

Indicators of Independence

An external evaluation of the New Home Ombuds office, completed in 2021, determined that the office has a high level of structural independence from Tarion. This is born out in the following indicators:

- The office is enshrined in legislation. The *Ontario New Home Warranties Plan Act* requires that Tarion have an ombudsperson therefore the office cannot be closed by Tarion.
- The Administrative Agreement between Tarion and the Ministry of Government and Consumer Services specifies the following:
 - the position of Ombuds may not be terminated as reprisal for recommendations or criticisms of Tarion.
 - the office must operate independently of all departments.
 - the records of the Ombuds office shall not be accessed by Tarion.
 - the Ombuds reports to the Board and not to Tarion management.
 - Tarion management has no role in evaluating or reviewing the Ombuds and staff.
 - the Ombuds sets and manages the office budget, subject to Board approval.
 - the Ombuds, not Tarion, selects the staff of the office.
- The office's files, email and database are housed on a separate server that is not accessible to Tarion.
- The office has a Code of Conduct and Privacy Policy that are separate from Tarion's.
- The office can initiate investigations on its own authority, without a complaint being received.
- The office is governed by a robust Terms of Reference that upholds our independence.
- The Ombuds office serves only one role, to identify fairness issues and make recommendations to remedy them. Ombuds staff do not serve any other decision-making roles in Tarion.