

Grievances aired over unfinished renos



Jim Moodie The Sudbury Star

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Homeowners take part in a protest against a Sudbury contractor on March 7. *JOHN LAPPA/SUDBURY STAR*

About 30 people protested outside Tom Davies Square last week over the work of a local contractor.

There is also a Facebook group, created March 1, that now counts more than 80 members who claim to have had issues with Eco Life Home Improvements.

In most cases the complaints are about delays in jobs being completed and money paid out in down payments for work that, in some cases, is still not done.

None of the allegations against Eco Life Home Improvements has been proven in a court of law.

Angele Poulin, one of the protesters, said she hired Eco Life almost a year ago to install new windows at her home, and was told the work would be done by June or July.

"It's now March, and we still don't have windows," she said. "We got every excuse in the book. He would set an install date and just keep pushing it back."

Poulin said she provided a 50 per cent deposit of more than \$5,000. Others, she said, have put down much more up front and waited just as long, or longer, for Eco Life to complete the promised work.

In response the rally, Dave Murray, the owner of Eco Life, said he appreciates why some clients are impatient and frustrated, but insists he didn't set out to disappoint anyone, let alone rip anyone off.

"People are upset and feel cheated, so they are going to attack me," he said. "I totally understand that, but people don't realize how challenging it is to work in these conditions."

He's referring, in part, to the harsh winter Sudbury has experienced this year, which put many projects on hold, as well as labour circumstances and stipulations that make it difficult at times to have enough skilled and certified workers available for the tasks at hand.

Above all, though, Murray blames the cancellation of the provincial GreenON program, which provided rebates for energy-saving retrofits, for work piling up on him in the past year.

"It's not the cancellation that bothered me so much as the deadlines," he said. "They added deadlines, and at the start of the program we didn't have any."

Murray said he signed up for the program in early January of last year. It made business sense at the time, he said, and in a way he felt he didn't have a choice. "As a contractor, you're almost forced to join to survive," he said.

Looking back, however, he wonders if it was worth it. "To be honest I didn't know what I was getting myself into."

Getting approved as a GreenON contractor took nearly two months, he said. Meanwhile homeowners were applying in droves to take advantage of the incentive.

"It was crazy," he said. "The successful part of it was everybody was signing up, but the whole program was unorganized. People in the industry were to the point of not wanting to take on any more business because it was too much."

By June 19, when the new Ford government scrapped the program (which was to be funded by the Liberal cap and trade program, also promptly kiboshed by the Tories), Murray had “over 100 jobs sold through GreenON alone.”

A lot of those jobs were for efficient windows, which can be installed fairly quickly, but Eco Life had also taken on a bunch of siding and insulation jobs, which can take as much as six weeks, he said.

“I didn’t foresee the plan was going to get cancelled, much less having an installation deadline,” he said. “That’s what ruined everything.”

The deadline was initially set for the end of August, which caused “a panic,” he said. “We were already two months behind, because it took us that long to get certified, and when the plan was cancelled on June 19, everything went sideways. They extended the deadline to the end of October, but it still wasn’t enough time.”

Murray said his experience with a GreenON job glut isn’t unique. “The facts of this are well-documented throughout Ontario,” he said. “It’s not just a Sudbury problem. (Another contractor) was stating online that he had 1,300 jobs to do in 90-some days. It’s a mathematical impossibility.”

While Poulin would be an example of a customer who was trying to take advantage of the rebate program, not all of the people complaining about Eco Life were GreenON applicants.

Wesley and Linda Govier said they hired the company in 2016 to do a bunch of work — new windows, siding, doors and roofing — on a Lively home they acquired four years ago for their retirement.

“He never finished the roof and this year, just before winter, we hired another company to finish it,” said Linda.

“It wasn’t the quality of work as such,” said Wesley. “There were some mistakes, but people make mistakes all the time; whenever they made a mistake they came back and corrected it, except for the roof and one window that’s wrong. It’s the time it took and the fact we had to call every day just to get anything done.”

The two say they paid Eco Life more than \$100,000 and expected the work would be completed by 2017. Instead, it stretched on for another year, without a proper roof being installed. “They left roofing paper, with no shingles or nothing, on the roof for two years,” said Linda.

They would end up paying another contractor \$45,000 to complete the roofing job.

“Realistically we don’t think we’re ever going to get any compensation from Eco Life,” said Wesley. “But at least maybe we can get some satisfaction out of him not taking anyone else for a ride.”

Some unhappy clients have filed claims through Ontario Consumer Protection, including Linda Beaulieu, on behalf of her mother.

“We submitted a claim last November, which is still under investigation,” she said in a message to The Star. “Mr. Murray took advantage of my mother with the purchase and installation of windows and doors.”

Many have also contacted Greater Sudbury Police, hoping to see criminal fraud charges brought against Eco Life.

Det.-Const. Andy Williams, who works on major fraud cases with the Criminal Investigations Division, said he was not able to discuss individual companies or investigations, so could not confirm whether or not Eco Life was a focus of GSPS attention.

Generally speaking, though, he said police will treat any complaint from the public seriously and pursue an investigation if warranted.

He said it is not unheard of for a company to be charged criminally with fraud, although more often complainants are advised to pursue other routes.

“If we have allegations of contractor fraud, or any fraud for that matter, we invite them in for a statement and supporting documentation,” he said. “At that point we have to make a judgement whether it’s going to be a criminal investigation or if it’s a civil matter or if there’s another avenue available to them.”

Issues with contractors are typically civil in nature. “If you give somebody money and you didn’t get value for your money, you have a civil matter,” he said. “That being said, they can also be criminal, because if I can prove somebody took your money and they never intended to do what they told you they were going to do, and committed some kind of criminal act, then we’ve ticked the boxes.”

A contractor could be charged with fraud under \$5,000 or over \$5,000, he said, depending on how much people were put out of pocket for undelivered work, “but we have to prove there was an intent to commit fraud.”

In some cases that can be fairly easily established — “when you write someone a cheque and never see them again,” for instance — but other times it is not so obvious.

"Maybe there's a dispute and the homeowner ends up firing the contractor," he said. "Under those circumstances, well, now I have to look at it, because maybe he didn't do it in the time you wanted him to do it, but you fired him and won't let him on your property."

In many cases Williams said he directs customers who feel they have been wronged to Consumer Protection Ontario.

Unfortunately this organization does not have a Sudbury office and has "a heavy caseload," he said, as they field complaints from across Ontario. "But they work on numbers, so if 10 people complain it gets their attention. If it's more than that, they're going to send somebody up to Sudbury and launch an investigation."

Williams said if he's aware of an active investigation being carried out by Consumer Protection Ontario, and another person contacts him with a similar complaint, "I for sure tell them to go there."

That doesn't mean Sudbury police won't also continue to look at the complaints, he qualified, but "if there's an active investigation (by CPO), it's a better route. They try to work with the person to get a resolution, so they're more like a victim advocate."

The provincial watchdog isn't governed by the criminal code but can lay charges through the Consumer Protection Act. "Some of the penalties are similar to what we have, and I'm led to believe that because they're under different legislation, their burden of proof isn't as high as mine," Williams said.

An individual found guilty under the Consumer Protection Act can be fined up to \$50,000, or sentenced to up to two years less a day in prison, according to information from the province. A corporation can be fined up to \$250,000.

People can also seek justice through a civil action, Williams said. "You can always go down to small claims court and pay your fee and bring the guy to court and try to get a judgment," he said.

Murray, who has operated Eco Life since 2010 and employs about a dozen workers, said he feels like he's being "unfairly crucified" for ending up in a tough position that was largely created by the stroke of a government pen.

"No-one's complaining about the workmanship," he said. "They're complaining about the deposits and me taking forever to get the jobs done. Well, normally that wouldn't have been a problem if GreenON had given me time. But I had 50 weeks of work sold, and 10 weeks to do it in."

Running a home-reno company can be a challenge at the best of times, he said, between weather complications, workers not always being available and suppliers being slow to deliver materials, not to mention customers sometimes not paying him. Throw in a hitch from Queen's Park, and it's that much harder.

"Running a business in this trade is complicated," he said. "So the last thing we need is our government working against us."

Murray said he has always been transparent with customers, charged a fair rate, and tried to appease unhappy clients who are willing to keep working with him, often at his own expense.

"I'm a small business and we're trying to be a decent company in the community," he said. "We've got a storefront and a good team of guys, core guys with some great skills, that are honest and hardworking. If we make mistakes, give us the opportunity and we'll fix it."

He said he still counts many patient customers who appreciate the work Eco Life does, and who were not among the group of protesters on Thursday.

Murray also pointed out he would never deliberately mislead or alienate anyone, as apart from being unethical, it would only hurt his reputation and bottom line.

"We're in business to make money," he said. "And when you can't get to the other 40 jobs in time, you don't think we're not feeling it? We've had clients cancel their projects with us, and we're stuck with the product, because it's all custom-ordered."

The contractor said the abrupt nixing of the rebate program was an unfortunate twist for everyone, but he is prepared to soften the blow for homeowners who weren't able to have their retrofits completed in time.

"We're going to help the people out who didn't get the grants, out of our own pocket and out of goodwill," he said. "It's going to cost me a lot of money but I'm trying to do right by my clients."

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