



# COALITION AGAINST NO-FAULT IN BC

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## NEWS RELEASE

*Release Instruction: Immediate*

## **DIRE BEWARE: Don't Buy a New Home!**

### **Citizens Need Current Protections, Not Anti-Consumer Changes**

(RE: Planned Legislative Changes to Civil Liability Laws by BC's Ministry of the Attorney General)

(Vancouver) – “Don't buy a new home until the Attorney General guarantees that homeowners' legal rights will remain status quo.” That is the message from Carmen Maretic, a spokesperson for the Coalition Against No-Fault (CANF) and the president of Consumer Advocacy and Support for Homeowners Society.

Maretic's words of caution arise due to an ongoing lack of assurance from Attorney General Geoff Plant that proposed changes to liability laws will not be made, information CANF has sought since 2002. Widespread concern exists that changes will come before this legislative session closes, the week of May 17th.

At present, 177 separate organizations (all CANF members) are opposed to the proposals found in the Attorney General's *Civil Liability Review*, the process designed to pave the way for legislative changes to (i) joint and several liability and (ii) *The Limitation Act*. CANF members have sounded warnings from the beginning. Primarily, the criticisms come from the fact that legislative changes would destroy personal rights, diminish compensation and deny court access to people who have been harmed through no fault of their own.

“Nobody should buy into the government's plans nor into a new home at this time,” Maretic explains of concerns about the removal of accountability for wrongdoers and the damage it will cause. “Adequate time and proper access to responsible parties need to be available as protections for BC housing consumers dealing with shoddy design, construction or inspection.”

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**BACKGROUND:** The current CANF campaign was started two years ago, shortly after BC Attorney General Geoff Plant launched the *Civil Liability Review*, a process viewed by CANF supporters as unfair, unsafe and unnecessary. The campaign has heated up during the past few months due to fears about what will result from changes to legislation this session. If joint and several liability is removed and *The Limitation Act* is weakened, innocent victims will be further damaged by a loss of legal rights, limited if not outright denial of court access and a lack of fair compensation, while governments and businesses will be protected for harms they create or contribute toward. The proposed changes make citizens vulnerable. At the same time, they protect wrongdoers from being held accountable for their actions or inactions.

## TWO AREAS OF LAW IN JEOPARDY:

### **Joint and Several Liability**

- Innocent victims who suffer losses due to the actions of other parties will be negatively impacted by the elimination of joint and several liability.
- When a poorly made condominium leaks – due to the actions or inactions of developers, contractors and/or municipalities – the law of joint and several liability enables innocent owners to be compensated fairly for the damage caused by faulty design, shoddy construction and/or related practices.
- The ability to jointly hold multiple parties responsible for their collective actions becomes very important when some of the wrongdoers are no longer in business or have little to nothing in assets.
- If joint and several liability is eliminated, many people will not be able to recover the extent of their damages. Also, the cost of litigation will increase dramatically (i.e. multiple lawsuits against multiple parties instead of a single claim) while the likelihood of proper compensation will decrease and may no longer be achievable.

### ***The Limitation Act***

- The effects of wrongful acts are not always known or are often not fully realized until many years after the events took place. This is as true for victims of sexual abuse as it is for owners of defective buildings.
- It is *The Limitation Act* that sets out the deadline for pursuing a legal action.
- Shortening the limitation period from 30 years to 10 years, as proposed, will severely narrow a victim's ability to seek a remedy for damage done to them. It could also protect wrongdoers when the effects of their harmful actions are not evident before the strict deadline passes.

**Find CANF online at: [www.canf.bc.ca](http://www.canf.bc.ca)**

LINK to the current campaign to see a full list of CANF's 175+ member groups

### **CANF SPOKESPEOPLE:**

#### **Carmen Maretic**

President, Consumer Advocacy and Support for Homeowners Society

#### **Peter Maarsman**

President, Foundation for the Coalition Against No-Fault  
(Former Executive Director of the Surrey Crime Prevention Society)