

# The Windsor Star



Craig Pearson

Sep 18, 2014 - 5:00 AM EDT

Last Updated: Sep 19, 2014 - 9:56 AM EDT

## Who's responsible for newer home problems?



Shingles on an Aspen Shore Avenue home can be seen raised in this recent photo. Several residents have made complaints concerning the relatively new homes. (RICK DAWES / The Windsor Star)

**A group of east-end homeowners have found out what happens when newer houses encounter problems.**

**Few people want to take responsibility.**

**“There is really inadequate legislation that governs townhomes,” said John Meyer, president of the Shores of Aspen Lake Townhome Association. “It’s difficult.”**

A couple of dozen townhouse owners on Aspen Shore Avenue say they have experienced ongoing issues with their townhouses, in particular with roof shingles blowing off. The homes in the development are up to 10 years old though some are brand new.

In Ontario, all home builders must follow the New Home Warranty Plan Act, enforced by the Tarion Warranty Corporation — which requires different warranty lengths for various items. For shingles, home builders must provide a one-year warranty.

After the Tarion warranty expires, homeowners typically must fix it themselves, though sometimes product manufacturers cover the costs of repair or replacement.



John Meyer, president of the Shores of Aspen Lake Townhouse Association, discusses the troubles homeowners have had with their homes. (RICK DAWES / The Windsor Star)

Meyer said a number of homeowners from his development, which began in 2004 and now has 80-plus homes on a man-made lake, take issue with the developer Mastercraft Homes.

“The overall problem is that Mastercraft takes no initiative and doesn’t please its customers,” Meyer said. “There have been all kinds of small repairs that have been reported to Tarion.”

Laura Fanelli, manager of Mastercraft Homes — started by her parents 15 years ago and which has built more than 1,000 homes in East Riverside — says her company has done more than the law requires to please Aspen Shore customers.

“I think they’re upset about the roofs,” Fanelli said. “The balance of the complaints aren’t anything substantial. And I really don’t feel it’s our fault. It’s the shingles that we’re trying to get them help with. We went above and beyond what we had to do.”

Fanelli said most Mastercraft customers are pleased with their homes. She believes the shingle manufacturer, IKO, is responsible in the Aspen Shore case since the shingles simply never sealed properly.

She said Mastercraft paid roofers to take shingle samples and initiated a complaint with IKO on behalf of the homeowners, who have since taken over managing the claim. And she said her company repairs shingle blow-offs as required, and now uses a different product. She said Mastercraft also takes care of any drywall and other issues on the first anniversary of a home purchase.

“Roof shingles fall within one year,” Fanelli said. “It’s very clear in the Tarion guidelines. And they (members of the Aspen Shore townhome association) are well aware of the Tarion guidelines.”

IKO marketing director Derek Fee said his company has sent an inspector to Aspen Shore Avenue and that he is awaiting a report.

“In the majority of cases where there has been an issue, it’s not a manufacturing condition,” Fee said. “But I wouldn’t want to speculate on the cause in this case because we don’t have the inspector’s report yet.”

Fee said IKO will repair damage if it’s a manufacturer’s problem. But he said if it’s an installation issue or an act of God, then IKO would not be responsible for repairing shingles, which are typically considered good for 20 years or more.

A national class action lawsuit, alleging a number of IKO shingle brands were improperly manufactured, was launched in London last December. The case has yet to be decided.

Meanwhile, the Aspen Shore homeowners are left wondering if anyone will help them with their new, or relatively new, homes — or if they are on the hook for expensive repairs they never expected would come so quickly.

“The main problem is with the roof but there are other problems,” Meyer said. “There were landscaping problems, sprinkling problems, leakage problems, plumbing problems. It has been very frustrating.”

Tarion spokeswoman Melissa Yollick said her organization has received “warranty forms” — in other words, concerns over repairs — about Mastercraft. The Tarion website, however, shows that Mastercraft has not had to pay any claims, does not have any claims outstanding and has not been forced to make any repairs for the 617 homes it has listed with Tarion the last 10 years.

Yollick said if new homeowners in Ontario are not pleased with repairs made by a builder, they can always ask Tarion to look into the situation.

“All builders in Ontario must provide the statutory warranty coverage described in the New Home Warranty Plan,” Yollick said. “If the items are not resolved within the repair time frame, homeowners may request conciliation by Tarion.”

New homeowners can call the Tarion contact centre, open Monday through Friday, at 1-877-982-7466.

[cpearson@windsorstar.com](mailto:cpearson@windsorstar.com)



Missing shingles can be seen on this rooftop. (RICK DAWES / The Windsor Star)



Homeowners on Aspen Shore Avenue stand outside a home with some missing shingles.  
(RICK DAWES / The Windsor Star)