

*Established in 1889, the Ontario Association of Architects (OAA) is the self-regulating body for the province's architecture profession. It governs the practice of architecture and administers the Architects Act in order to serve and protect the public interest.*

Ministry of Government and Consumer Services  
c/o [NewHomes@ontario.ca](mailto:NewHomes@ontario.ca)  
56 Wellesley St. W., 6th Floor,  
Toronto ON  
M7A 1C

May 2, 2022

**Re: Consultation on Illegal Building and Related Improvements to Protect Buyers of New Homes**

As a regulator entrusted with a clear mandate to serve and protect the public interest, the Ontario Association of Architects ("the Association") shares Ministry concerns that appropriate protections for Ontarians are lacking in the area of illegal building. In particular, the warranty loophole for owner-built homes appears to create an explicit gap in consumer protection.

Through our legislation and regulation, when an architect designs or works on a home, the public is protected through a robust professional liability insurance program, extensive expertise with the Ontario Building Code, years of training combined with continuing professional development, and their legislative requirements to follow the law in Ontario.

Their professional responsibilities extend to the point that it may constitute professional misconduct for an architect to knowingly facilitate or engage in the practice of illegal homebuilding via Section 42 of [R.R.O. 1990, Reg. 27](#), including the following provision:

42. (4) Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of a federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings.

While the Association acknowledges the Ministry assertion that illegal builders are still required to provide warranties, we are expressly concerned that illegal homebuilders may lack the skills and resources to build a home, and that their illegally built homes may have "more defects, and more serious defects" than legally built homes (per the Ministry's consultation document). We note the included evidence that claims associated with illegally built homes were more than double those of legally built homes. Serving and protecting the public must remain paramount.

In preliminary conversations around this consultation, we have heard architects express concerns that illegal homebuilders may not follow the same set of rules, or have the same set of protections for Ontarians. While this falls outside the scope of our mandate to serve and protect the public interest, we relay these concerns that it may also set a competitive disadvantage between those who protect consumers by



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following the law, and those who put consumers at risk through choosing to cut corners.

Whichever model the Ministry chooses to pursue, it must enact measures that expand comparable protections to buyers of all new homes. This is an important initiative, and one that has the support of the Ontario Association of Architects.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Speigel', with a small dot above the 'i'.

Susan Speigel, Architect  
OAA, FRAIC  
President