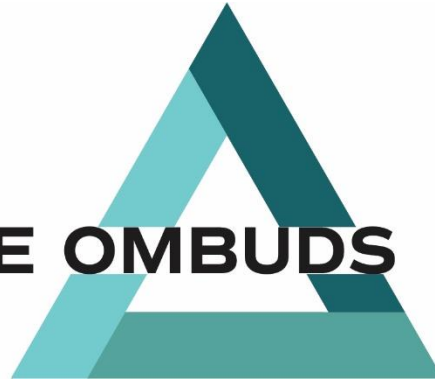


NEW HOME OMBUDS



**Response to the Report and
Recommendations of the External
Compliance Review/Evaluation**

June 28, 2021

New Home Ombuds Office

2238 Dundas Street West
PO Box 59102
Toronto, ON M6R 3B5
Toll free: 1-877-880-3828 Fax: 416-229-3849

Website: newhomeombuds.ca
Email: ombuds@newhomeombuds.ca



New Home Ombuds Response to the Compliance Review/Evaluation

We appreciate Dr. Farrell's insights into the Independence, Confidentiality, Credibility and Accessibility of the office. We accept her recommendations and look forward to incorporating these best practices into our work. A summary of the recommendations and our plans for implementing them is attached.

Background

Questions that were raised at Tarion's 2019 Annual Public Meeting and by the Auditor General during her review of Tarion in 2019 led to the Ombuds office developing measures to increase our independence. One of these measures was voluntarily engaging an external evaluator to determine whether the office is operating within the ethics and standards of accepted Ombuds practice.

For an evaluation to be credible, it must be conducted by an acknowledged authority in the field. A request for proposals was initiated and Dr. Nora Farrell was selected as the evaluator. Dr. Farrell has more than 25 years of experience in Ombuds work and holds both an LLM and PhD from Osgoode Hall Law School. In addition, she has conducted Ombuds-related research and been involved in the creation and delivery of many professional development programs for Ombuds personnel. Beyond the ombuds sector, she has conducted evaluations of organizational effectiveness in the public and not-for-profit sectors.

Independence

| | Recommendation | Response | Implementation plan |
|---|--|---|---|
| 1 | <p>Revise Code of Conduct:</p> <ul style="list-style-type: none"> a) To better represent the actual operations of the Ombuds office b) To demonstrate that any conflict of interest investigation undertaken does not encroach on the independence of the Office c) To clarify the process for external conflict of interest investigations d) More clearly define how allegations of conflict of interest against staff are handled by Ombuds e) Post Code of Conduct publicly | <p>The New Home Ombuds accepts this recommendation.</p> | <p>The Code of Conduct will be reviewed and revised.</p> <p>Because the Code currently encompasses both internal procedures relevant only to staff and external procedures relevant to the public, the Ombuds will divide the Code in order to publish the portions that are relevant to the public.</p> <p>The revised Code will be presented to the Stakeholder Committee at the September 2021 meeting for review. Implementation date: September 2021</p> <p>Following presentation to the Stakeholder committee, the revised Code will be sent to the Board for approval. Implementation date: November 2021</p> <p>Once approved by the Board, the revised code will be published. Implementation date: December 2021</p> |
| 2 | <p>Revise Terms of Reference to note that if Ombuds provides input into Tarion policy or procedure they do so only as a resource</p> | <p>The New Home Ombuds accepts this recommendation.</p> | <p>Revisions to the Terms of Reference will be submitted to the Stakeholder Committee at the September meeting for review. Implementation date: September 2021</p> <p>Following presentation to the Stakeholder committee, the revised Terms of Reference will be sent to the Board for approval. Implementation date: November 2021</p> <p>Once approved by the Board, the revised code will be published. Implementation date: December 2021</p> |
| 3 | <p>Ombuds staff ensure that their role as a resource person is clear in any meeting regarding Tarion policy or procedure</p> | <p>The New Home Ombuds accepts this recommendation.</p> | <p>Ombuds staff shall ensure that they make clear in any meeting or consultation regarding Tarion policy or procedure, that they are acting in a purely consultative role. Implementation Date: July 2021</p> |

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| 4 | Post brief listing of indicators of structural independence on Ombuds website | The New Home Ombuds accepts this recommendation. | The Ombuds will prepare this content and publish it on the appropriate section of the website. Implemented July 2021 |
| 5 | Ombuds staff demonstrate the highest degree of personal independence and impartiality. | The New Home Ombuds accepts this recommendation. | Ombuds shall engage in discussion with staff regarding best practices for demonstrating independence and impartiality. Ombuds staff will ensure all interactions with Tarion staff demonstrate the highest level of impartiality. Implementation Date: July 2021 |

Confidentiality

| | Recommendation | Response | Implementation plan |
|---|--|--|--|
| 6 | Develop an online Permission form to be used by complainants | The New Home Ombuds accepts this recommendation. | Ombuds will develop an online permission form for complainants. Implementation Date: July 2021 |

Credibility

| | Recommendation | Response | Implementation plan |
|---|---|--|--|
| 7 | Annual report outreach a) Regular outreach to Tarion staff re: annual report and trends b) Accessible forum for homeowners to learn about Annual Report | The New Home Ombuds accepts this recommendation. | Ombuds will develop outreach material for Tarion staff and present yearly. Implementation Date: December 2021 Ombuds will research best practices to connect with homeowners and provide for discussion on 2021 Annual Report. Implementation Date: February 2022 |

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|---|---|--|---|
| 8 | Annual Report recommendation reporting a) More detailed information re: implementation/status update of recommendations b) Regular updates of ongoing recommendations | The New Home Ombuds accepts this recommendation. | Ombuds will provide detailed information on Tarion's implementation of systemic recommendations in future Annual Reports. Implementation Date: February 2022 For recommendations that are ongoing, Ombuds will provide updates at regular, relevant intervals. Implementation Date: February 2022 |
| 9 | Annual Report Statistics tracking a) Provide definitions of statistics b) Include year over year statistics for a 4-year period | The New Home Ombuds accepts this recommendation. | Ombuds will review and revise descriptors for categories of statistics in Annual Report. Implementation Date: February 2022 There have been changes to the way complaints are categorized in the new database and this may present challenges for year over year reporting. Ombuds will review year over year statistics and will include them where possible. Implementation Date: February 2022 |

Accessibility

| | Recommendation | Response | Implementation plan |
|----|--|--|--|
| 10 | Request that Tarion refine search function to more easily pull information about the Ombuds website. | The New Home Ombuds accepts this recommendation. | Ombuds will discuss with Tarion how the Ombuds can be more visible on their site, while maintaining independence. Implementation Date: August 2021 |
| 11 | Seek out new ways to make homeowners aware of office | The New Home Ombuds accepts this recommendation. | Ombuds will research opportunities for outreach to homeowners. Implementation date: November 2021 |