

This letter was published in the Delta Optimist on April 9, 2003.

April 4, 2003

Letter to the Editor
Attention: Ted Murphy
The Delta Optimist
5485-48th Avenue
Delta, BC, V4K 1X2
Fax: 604.946-5680

Re: March 29, 2003: Province looking to make changes on legislation governing leaky condos

Dear Mr. Murphy:

The article "Province looking to make changes on legislation governing leaky condos" does not address a more serious problem.

Our justice system should work to protect the interests of parties harmed and act as a deterrent to criminal and/or negligent behaviour. The Attorney General cites the unfairness caused to parties with deep pockets, such as the Corporation of Delta as the reason civil liability needs to be changed. The proposed changes, however, will shift the unfairness from the deep pockets to the parties harmed.

Let me ask the public the following questions:

Should developers and contractors be held to a higher standard?

Should developers and contractors be prevented from escaping their liability through shelled, site specific and numbered companies?

Should municipalities' work together to ensure that development does not occur until past problems are resolved in other districts?

The focus should not be where the burden falls, but instead what steps need to be taken to prevent it from happening again. These proposed changes to joint and several and other areas of civil liability will act as a disincentive for government(s) to deal with root causes and the other public policy areas that failed to protect hard working citizens wishing to be financially responsible through their home purchase. It also promotes an environment that does not act as a deterrent to businesses that lack a social conscientious or responsibility for the damage it leaves behind. It will ultimately undermine an already competitive industry that has suffered severe losses from the lack of consumer confidence caused by leaky condos and other housing defects.

Is this what British Columbians want?

Sincerely yours,

Carmen Maretic, President
Consumer Advocacy and Support for Homeowners Society (CASH)
#401-737 Carnarvon Street
New Westminster, B.C., V3M 5X1