



**Ontario**  
Home Builders'  
Association

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December 9, 2022

Ministry of Public and Business Service Delivery  
56 Wellesley St. W., 6th Floor, Toronto ON, M7A 1C1

**Proposal Number: 22-MGCS021**

**RE: Amendments to the *New Home Construction Licensing Act, 2017* to protect purchasers of new homes**

**The Ontario Home Builders' Association (OHBA)**

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 members including builders, developers, professional renovators, trade contractors and many others within the residential construction sector.

The OHBA is coordinating our public policy response with regards to Bill 23, the *More Homes Built Faster Act, 2022* with input from members across Ontario. OHBA is proudly affiliated with the Building Industry and Land Development Association (BILD), the West End Home Builders' Association (OHBA) and the Greater Ottawa Home Builders' Association (GOHBA).

Builders and vendors in Ontario are expected to comply with the expectations and standards set out through the New Home Construction Licensing Act, subsequent regulations as well as advisories and directives of the Home Construction Regulatory Authority (HCRA), referred to collectively as the regulatory regime. OHBA supports a fair, predictable regulatory framework with consequences for bad actors. The proposed increases to the maximum allowable amount and fines for persons or entities should encourage compliance with the regulatory regime and further deter behaviours and actions contrary to the HCRA's code of ethics.

OHBA members rely on a predictable and stable regulatory system to help ensure high professional standards throughout the new home construction sector. OHBA strongly encourages the Ministry to monitor how an Administrative Monetary Penalty system put into place by HCRA is functioning and to verify its effectiveness over time. It is critical that the HCRA work with their established Industry Advisory Council to ensure the proposed changes are implemented in a fair, practical and enforceable manner.

OHBA further suggests that in order to ensure the proposed changes are specifically and effectively targeting bad faith price escalations and contract cancellations, the following clauses from Ontario Regulation 245/21 Part 1 Code of Ethics should not be used as a basis to redistribute fines from Administrative Monetary Penalties (AMP): 3, 4, 5, 6, 8, 9, 10, 12, 16, 17, 19. Furthermore, OHBA feels a one year AMP limitation period would be more appropriate and expedite the process for all parties, both buyers, builders and HCRA.

We thank the Ministry for the opportunity to comment on these proposals. We also recognize that there is still more work to do and OHBA may provide further comments at a later date. We look forward to continuing engaging with the Ministry in order to ensure these proposals are aligned with the goals of improving consumer protection.