

2025

ANNUAL REPORT

1609

NEW HOME OMBUDS



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MESSAGE FROM THE OMBUDSPERSON

All new homes built in Ontario come with a statutory warranty provided by the builder. If a builder fails to meet their warranty obligations, Tarion provides guidance to help homeowners receive the coverage they are entitled to, and when necessary, steps in to help resolve claims, including through financial compensation.

The New Home Ombuds office is a confidential office that functions independently of Tarion's management. We support homeowners by clarifying Tarion's processes, helping resolve issues through communication and early resolution, as well as investigating concerns about Tarion's conduct. Our work is grounded in the principles of fairness, transparency, and excellent customer service.

In 2025, we continued to prioritize early resolution as an efficient way to address homeowner concerns. We helped resolve 37 cases, often by facilitating effective communication between homeowners and Tarion. These case summaries can be found beginning on page 10 of this report.

In addition, the Ombuds office identifies and analyzes systemic issues arising from complaints, provides recommendations to improve Tarion's policies and practices, and promotes fairness, transparency, and accountability in how the statutory warranty protections are delivered.

We also conducted four fairness reviews in 2025, resulting in roughly a dozen recommendations, including two systemic recommendations aimed at improving processes more broadly. You can read more about these recommendations on page 21.

Most homeowners will never need assistance from the Ombuds office. In the majority of cases, warranty issues are resolved directly between homeowners and Tarion. Sometimes, however, homeowners benefit from guidance on navigating the warranty system or understanding how to escalate an issue. In fact, 85% of the complaints and inquiries we received in 2025 were closed without any need for us to contact Tarion, as homeowners were able to proceed with the information the Ombuds office provided.

Finally, our office received four complaints about the outcomes of our reviews. In each case, we engaged directly with the individuals involved to better understand their concerns and took steps to address them where appropriate. Feedback is essential to our continued improvement, and I encourage anyone with concerns to contact me directly.

Improving Accessibility

I'm pleased to share that in 2026, the Ombuds office will take an important step toward improving accessibility by introducing translation services for homeowners. Recognizing the diversity of Ontario's communities and the need for clear, equitable communication, we have engaged a multilingual translation services provider to support homeowners throughout their interactions with our office. This initiative ensures that individuals can fully understand and participate in our processes, regardless of their primary language. It reflects our commitment to equity and inclusion, reducing barriers and strengthening trust by making our services more responsive to the needs of all homeowners.

Engagement With the Ombuds Community

In 2025, I was elected President of the Forum of Canadian Ombudsman (FCO), a national association dedicated to advancing the ombudsman profession across Canada. In this role, I appeared before the House of Commons Standing Committee on Agriculture and Agri-Food to highlight the value and importance of independent ombudsman services. I also engaged with the Australian and New Zealand Ombudsman Association to exchange insights on emerging challenges and leading practices in our field. These activities raise the profile of the New Home Ombuds office, strengthen international collaboration, and provide valuable opportunities to incorporate global best practices into our work.

Thank You

I would like to express my sincere gratitude to the New Home Ombuds team, whose dedication is evident in their willingness to listen and in their commitment to approaching every issue with empathy and impartiality. I also want to thank the staff at Tarion for their collaboration in helping to resolve homeowner complaints, and Tarion's Board of Directors for its ongoing support of the Ombuds office.

I am especially thankful to the homeowners who contact our office. Your openness in sharing your experiences and concerns is invaluable in helping us improve the warranty system and focus our work where it is most needed. I encourage homeowners to reach out to our office if they have concerns about Tarion so that, together, we can continue to build a stronger and more equitable path forward.

Tom Barber (he/him/his)
Ombudsperson
tbarber@newhomeombuds.ca

ABOUT THE OFFICE

The mandate of the New Home Ombuds is to:

**INVESTIGATE
AND RESOLVE
COMPLAINTS**
from homeowners
about Tarion's
conduct;

**ACT AS A SOURCE
OF INFORMATION**
to help
homeowners in
getting assistance
from Tarion; and

**IDENTIFY ISSUES
AND MAKE
RECOMMENDATIONS**
for improvements.



CORE OPERATING PRINCIPLES

The New Home Ombuds office has four core operating principles that guide how we operate day-to-day.

INDEPENDENCE

The Ombuds office operates independently of Tarion's management and employees. We have our own office and maintain our own website. The Ombudsperson reports directly to Tarion's Board of Directors and has an administrative reporting relationship with the Board's Stakeholder Committee, where, periodically, we present our reports to that Committee. In the event we identify systemic shortcomings, we make recommendations for improvements and monitor their implementation. We play a key role in the organization's overall commitment to consumer protection with due accountability, transparency and fairness.

IMPARTIALITY

We do not take sides in a complaint. We objectively assess the information we receive in order to identify and address fairness concerns.

CONFIDENTIALITY

The information we receive is protected. We maintain records separate from Tarion and we do not disclose information to Tarion unless given consent to do so.

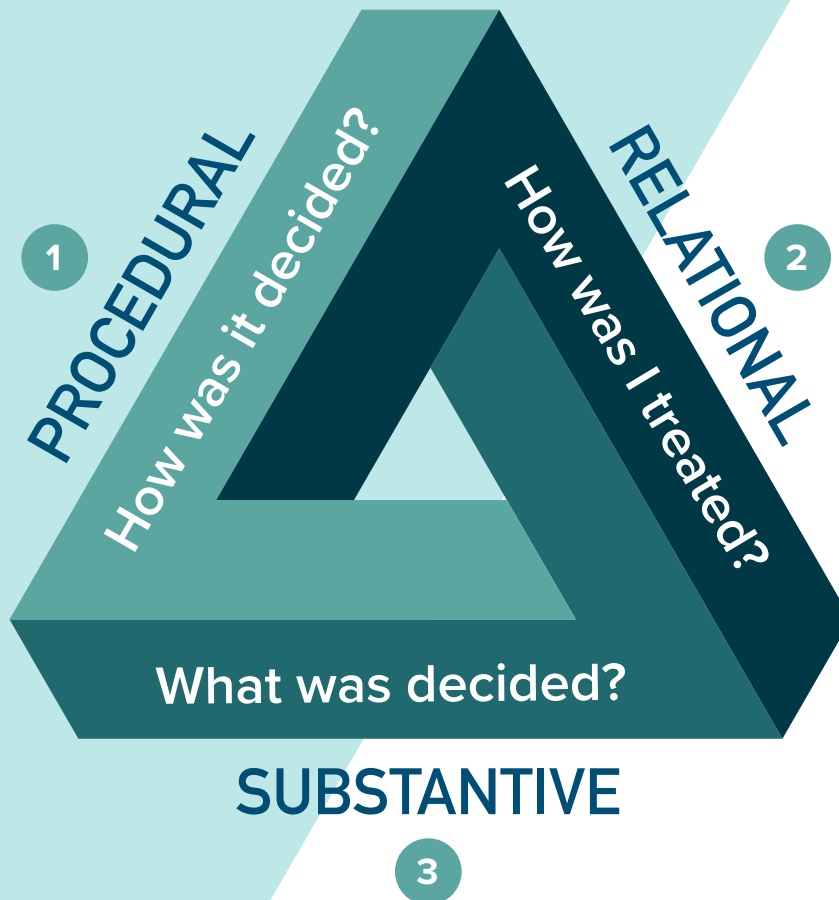
TIMELINESS OF SERVICE

Complaints to the Ombuds are acknowledged within one business day. Our goal is to complete fairness reviews within 20 days.



WHAT IS FAIRNESS

Our office works to ensure that Tarion treats homeowners fairly. We do this by both promoting and protecting fairness. To determine fairness, our office views Tarion's actions through the lens of Procedural, Relational and Substantive Fairness.



If Tarion has missed even one of these three aspects, the homeowner has not been treated fairly, and a remedy may be needed.

When reviewing Tarion's actions, we ask questions such as:

PROCEDURAL FAIRNESS

1 How was the matter decided?

- Did the homeowner have enough information to understand the process and to advocate for themselves?
- Did Tarion provide reasons for the decision it reached?
- Was the decision reached in a reasonable amount of time?

RELATIONAL FAIRNESS

2 How was the homeowner treated?

- Did Tarion listen to the homeowner's concerns and address them?
- Did Tarion treat the homeowner with respect and courtesy?
- Did Tarion follow through on actions it promised?

SUBSTANTIVE FAIRNESS

3 What was decided?

- Did Tarion have the authority to make the decision?
- Was the decision based on complete and relevant information?
- Did the decision contain a material error in fact, or a misapplication of law or policy?

WHY DOES FAIRNESS MATTER?

By applying the principles of fairness to how it treats homeowners and how it makes decisions, Tarion strengthens consumer confidence in its service and process. The New Home Ombuds office protects and promotes fairness at Tarion, thereby helping Tarion better serve homeowners and enhancing public confidence in Ontario's new home warranty system.

PROTECTING FAIRNESS

Protecting fairness is about looking at what has happened. Our office does this by reviewing Tarion's past actions, determining whether they were fair and recommending remedy for any unfairness we find. We do this by:

- **Reviewing complaints from homeowners:** If we find fairness issues, we recommend a remedy for the individual case. For information on this process, please see the next page.
- **Reviewing systemic issues we discover in the course of our work:** When we become aware of a potential systemic fairness issue, we will review it to determine whether Tarion's processes need to change. If we find that there are fairness issues, we will recommend remedies that will address the systemic issue and result in a fair outcome for all homeowners.

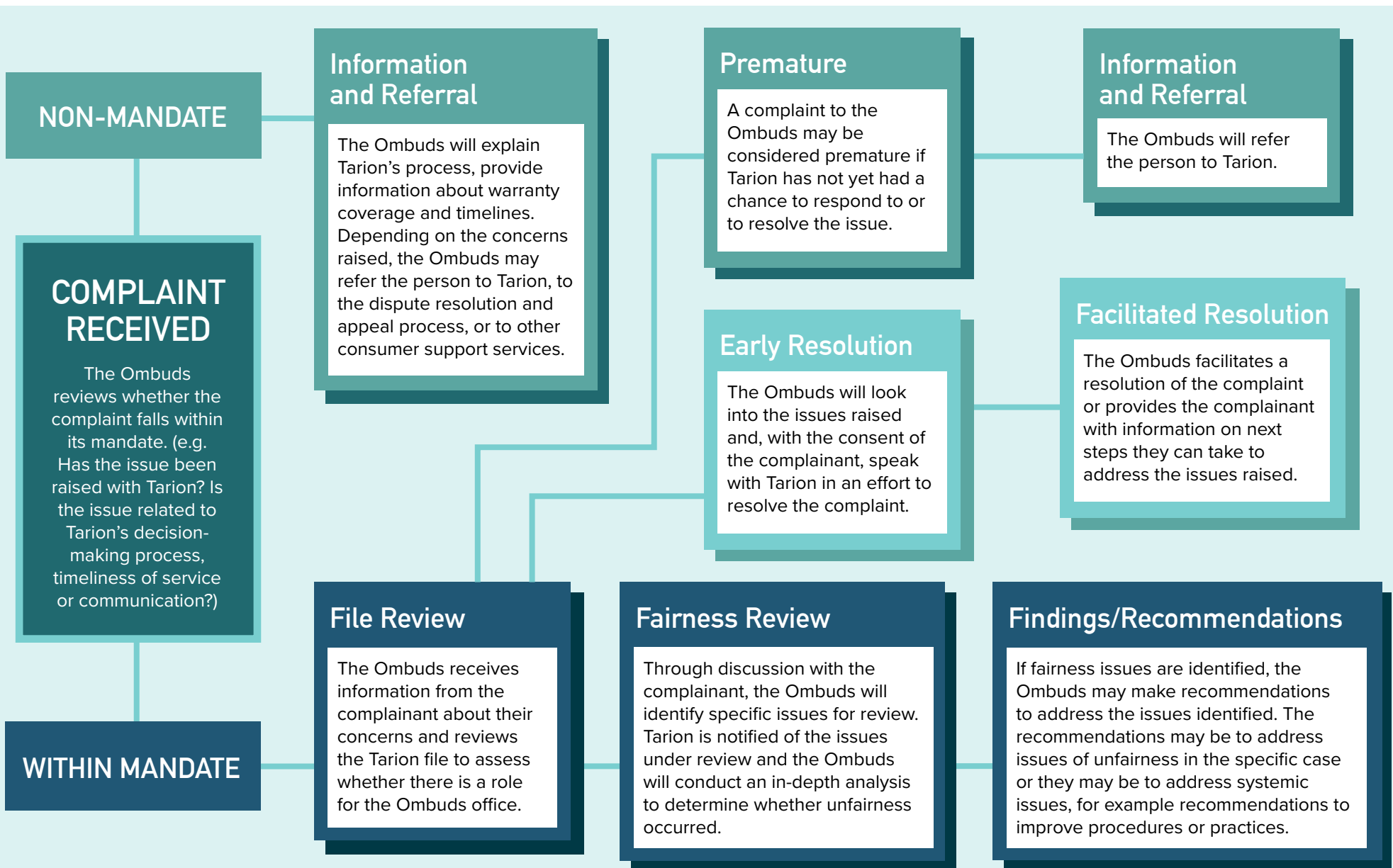
PROMOTING FAIRNESS

Promoting fairness is future focused. The Ombuds office meets regularly with Tarion's Warranty Services management team to discuss emerging issues and trends. We value cooperative resolution and working collaboratively. We believe it is more effective to prevent fairness concerns through early intervention, when appropriate, rather than to find them after they have already occurred.

We promote fairness at Tarion in two key ways:

- When Tarion is developing a new policy or procedure they may request that we review it in draft form to identify and address any potential fairness issues. In this way, we help prevent unfair practices.
- We are also available to Tarion staff for consultation on fairness issues. If a staff member is unsure of the fair way to proceed on a file, they can contact the office to discuss the situation in confidence and we can provide resources on the principles of fairness.

COMPLAINTS PROCESS



2025 AT A GLANCE



TOTAL CONTACTS

- 330 COMPLAINTS
- 84 GENERAL INQUIRIES

COMPLAINT OUTCOMES

173 Information or Referral provided	144 Complaint premature	37 Facilitated resolution
35 Abandoned or withdrawn by complainant	10 Complaint unfounded	10 No Action Required
04 Recommendations made	03 In mediation or under appeal	01 Complaint founded, no recommendation

MOST COMMONLY RAISED ISSUES¹:

FAIRNESS CATEGORY	FAIRNESS ISSUE	NON-MANDATE
132 Decision-making process	84 Lack of clear reasons	24 Complaints about builder conduct
70 Communication	39 No response	13 Inquiry/complaint from vendor or builder
38 Delay	26 Disregard for evidence	10 Appealable warranty dispute
COMPLAINTS ABOUT OMBUDS OFFICE		04

¹The fairness issues noted below are based on the issues raised with the Ombuds office, most of the issues raised are pre-mature and referred back to Tarion.

FINANCIALS

The New Home Ombuds office budget was \$685,000 for the fiscal year ending December 31, 2025.

CASE MANAGEMENT

254 FILE REVIEWS A review of the file to determine next steps for resolution.	47 EARLY RESOLUTION An enquiry with Tarion to address a homeowner's complaint without a fairness review.	4 FAIRNESS REVIEWS An in-depth analysis of whether unfairness occurred.	4 OWN MOTION A file initiated by the office.
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CASE STORIES

THE CASE OF THE MISSING CONTRACTOR

A homeowner contacted the Ombuds office because they were frustrated by a lack of communication with a contractor hired to complete a repair in their home.

The contractor had been introduced to the homeowner when Tarion hired them to provide an estimate to repair a warranted defect.

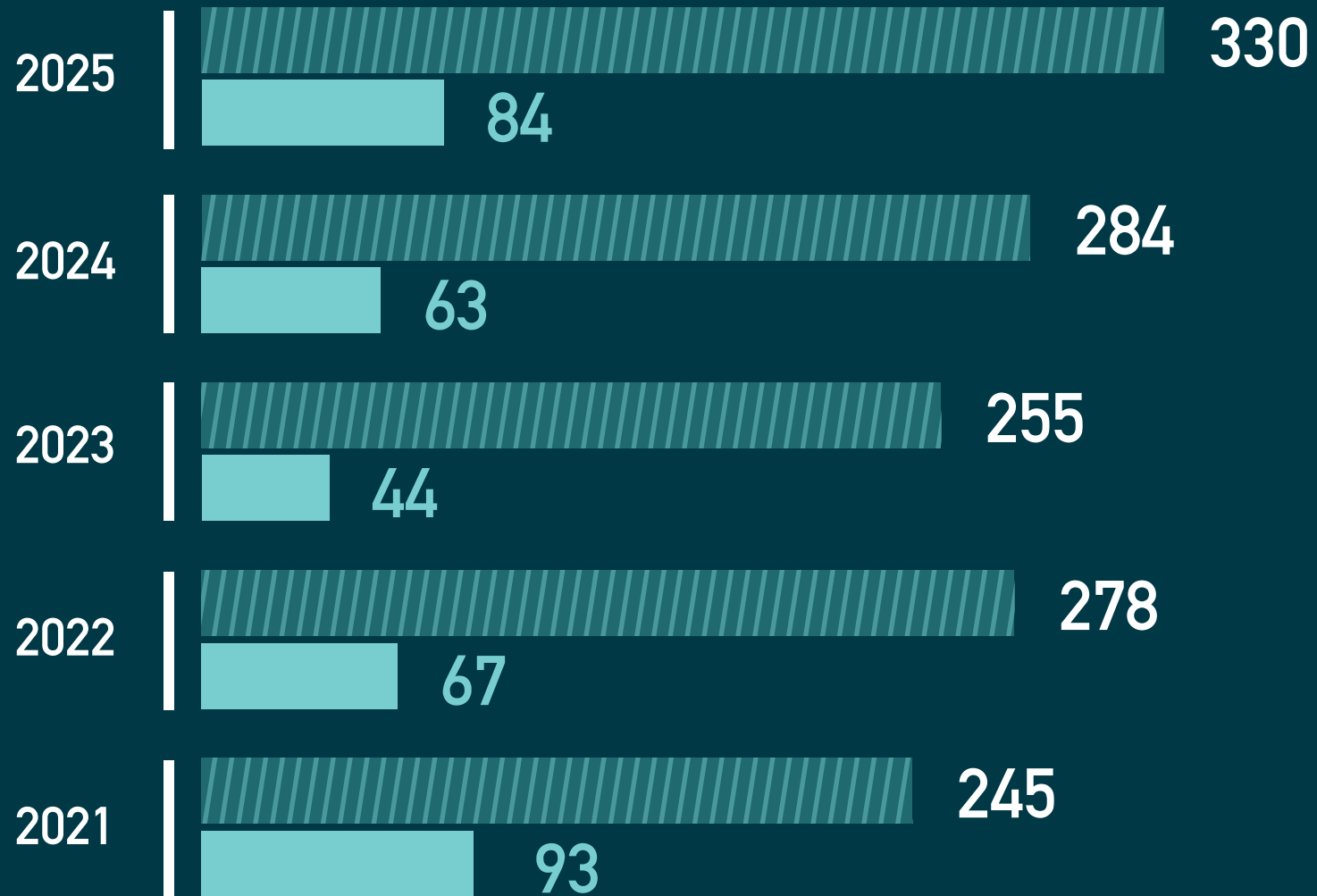
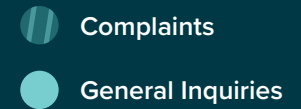
The homeowner told the Ombuds office that the contractor had stopped responding to her and left part of the job unfinished. The homeowner felt Tarion should play a role in resolving the situation. However, Tarion told her to try to resolve the issue directly with the contractor.

When the Ombuds office reviewed the concern, we learned that the contractor had not responded to Tarion's recent communications either and we discussed this concern with Tarion. As a result of the Ombuds office involvement, Tarion:

- Removed the contractor from its roster of contractors and consultants; and,
- Agreed to conduct an inspection of the home to review the incomplete work and identify next steps to ensure the warranted items could be addressed.



FIVE YEARS IN REVIEW





“

Thanks again for taking not only the time to chat with us, but for your empathy and understanding in regard to our situation.”



CASE STORIES

NEXT STEPS CLARIFIED

The Ombuds office often helps to guide homeowners in navigating the warranty process and in obtaining assistance from Tarion.

For example, a homeowner contacted the Ombuds office because they were concerned that their builder had not properly completed mould abatement in their home. Although they had been in communication with Tarion, they were unsure as to the status of the issue or next steps. The homeowner was concerned that their builder had not provided a thermal scan report in relation to cold air and drafts in the house.

Our office spoke with Tarion about these concerns and Tarion confirmed that the mould and cold air issues would be assessed during upcoming inspections. Through our early resolution process, we clarified the next steps in the warranty process so the homeowner had a better understanding of what to expect. This helped reduce confusion and ensured the homeowner understood the status of their issues and when they would be assessed.



“

Thank you for
hearing us
out and being
so kind and
understanding.”

CASE STORIES

WINTER IS COMING

In the spring, a homeowner called to say there was an impasse with the builder about repairs to his roof.

The builder would not repair it, but the legislated repair period was not over. Waiting for the builder repair period to end before booking an inspection would mean there would not be a clear path to repair the roof for several months. The homeowner wanted to have a warranty decision before the winter, so that he could pay for the repairs himself if it wasn't covered.

The Ombuds office cannot abridge timelines, but we helped the homeowner get assistance from Tarion. We directed him to the staff person who could determine whether Tarion would abridge the repair period and schedule an inspection.

After the homeowner spoke to the appropriate staff, Tarion agreed to abridge the repair period. Tarion completed the inspection within two weeks and issued the assessment report to clarify the warranty status of the roof by mid-summer.



“

I would like to personally thank you for your dedication to consumer protection.”



CASE STORIES

TARION OFFERS STEPS FOR ADDRESSING MISSED ITEMS

Sometimes when the Ombuds looks into a matter we determine that Tarion has already taken reasonable steps to remedy the homeowner's concern.

For example, a homeowner contacted the Ombuds office to complain that certain items listed on their 30-Day warranty form were not included in Tarion's Conciliation Assessment Report.

The Ombuds office spoke with Tarion staff and reviewed the homeowner's file. We learned that Tarion had already offered a reinspection of items the homeowner felt were missed, an independent third-party evaluation of specific issues, and to assign a senior warranty services representative to assist with next steps on the file. Tarion had also apologized to the homeowner for any miscommunication.

The Ombuds review determined that the steps Tarion had already taken were appropriate remedies to address the homeowner's concerns.

The Ombuds office helped to ensure the homeowner understood Tarion's offer and the options for pursuing their warranty claims.



A photograph of two women in a room, likely a living area, engaged in packing a cardboard box. The woman on the left, with long wavy brown hair and wearing a red top, is holding a large green fern plant in a blue pot. The woman on the right, with dark hair pulled back and wearing a white t-shirt, is looking into the box. The box contains several books and a framed picture. In the background, there is a wooden chair and a potted plant. The scene is brightly lit, suggesting a sunny day.

“

I truly value
the support
you provided
throughout this
process.”



CASE STORIES

IS IT A QUOTE?

A homeowner and Tarion were working to agree on a settlement amount to resolve warranted items.

The homeowner submitted an invoice to Tarion and asked to be reimbursed for costs incurred to hire a contractor to comment on the repairs.

Tarion denied reimbursing the costs because Tarion stated that the information provided by the contractor was not a valid quote that could be used for establishing a settlement.

When we reviewed the case, the Ombuds office observed that the homeowner's contractor was referenced in Tarion's settlement documents. We noted a fairness concern that Tarion had not considered whether the homeowner's contractor had informed part of Tarion's decisions about the settlement offer, prior to denying reimbursement of the invoiced amount.

We recommended that Tarion determine whether the contractor information referenced in the settlement documents pertained to the homeowner's invoice, consider whether that changed Tarion's decision about reimbursement and provide a written explanation about their determination.

After completing the recommendations, Tarion agreed to reimburse the homeowner for the invoiced amount plus HST.

CASE STORIES

COMMUNICATION LEADS TO RESOLUTION

A homeowner contacted the Ombuds office with a concern that important evidence was not considered during Tarion's assessment.

The homeowner believed his views had been misrepresented in Tarion's Conciliation Assessment Report.

During a fairness review, the Ombuds learned that the evidence had been considered, however Tarion had not specifically referenced the evidence in its assessment. The Ombuds office recommended that Tarion provide written explanations for why the evidence did not change the warranty assessment. We also recommended that Tarion acknowledge the homeowner's position on the warranty assessment.

The Ombuds office facilitated further communication between the homeowner and Tarion after the recommendations were implemented. This led to Tarion asking the builder to complete further repairs which led to resolution of the homeowner's concerns.

PAYMENT DELAYS

The Ombuds office conducted a fairness review into a homeowner's complaint about two delayed payments and whether Tarion had provided clear communication about the status of the payments.

During the fairness review, Tarion staff acknowledged that there had been a delay in processing the first payment and Tarion apologized for the delay. Tarion also admitted that the second payment had been overlooked and issued an apology for this oversight. Both payments were subsequently sent to the homeowner by courier.

Because Tarion acknowledged the payment delays and apologized, the Ombuds did not make any recommendations with respect to these issues. However, the Ombuds found that Tarion should have communicated these acknowledgments and apologies when the homeowner initially followed-up with Tarion staff about the status of the payments.

When delays or errors occur, Tarion should acknowledge them immediately in order to maintain transparency and trust in the process. Prompt acknowledgment demonstrates accountability and respect for homeowners. The Ombuds recommended that Tarion apologize to the homeowner for not communicating earlier that there had been delays in processing the payments.

RECOMMENDATIONS

One of the important functions of the New Home Ombuds office is to alert Tarion to both individual instances of unfairness and to larger, systemic issues, and to make recommendations for remedy. We make recommendations that are practical, achievable, and fair.

Although Tarion has no legal obligation to accept our recommendations, our recommendations are usually acted on because we illustrate to Tarion why acting on the recommendations is “the right thing to do” based on the facts of the case.

All recommendations made in 2025 were accepted and implemented by Tarion.

SYSTEMIC RECOMMENDATIONS

In some cases, the review of a complaint may reveal not simply an individual error on Tarion’s part, but a systemic issue that needs to be addressed on a broader level. In these cases, we will make systemic recommendations in addition to the recommendations for individual remedy.

In 2025, we made two systemic recommendations to Tarion following our review of a homeowner’s complaint:

- We recommended that Tarion remind its Warranty Services staff that inspection photos are available for homeowners to access through MyHome.
- We recommended that Tarion ensure staff are aware that contingency fees are not paid.

INDIVIDUAL RECOMMENDATIONS

Provide apology	9
Provide information	1
Take specific action	1
Provide reasons	1

CASE STORIES

OWN MOTIONS

If a systemic issue is observed while addressing an individual complaint, the Ombuds office might initiate an own motion review to look more closely at the concerns and determine whether a systemic recommendation needs to be made.

CLARIFYING TARION'S ROLE IN CONTRACTOR DISPUTES

The Case of the Missing Contractor (see page 10 of this report) led to the Ombuds office opening an Own Motion into Tarion's process for responding to homeowner complaints about contractors or consultants that Tarion uses to provide quotes related to a claim.

The Ombuds office learned that Tarion has a strong vetting process when adding contractors to its list of approved contractors and consultants. Tarion staff use these contractors to assess defects and provide repair quotes, and some homeowners choose to hire them for repairs. However, Tarion had not clearly communicated its role if disputes arise between homeowners and a contractor Tarion has retained to provide a quote.

In response to the Ombuds office Own Motion, Tarion revised its compensation correspondence to explain that homeowners are not obligated to hire the contractor who provided the quote used to determine compensation. It also clarifies that if the homeowner chooses to hire a contractor Tarion has used to provide a quote, Tarion will not oversee, warrant, or assume responsibility for the contractor's work. Finally, the new letter notes that if issues arise, homeowners may contact Tarion to ask what assistance may be available.

TARION'S PUBLIC CONSULTATION PROCESS

The Ombuds office conducted an Own Motion review of Tarion's public consultation process. We found that Tarion has a clear and transparent process for conducting public consultations on potential regulatory and bylaw changes. This process includes:

An open opportunity to submit feedback and comments via email.

Surveys and focus groups with homeowners.

Consultation sessions with consumers, builders, municipal building officials, home inspectors, realtors, legal professionals, condo managers, and other stakeholders.

Consultation with the Ministry of Public and Business Service Delivery and Procurement.

Discussions with the Consumer Advisory Council (CAC) and the Industry Advisory Council (IAC).


There are requirements for the consultation process stipulated in the Administrative Agreement between the Ministry and Tarion and the time period for consultations is specified in the Ontario government's Burden Reduction Directive.


The Ombuds office did not identify any fairness concerns with Tarion's public consultation process.

HERE TO HELP

If you have a fairness concern about Tarion or about how your file is progressing, contact us. We are always happy to discuss your situation. The team at the New Home Ombuds office is here to help.

 ombuds@newhomeombuds.ca

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NEW HOME OMBUDS

