registration (the closing we believe you are referring to) is completed in accordance with the provisions of the Condominium Act, and Tarion Warranty Corporation has no jurisdiction on their requirements. After registration, unit owners elect a board of directors who then hires a Performance Auditor to complete a performance audit no sooner than six months after registration. It is submitted to Tarion Warranty Corporation prior to the first year anniversary date. The performance audit then becomes the first year claim.

During this time, the condominium corporation can report concerns regarding the common elements (anything that is shared in your building and not solely belonging to your unit, like the elevators, hallways, etc.) to your property manager. Your property manager should have knowledge regarding the project and can contact the builder. If your builder is unresponsive to deficiencies prior to registration, or refuses to perform common element repairs that you feel are necessary, you may form an adhoc committee, ideally made of three to five members elected by unit owners, to bring your concerns to Tarion's common elements warranty team. This team can be reached by calling our contact centre: 1-877-982-7466. Since the common element warranty does not take effect until registration of the building, Tarion cannot accept a formal warranty claim. However, we will listen to your concerns and assess whether the deficiencies may be considered warranted defects that should be taken care of by the builder. In some cases, we will contact the builder and request these defects be resolved in a timely manner.

**Question: (Webcast)**

Will a copy of the slide deck that has been used be available for download at any point?

**Answer:**

Yes. Please [click here](#) to view the presentation from Tarion's 2015 Annual Public Meeting.

**Question: (Pre-submitted)**

What did Tarion recommend to the Licence Appeal Tribunal (LAT) to help improve the process for homeowners?

**Answer:**

Tarion met with representatives of LAT and their umbrella organization, the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO), in 2014. Our discussion focused on improving the services for self-represented parties and the need for a timely and cost effective process. We also discussed early resolution techniques, and the need for more mediation on the part of LAT. Tarion offered to work with LAT to provide homeowners with more information and better prepare them for the LAT process.

Note: The Licence Appeal Tribunal (LAT) is an independent adjudicative agency created by the Ontario government. If a homeowner disagrees with a Tarion decision, they can appeal this decision at LAT. For more information about LAT and the appeal procedures and timelines, you can visit [www.lat.gov.on.ca](http://www.lat.gov.on.ca).

A very small percentage of cases are brought to a full LAT hearing. This is because Tarion works hard to resolve issues before they get to the LAT stage. It is also important to note that the option to appeal to an external body is not available in every province in Canada that provides similar new home warranty protections.

**Question: (Live)**

How much money does Tarion spend fighting homeowners' disputed claims?

**Answer:**

Less than 1% of warranty claims end up in LAT and, therefore, the amount we spend on legal fees is actually very minimal compared to the amount spent on total operating costs. These costs are a fraction of what is spent on warranty claims and builder licensing appeals. Tarion does not break down those numbers, so we are unable to provide specifics. It is important to stress that Tarion goes to LAT to reach a resolution on outstanding warranty claims, not to fight homeowners. We understand that there are some people who have been through the process and have not had a positive experience. We hope that our efforts to bring homeowners' concerns to LAT will improve the experience. We also hope that the efforts we are taking to improve dispute resolution within Tarion will help improve the overall process.

LAT is not part of Tarion and is neither operated nor controlled by Tarion. LAT is a means to appeal decisions made by a wide variety of regulators in the Province of Ontario.

**Question: (Pre-submitted)**

In what concrete ways have you improved the dispute resolution process for homeowners?

**Answer:**

One way Tarion has improved the dispute resolution process is the introduction of an early intervention process. We heard from some of our stakeholders that the initial builder repair period of 120 days was too long to wait before Tarion got involved. So we've implemented an early intervention process where under certain circumstances, either the homeowner or the builder can contact Tarion prior to the 120 day repair period. More details about this process can be found in [Builder Bulletin 20](#).

**Question: (Live)**

How are Tarion inspectors able to provide accurate assessments if they cannot go into the attic, cut holes in the drywall, or have professional equipment to do their tests?

**Answer:**

Tarion inspectors are trained on the Ontario Building Code, the administration of the Ontario New Home Warranties Plan Act, the Tarion Construction Performance Guidelines, and have customer service training. They have the ability to determine what the defects are. If they believe that more extensive investigation is needed, they have the authority to hire an external expert to help out with assessing defects.

**Question: (Live)**

I don't see that your decision to not publish Major Structural Defects (MSD) in homes that were built after 2012 in the Ontario Building Directory is benefitting consumers at all. Can you explain how it is?

**Answer:**

The Ontario Builder Directory is an area where Tarion is focusing on its commitment to transparency. We have made a number of changes to increase the information available on it. The publishing of the MSD warranty was specifically "grandfathered." While new information going forward will be on it, historical information isn't. I can assure you that we do focus on the Ontario Builder Directory as an area for improvement and will engage in ongoing dialogue on how to improve the directory.

Note: In 2012, Tarion made changes to the seven year Major Structural Defect warranty to put more accountability on builders. Instead of Tarion being solely responsible for this warranty, builders can now share the responsibility of major structural defects. With the new revisions, if a builder does not want to take full responsibility for a major structural defect, he/she has the option to participate in a 'co-share' liability structure. If a major defect claim is warranted, this information will be recorded on the builder's customer service record, available for home buyers to view at Tarion.com under "Ontario Builder Directory." Only chargeable conciliations relating to MSDs in years 3-7 made for homes built after 2012 will be shown on the directory. This decision was made since the responsibility for this part of the MSD warranty before 2012 was Tarion's alone. Tarion did not feel it was right to put something on a builder's record that they were not responsible for.

**Question: (Live)**

Can we clarify how many cases were opened by the Tarion Ombudsperson?

**Answer:**

The Tarion Ombudsperson Annual Report discusses the total number of cases that was received. In 2014 the Ombudsperson had 246 complaints and inquiries.

Note: The Tarion Ombudsperson Office 2014 Annual Report is available [here](#).

**Question: (Live)**

Why does Tarion make political contributions?

**Answer:**

Tarion no longer makes political contributions. This practice was stopped in 2008. We no longer believe it is appropriate to use Tarion's guarantee fund to make partisan contributions.

**Question: (Webcast)**

Is there a way to determine what changes were made to Builder Bulletins? For instance, is there a summary of changes available to Builder Bulletin 20?

**Answer:**

A consultation summary for updates to Builder Bulletin 20, including highlights of changes is available [in this document](#). The revised Builder Bulletin 20 is available [here](#).

**Question: (Pre-submitted)**

What's the recourse if the workmanship done by the builder is not to the customer's satisfaction?

**Answer:**

The warranty process begins with making a claim. It is the homeowner's responsibility to submit a warranty form on time. If you have submitted your claim to us and the builder has not satisfied the defect that you have reported, you need to ensure that you request a conciliation from us. There is an initial builder repair period of 120 days. And if after that period the defects are not resolved to your satisfaction, make sure that you request a conciliation from Tarion and at that point in time we will come out to your house and view what items that you feel are not done to your satisfaction.

During a conciliation inspection, Tarion will assess whether the repair has satisfied the warranty standards. Tarion will be looking to ensure the repair has fixed the defect in question. It is possible that Tarion's satisfaction with a repair may not satisfy the homeowner. If the homeowner does not agree with Tarion's final assessment, they can request a decision letter and/or appeal to the License Appeal Tribunal.

**Question: (Live)**

What can a unit holder do if a common element defect affects your unit?

**Answer:**

If you notice any damage or defects to the common elements, you should notify your condominium corporation's representative (usually the Property Manager or member of your board of directors) so that he/she can decide what action to take under the common elements

**Question: (Webcast)**

Can the Ombudsperson, if permitted by homeowners, waive the confidentiality clause and provide more information on the results of investigations?

**Answer:**

The terms of reference for the Ombudsperson Office outline the requirements for confidentiality. The terms of reference are reviewed on an annual basis to ensure that they remain consistent with best practices of Ombudsman offices in the public and private sector. When the Ombudsperson receives a complaint, the level of confidentiality is established by the person complaining. Prior to commencing an investigation Ombudsperson staff discuss any limitations on confidentiality and how they would impact the investigation or resolution of a complaint. Under current practices, the level of confidentiality is established by the complainants and staff in the Ombudsperson office are responsible for working in a manner consistent with the terms of reference.

**Question: (Webcast)**

Where can we find the Building Code on Tarion.com?

**Answer:**

The Ontario Building Code is not available on Tarion.com. The Code is administered by the Building and Development Branch of the Ministry of Municipal Affairs and Housing. [Click](#)

[here](#) to access the Ontario Building Code from the Ontario Ministry of Municipal Affairs and Housing website. (All Ontario statutes are available at [Ontario.ca/laws](http://Ontario.ca/laws).)

**Question: (Pre-submitted)**

How can a homeowner protect themselves from a developer's failure?

**Answer:**

Part of Tarion's mandate is to protect consumers when builders fail to fulfil their warranty obligations.

To help protect yourself from a builder failure, research your builder on the [Ontario Builder Directory](#) to make sure he/she is a registered builder with Tarion before signing a purchase agreement.

When purchasing a home, always use a lawyer for a home transaction. He or she can help with advice and in negotiating the contract or Agreement of Purchase and Sale. Make sure it is your own lawyer, and not the lawyer of the builder.

Tarion provides protection when a builder is unable to fulfil his/her warranty obligations. In addition to deposit protection, Tarion will step in and fulfil the builder's warranty obligations if he/she is unable to do so. If your builder is unable or unwilling to resolve items on the form that are covered by the statutory warranty, you may contact us at 1-877-982-7466 to request assistance.

**Question: (Live)**

Who is conducting the dispute resolution review, and how do you spell her name?

**Answer:**

Tarion has retained Genevieve Chornenki as an external, independent consultant to conduct a review of Tarion's dispute resolution process for homeowner statutory warranty claims.

**Question: (Live)**

Please confirm if Tarion provides bonuses to its representatives/employees for limiting or denying claims.

**Answer:**

No, Tarion does not follow that practice. Tarion focuses on finding resolutions that satisfy homeowners and the warranty obligations. Our staff are praised for identifying and resolving warranty issues, and finding ways to help homeowners when an issue falls outside the warranty.

**Question: (Pre-submitted)**

Why do you charge homeowners a conciliation fee?

**Answer:**

Homeowners must pay a fee of \$282.50 to schedule a conciliation inspection. This deposit is fully refunded if Tarion conducts the inspection and determines that one or more items are covered by the warranty, or if the homeowner cancels the inspection with at least 24 hours advance notice. There is a \$1,000 charge for builders when we conduct a conciliation and

determine that one or more items are warranted.

This practice is done to discourage conciliations for items not covered under the warranty. After a homeowner books a conciliation inspection, a Tarion warranty representative will call the homeowner and discuss the issue. If the conciliation inspection is cancelled, the deposit is returned. Since implementing this deposit requirement, Tarion has seen a noticeable decline in the number of items assessed at inspections that do not fall under the warranty.

**Question: (Pre-submitted)**

Why does Tarion not cover nail pops?

**Answer:**

Nail pops are covered in situations where they are excessive and appear to be a result of a defect in the drywall installation. As a general rule, the warranty does not cover nail pops if they result from normal shrinkage of building materials. Please refer to [Section 9.6 of the Construction Performance Guidelines](#) for more information. You can also watch our video, entitled "[Nail Pops and Your New Home Warranty.](#)"

**Question: (Live)**

Do you support Bill 60?

**Answer:**

As the provincially appointed regulator that administers the Ontario New Home Warranties Plan Act, we serve at the privilege of the government, and cannot and do not comment on proposed legislation that is before the Legislative Assembly.

Should the provincial government at any time decide to make a regulatory or legislative change to the Act we are mandated to administer, we will, of course, work closely with the government to make the operational changes as required.

**Question: (Pre-submitted)**

Where can we find Tarion's total series of By-Laws – are they published?

**Answer:**

Tarion has one corporate By-Law. The Ontario New Home Warranties Plan Act, its regulations and Tarion's By-Law are all available on Tarion.com by clicking [here](#).

**Question: (Live)**

How can Tarion disregard Section 13 of the Ontario New Home Warranties Plan Act and leave the homeowner with the confirmed Ontario Building Code violations if issues are reported after the deadline?

**Answer:**

The regulations do not supersede a requirement under the Act. The Act specifically allows for an expiry period, and this information is clearly outlined in the Homeowner Information Package. Tarion cannot accept warranty claims that do not follow the specified timelines.

Section 13 of the Ontario New Home Warranties Plan Act explains what is covered under the warranty. Under this section, the builder warrants that the home is built according to the

Ontario Building Code. The second part of the Act sets up the framework by which a homeowner can make a claim. Claims are time limited, like most warranty or insurance structures. As a result, there can be a situation where a defect is uncovered or discovered after a timeline has lapsed. Sections 13(4) and 23(1)(j) of the Act explain the timeframes and expiry periods within the Act.

**Question: (Pre-submitted)**

Why do you allow the builder to have an extended repair period after conciliation?

**Answer:**

In most cases, builders are given 30 days after the date of the conciliation report to resolve any warranted items. When the time period given to a builder is extended beyond 30 days it is typically done so where the repair will be affected by the weather, or where the materials required for the repair are unique or unavailable and additional time is reasonably required to order and obtain them. Homeowners will be informed about any extensions provided to their builder, and the reason why.

**Question: (Pre-submitted)**

Do we have a chance to have items warranted even if they have been accidentally left off of our 30-Day and Year-End Forms?

**Answer:**

If you missed an item on your 30-Day form, you can include it in the Year-End Form. If you missed the item on your Year-End Form, it would have to be an item that is covered on the two year or seven year warranty to be considered. In any event, we recommend that new homeowners always contact their builder to see if he/she will do the repair.

**Question: (Live)**

The LAT process is not easy for homeowners. They can't afford lawyers and can't afford the time. Homeowners give up. Why is this so intimidating?

**Answer:**

The warranty program's aim is to resolve claims before they get to the LAT stage. In 2014, approximately 93% of claims were resolved without the need for Tarion's involvement. The next 6% or so are resolved through a number of different facilitation efforts in order to reach an agreement between homeowners and builders

Despite the fact that very few cases (less than 0.2%) proceed to a full LAT hearing (a body independent of Tarion), we have listened to homeowners' concerns about the process and brought these concerns to LAT. Tarion met with representatives of LAT and their umbrella organization, the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO), in 2014. Our discussion focused on improving the services for self-represented parties and the need for a timely and cost effective process. We also discussed early resolution techniques, and the need for more mediation on the part of LAT. Tarion offered to work with LAT to provide homeowners with more information and better prepare them for the LAT process.

**Question: (Pre-submitted)**

What is Tarion's view on bringing accountability and transparency to Tarion?

**Answer:**

As a board we spend a great deal of time looking at transparency, fairness and balance within the organization and within the process.

Tarion embraces meaningful accountability and transparency. In recent years, we have increased Tarion's transparency in an effort to continuously improve our services and meet the needs and requests of Ontario's new home buyers.

Some of our initiatives to operate transparently include:

- Adopting and expanding Tarion's public consultation process, which was introduced in 2010. Through this process we seek feedback from all our stakeholders on all policy proposals.
- Holding an annual public meeting. This meeting was first implemented in 2009 to share information on our services and progress, and respond to questions from our stakeholders.
- Travelling across the province to meet with stakeholders, including homeowners who have been through the warranty process, builders and local officials to gather their feedback and provide updates on Tarion.
- Publishing an annual report to provide the public and our stakeholders with detailed information about our services, advancements and detailed financial information.
- Improving our correspondence by making our language clearer so homeowners can better understand our decisions and the specifications of the warranty.
- Updating the Ontario Builder Directory. In 2014, we added a "notice of proposal" status to the directory, which means Tarion is looking into a builder's registration status, and we separated claims paid for Major Structural Defects.

In terms of accountability, we continue to be accountable to the Ontario Government and adhere to the terms of our accountability agreement under the legislation. This agreement is now posted on our website for the public to view [here](#).

We are also accountable to Ontario new home buyers. One of the ways we evaluate ourselves is based on the annual satisfaction surveys we send out to every new home buyer in their first year of possession. We examine the results every year and look for ways to improve our services and our policies. We have also made significant improvements to the warranty over the years to better protect new home buyers.

Going forward, Tarion will continue to abide by our accountability agreement with the Ontario Government, and work towards increasing transparency in meaningful ways that will benefit our stakeholders.

**Question: (Live)**

A comment is made about the statistics Tarion presents on the percentage of cases that proceed to the Licence Appeal Tribunal (LAT), and how it is very difficult to prove cause and effect. A comment is also made on the LAT process not being simple for homeowners, and once again a request is made for Tarion to stop using outside legal counsel at LAT.

**Answer:**

Even though Tarion's data demonstrates that a very small percentage (less than 1%) of cases end up in a full LAT hearing, we still believe that the process can be improved. This is why Tarion hired an outside expert to review dispute resolution. We're trying to find ways to

make the process better. We agree that LAT feels and acts like a courtroom. It is also important to remember, that LAT is independent from Tarion.

Tarion has a sincere interest in trying to make this process work better for people. Tarion will continue to use outside counsel at LAT when necessary. One reason we use outside counsel is for geographic purposes. Tribunals can be held in different locations across the province, therefore Tarion will retain local counsel to reduce travel.

**Question: (Webcast)**

Does the Sunshine List include Tarion?

**Answer:**

Tarion is not required to be on the Sunshine List as it is a private, not-for-profit organization.

**Question: (Live)**

A homeowner comments on the record of the builders on Tarion's Board of Directors as listed in the Ontario Builder Directory, stating that one builder on the board has higher conciliation and claims paid numbers than the rest. He asks if this builder should be considered a delinquent and shoddy builder in comparison to the other builders on the board.

**Answer:**

The information available on the Ontario Builder Directory is accurate to the best of our records. We suggest home buyers, when looking at the Ontario Builder Directory, look at the number of chargeable conciliations, look at that relative to the number of homes built, and if you have any questions about the builder's records, contact the builder. Chargeable conciliations are one of a number of factors that you want to look at when deciding which builder to work with, including talking to other home buyers, looking at other 3<sup>rd</sup> party information available. Tarion would encourage prospective home buyers to contact the builder directly and ask him/her questions about their record.

Note: Builders on Tarion's Board of Directors are subject to the same regulations, terms and conditions as all builders in Ontario.

**Question: (Live)**

A condo owner names two Tarion staff by name in appreciation for having tried very hard to help her. She then asks if Tarion can go outside the regular builder repair period and work with a builder to fix an issue with the common elements more quickly, which is having an effect on the health of unit owners.

**Answer:**

Unit owners can request the help of their property manager and board of directors. If the issue is not being given proper attention, contact Tarion as well. Serious health and safety concerns brought to Tarion's attention are dealt with outside the general timelines and procedures.

[Click here](#) to read more about exceptions to the statutory warranty process, including situations where the home is uninhabitable for health or safety reasons.

**Question: (Live)**

A homeowner asks why fines for illegal builders are so low. She feels that they are not enough to deter illegal building.

**Answer:**

Tarion shares the frustration regarding fines for illegal building and hopes to see the minimum fines changed within the legislation. The judge ultimately sets the fine.

We have been working on strategies to reduce illegal building that involve other means. One of the strategies that Tarion's Enforcement Department adopted was focusing on deterrence. This involves charging repeat offenders or detecting other mitigating factors where the sentencing could warrant seeking a higher fine.

This is one prong of a multi-pronged strategy. There is also education, and being a presence in the community. Tarion works with municipalities, home builders and homeowners who have been affected by or have conducted illegal building activities.

There's also the prevention model, which we're hoping to work with municipalities and share resources to try and prevent illegal building activities from happening.

Tarion's prevention model for illegal building involves educating owner-builders on the warranty program before a building permit is granted. As of July 2015, this proposed model is currently being piloted with six municipalities.

**Question: (Live)**

How can Tarion disregard Section 13 of the Act around Ontario Building Code violations, when it's recognized that there are Building Code violations, and have a regulation supersede that specific clause in the Act?

**Answer:**

Section 13 of the Act describes what is covered under the warranty. The second part of the Act sets up the framework by which a homeowner can make a claim, which is time limited, like most warranty or insurance schemes. Therefore, the claim itself can be time limited. So as a result of that, you can have a situation where a defect is discovered after the warranty has lapsed. It's no different from any kind of product warranty. If you find a problem with that after that time frame passes, you can't make a claim under the warranty. This is the model that they drew upon when they created the Act. There is no inconsistency or superseding.

**Question: (Live)**

How can Tarion's own hired internal Ombudsman be impartial when he is paid by Tarion, their employer is Tarion, and he has to answer to Tarion?

**Answer:**

Tarion's Ombudsperson Office is independent in its purpose, independent in its administration, and independent in its decision-making. The purpose of the Office is to be an independent body. The Office is not accountable to Tarion management. When meeting with the Board's Consumer Committee, the first question that the Board members ask in an in-camera session when management isn't around is: Are you able to fulfil your mandate to the degree to which you're intended to without interference from management? The Office has never had a file where management has intervened. The Office has also never had to change a finding or felt fettered in any way.

For more information on the Ombudsperson Office, view the Office's annual report, available [here](#). This report lists recommendations made by the Ombudsperson Office and the number of recommendations that have been implemented by Tarion. Tarion has fully implemented 88% of this Office's recommendations, and partially implemented a further 11% of the recommendations since the Office's inception.

**Question: (Pre-submitted)**

If homeowners are not happy with the resolution or decision made by Tarion, do they have another recourse?

**Answer:**

If a homeowner is unsatisfied he/she has a number of options to escalate their matter of concern including to Management, the Tarion Ombudsperson, and/or an appeal to the Ontario Licence Appeal Tribunal. If someone is unsatisfied with the Licence Appeal Tribunal decision, a further appeal could be made to a court.

**Question: (Live)**

Why do you only show the satisfaction rate of the first year home buyers in your annual customer service surveys, when really it's homeowners that are well beyond the two year mark that actually have a better impression of Tarion?

**Answer:**

Tarion's New Homeowner Survey Results for all years (Year 1 and Year 2 through 7) are posted on our website annually and are available [here](#).

**Question: (Live)**

Section 18 of the Act says that Tarion shall retain inspectors during construction. How many inspectors during construction did Tarion have in 2010, in 2013, in 2014?

**Answer:**

Tarion has had approximately 3 inspectors appointed under Section 18 of the Act each year since 2010.

However, it is important to distinguish Tarion's responsibilities compared to those of the municipality. Home inspections for compliance with the Ontario Building Code are the responsibility of the municipality. For this reason, we do not see ourselves primarily as an inspector of homes during construction. This type of inspection is done by the municipalities and our inspections primarily occur to assess warranty claims after possession. There is nothing in the ONHWP Act or its Letters Patent which would lead to the conclusion that the purpose of the Act is to provide parallel building inspection services.

There are a few examples where Tarion performs inspections during construction. One is risk mitigation inspections from the underwriting perspective to try and mitigate the risk of a poor building being constructed. The primary example of that role is in the context of condominium high-rise construction where under Builder Bulletin 19, Tarion requires builders to hire a third party engineer during the construction to do milestone reports. Those milestone reports are submitted to Tarion and Tarion representatives will review those reports. These reports are also turned over to the condo corporation upon registration as part of the turnover documents.

On the freehold side, where Tarion believes there's a high-risk building situation, one of the terms and conditions that we can impose on a builder is inspections during constructions so Tarion can see how the project is being built. That kind of target inspection does happen on a narrow basis for risk management.

**Question: (Live)**

When Tarion inspects a home and determines that there is an issue, why are you leaving it up to the builder to determine how they are going to fix the issue without involving yourself in what the proposed solution is to ensure that is aligned with the Building Code?

**Answer:**

The new home warranty is provided by your builder. It is backed by Tarion. At the conciliation inspection, Tarion will determine whether or not there are any warranted items and then the builder is given one last time to fix them (it) during the builder repair period of 30 days. If you are not happy with either the method of repair or the actual repair, you can call Tarion and we'll come out and do another inspection to determine if it was done properly.

**Question: (Live)**

If a homeowner complains about a certain area of the organization to the Ombudsperson, when would it be considered appropriate to refer that person to that department for a response, rather than the Ombudsperson Office?

**Answer:**

The Ombudsman Office is set up to be an office of last resort. If a homeowner contacts the Ombudsperson they are asked, where they are in the complaint process, and who they've spoken to. If they haven't addressed their issues through Tarion first, then the issue is referred to the appropriate department for review. People are then invited to come back in the event they remain unsatisfied and their complaint is reviewed at that time.

**Question: (Live)**

What is and where can I find the specific Tarion policy protocol on determining an illegal build?

**Answer:**

Under the *Ontario New Home Warranties Plan Act*, all new home builders and vendors must be registered with Tarion and enrol the homes they build into the warranty program. Therefore, it is illegal for a builder to enter into an Agreement of Purchase and Sale or construction contract with a purchaser if the builder is not registered with Tarion. It is also illegal to begin construction of a home or condominium without first enrolling it with Tarion.

If Tarion determines that a builder has not followed the regulations in the Act, we will investigate the situation and potentially prosecute the builder.

The *Ontario New Homes Warranties Plan Act* can be accessed [here](#).

More information about illegal building can be found on our website [here](#).

**Question: (Live)**

If you have a known issue with your home, but trust that your builder is going to take care of it and they don't, can we submit the issue in the Second Year Form, even if it was supposed to be submitted in the first year warranty?

**Answer:**

If a homeowner has a claim, it must be made before the deadline for each warranty form. If a homeowner misses a deadline because a builder has suggested to hold off, contact Tarion directly to discuss your situation. That's certainly something we would be interested in. But when it comes to the claims process, homeowners must follow the process and the deadlines.

Upon conclusion of the meeting, homeowners were given the opportunity to interact directly with Tarion staff members.

For more questions and answers, visit the [You Asked Us section](#) of Tarion's website.