



Access to Information and
Privacy Office
700 Montreal Road
Ottawa, Ontario K1A 0P7
Tel.: (613) 748-2843

Bureau de l'accès à l'information et de la
protection des renseignements personnels
700, chemin de Montréal
Ottawa (Ontario) K1A 0P7
Fax: (613) 748-4098

AUG 25 2005

PROTECTED

Mr. John Cummins, M.P.
House of Commons
Room 548 Confederation Bldg.
Ottawa, Ontario
K1A 0A6

RE: Access to Information Requests
Our Files Nos. AF-2005-0026 / cf and
AF 2005-0027 / cf

Dear Mr. Cummins,

This is further to your requests under the *Access to Information Act* ("the Act") dated June 28, 2005 which arrived in our Office on July 5, 2005. You asked for:

AF-2005-0026 / cf

"All records prepared in response to, or involving the enclosed letter from John Cummins Member of Parliament for Delta-Richmond East to the Minister responsible for CMHC dated April 12, 2005. Include any talking points, media lines or communication strategy developed as part of the release of documents under the Act.";

And

AF 2005-0027 / cf

"All records prepared in response to, or involving the enclosed letter from John Cummins, Member of Parliament for Delta-Richmond East to the Minister responsible for CMHC dated May 18, 2005. Include any talking points, media lines or communication strategy developed as part of the release of the documents under the Act."

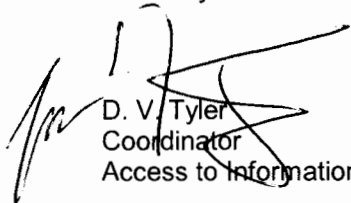
As requested, you will find enclosed copies of the records held at CMHC which are responsive to the two (2) requests noted above. We note that portions of the records have been severed, pursuant to section 25 of the Act.

The sections severed qualify for exemption under the following sections of the Act: 21(1)(a) (Advice or recommendations); 21(1)(b) (Consultations or deliberations); and, 23 (Solicitor-client privilege information). Copies of the relevant sections are enclosed for your information.

Please be advised that you have the right to make a complaint to the Information Commissioner with regard to these requests. Complaints must be made within one year of the request being received by CMHC and must be forwarded to the Office of the Information Commissioner, 112 Kent Street, Ottawa, Ontario K1A 1H3.

Should you have any questions regarding your requests or the *Access to Information Act*, please do not hesitate to contact this Office.

Sincerely

A handwritten signature in black ink, appearing to read 'D. V. Tyler', is written over the typed name and title. The signature is stylized and somewhat abstract.

D. V. Tyler
Coordinator
Access to Information and Privacy Office

enclosures

Access to Information Act

25 SEVERABILITY

25. Notwithstanding any other provision of this Act, where a request is made to a government institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can reasonably be severed from any part that contains, any such information or material.

1980-81-82-83, c. 111, Sch. I "25"

21(1) (OPERATIONS OF GOVERNMENT)

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) advice or recommendations developed by or for a government institution or a minister of the Crown,
- (b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
- (c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or
- (d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,

23 (SOLICITOR-CLIENT PRIVILEGE INFORMATION)

23. The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client privilege. 1980-81-82-83, c. 111, Sch. I "23".

mcd 3272

Minister Responsible for
Canada Mortgage and
Housing Corporation



Ministre responsable de la
Société canadienne d'hypothèques
et de logement

Canada
Ottawa, Ontario
K1A 0P6

Referred to: **CMHC - SCHL**
Envoyé à la :

M. 050728

Deadline for return - A retourner le

May 13, 2005

Date	Referred to Envoyé à	Remarks Remarques	Deadline À renvoyer le	Initials Initiales
2/14	CRC			TM
2/5	Bzaccardi c.c. K. Kinley M. Lando D. Skwara N. Murray P. McDowell F. De Barros D. Burke D.V. Tyler F. Thushie S. Tom MEG C. Pomeroy J. Potvin E. Tsang S. Wittigbeck	for suggested reply	12/5	JR
2/5	N.V. Tyler Shaw ^D		11/5	
27/6	B Zaccardi			

60154 rev. 12/2001



Canada



HOUSE OF COMMONS
CANADA

Housing

2005 MECS 03272

CONSTITUENCY OFFICE
4871 DELTA ST.
DELTA, B.C.
V4K 2T9
TEL: (604) 940-8040
FAX: (604) 940-8041
E-mail: cummins@dccnet.com

JOHN CUMMINS, M.P.
DELTA-RICHMOND EAST

CC J.M., M.L. & K.L.

OTTAWA OFFICE
ROOM 548 CONFEDERATION BLDG.
HOUSE OF COMMONS
OTTAWA, ONTARIO
K1A 0A6
TEL: (613) 992-2957
FAX: (613) 992-3589
E-mail: cummij@parl.gc.ca

April 12, 2005

M . 0 5 0 7 2 8

Hon. Joe Fontana, P.C., M.P.
Minister Responsible for CMHC
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

Internal CMHC documents that became available to me under the *Access to Information Act* reveal CMHC was aware in 1981-82 there was a serious moisture problem causing "structural damage in housing across Canada," in particular in coastal British Columbia and Newfoundland.

There are estimates that more than 30 percent of new housing in British Columbia was likely to suffer serious damage.

CMHC had a responsibility to issue a warning to the public so that both existing owners of properties at risk and those that might purchase such housing would be aware of the problem. If CMHC had done so there is no doubt that builders would have quickly been forced to address the issue and home owners would have been equipped with the necessary information to address the looming problem.

Instead of informing homeowners, CMHC was silent. The documents show CMHC was more concerned with liability and defaulting mortgages than with the problem being suffered by homeowners. Confounding the problem, the documents reveal, was a National Energy Program initiative promoting faulty home insulation and construction practices.

CMHC had a responsibility to warn the public when it was advised of the problem in 1981. It failed in its public responsibility not because it did not understand the gravity of the problem but because of concerns about "politics", "liability" and "defaulting mortgages". There was nary a word of concern about the misery being faced by homeowners or future homeowners.

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I am enclosing copies of these internal CMHC documents that show the corporation's culpability. After you have had an opportunity to personally review these documents I would ask that you let me know what actions you will be taking to address the failure of the Corporation to warn homeowners and potential homeowners of this looming problem.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Cummins', with a long horizontal flourish extending to the right.

John Cummins, M.P.
Delta-Richmond East

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mees 4607

Minister Responsible for
Canada Mortgage and
Housing Corporation



Ministre responsable de la
Société canadienne d'hypothèques
et de logement

M. 050990

with PQ 050056
mas 0994

Referred to: **CMHC - SCHL**
Envoyé à la :

Deadline for return - À retourner le

June 28, 2005

Date	Referred to Envoyé à	Remarks Remarques	Deadline À renvoyer le	Initials Initiales
14/6	CRC			h77
4/6	B. Zaccardi <small>C.C. E. Turley</small>	→ this is a follow up to MOS 728,	24/6	
	D. S. P. McDowell N. Murray E. Tsang P. DeBenedis G. Thasler M.E.G. C. Anselmi J. Roberts S. W. Haddock S. Rosentweig M. Lawlor	2. 21(1)(a)	ATIA	88
14/6	S. Lountzweig			
27/6	B. Zaccardi			
27-6	D. Stewart			
28-6	B. Zaccardi			dm
28-6	B. Zaccardi		29/6	h77
4/7	B. Zaccardi		4/7	
4/7	D. Stewart			h77
5-7	B. Zaccardi			E. Tolley
5/7	CRC (FT)			h77
5/7	m.o.	for signature pls (combined w)	AC 18/7	

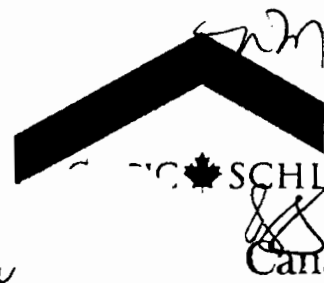
	Con Rosenwald J. P. ...		
	S. W. ... S. Rose ...		
	M. Lawlor	02/21/71	(1)(a)(b)
14/6	S. Rosentzweig		
27/6	B. Zaccardi		
27-6	D. Stewart		
28-6	B. Zaccardi		a
28-6	B. Zaccardi		29/6
4/7	B. Zaccardi		4/7
4/7	D. Stewart		
5-7	B. Zaccardi		G
5/7	CRC (FT)		u
15/7	m.o.	for signature pls	AC 18/7

60154 rev. 12/2001

(combined w
m050728)

* 19/7 CRC
19/7 - m.o. (b)
17/7

21/7 CRC - send - ^u ~~07/21~~ need - ^u close with m's u'm



cc: JH KL ML

2005 MECS 04607

Housing



Previous
2005 MECS 03272

9 JUN PM 4:18

HOUSE OF COMMONS
CANADA

CONSTITUENCY OFFICE
4871 DELTA ST.
DELTA, B.C.
V4K 2T9
TEL: (604) 940-8040
FAX: (604) 940-8041
E-mail: cummins@dccnet.com

JOHN CUMMINS, M.P.
DELTA-RICHMOND EAST

OTTAWA OFFICE
ROOM 548 CONFEDERATION BLDG.
HOUSE OF COMMONS
OTTAWA, ONTARIO
K1A 0A6
TEL: (613) 992-2957
FAX: (613) 992-3589
E-mail: cummlj@parl.gc.ca

May 18, 2005

M. 050990

Hon. Joe Fontana, P.C., M.P.
Minister Responsible for CMHC
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

On April 12, 2005 I advised you that internal CMHC documents revealed CMHC was aware in 1981 of a serious wet wall problem causing "structural damage in housing across Canada," in particular in coastal British Columbia and Newfoundland.

You were provided with a copy of these CMHC documents showing the corporation's culpability in the housing disaster that was to develop in British Columbia. You were requested to review these documents and to let me know what actions you would be taking to address the failure of CMHC to effectively warn homeowners and potential homeowners of this looming calamity. I have yet to receive a reply or any indication that you intend to act to address the legitimate concerns of homeowners in British Columbia.

Today I want to bring to your attention an additional CMHC document, a letter from the President of CMHC to the Government of British Columbia. The letter makes it very clear that CMHC understood the problems were closely linked and in fact driven by the federal government's energy conservation measures for building construction.

The letter is dated August 27, 1981. The President of CMHC advised the Government of British Columbia that he had informed the Chairman of the Associate Committee on the National Building Code of the wet wall problem requesting that the Committee take a lead role in developing regulatory standards and technical measures to prevent such problems.

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Why then in the years immediately after 1981 was the National Building Code continuously changed to further mandate construction practices which worsened the problems? Why did CMHC fail to effectively to address this disaster in the making?

If the President of CMHC thought it necessary to advise the Government of British Columbia of the problem and direct the Associate Committee on the National Building Code to address the problem, why did CMHC let the matter drop? Why did CMHC not take the decisive measures necessary to ensure that the National Building Code was changed so that it no longer promoted defective construction practices?

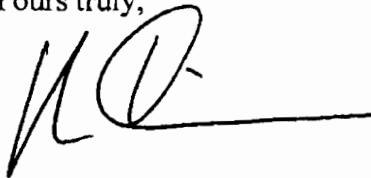
If the President of CMHC thought it necessary to warn the Government of British Columbia in 1981, why did CMHC not warn homeowners who were at that very time buying newly constructed homes destined to suffer serious moisture damage?

If the President of CMHC thought it necessary to warn the Government of British Columbia and the Associate Committee on the National Building Code, why did CMHC not intervene to ensure that home-builders in British Columbia were aware of the problem and directed to make fundamental changes in their construction practices?

The people of British Columbia have suffered for decades as a result of CMHC's failure to properly address deficiencies in building design mandated and driven by CMHC, NRC, and other government departments and agencies and a multitude of government programs. Homeowners deserve answers now.

Homeowners in British Columbia deserve to know what action you will be taking to address the failure of CMHC to warn homeowners and potential homeowners of this disaster.

Yours truly,

A handwritten signature in black ink, appearing to be 'J.C.', with a long horizontal line extending to the right.

John Cummins, M.P.
Delta-Richmond East

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August 27, 1981

B

Mr. John C. Johnston,
Deputy Minister of Lands, Parks and Housing,
1019 Wharf Street, 6th Floor,
Victoria, British Columbia.
V8W 2Y9

Dear Mr. Johnston:

Re: Moisture Induced Problems in Housing

The purpose of this letter is to make you aware of a situation we believe requires your attention. It has become evident to the Corporation that there has been a significant increase in the incidence of moisture induced damage in frame construction. The problem is most commonly encountered in single family housing and the damage appears to be occurring in the exterior walls.

There is an apparent close relation between energy conservation attempts and high levels of moisture accumulation. In some cases, structural deterioration of the wall has resulted. The worst conditions have been encountered in the coastal areas, but there is insufficient evidence to conclude that the problem is confined to those regions.

I have attached to this letter a brief technical description of the problem and suggest that the matter be brought to the attention of your colleagues directly concerned with regulation of structural safety and public health. I have already written to the Chairman of the Associate Committee on the National Building Code, giving him the same information and requesting that he, with the Associate Committee NBC and the Provincial Advisory Committee NBC, take a lead role in providing a focus and impetus towards developing the regulatory standards and technical measures necessary to prevent such problems.

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I have also written separately to the Deputy Minister of Housing of the Province of Newfoundland, giving him the information we have and offering the close technical collaboration of CMHC with his officials. The problem is most prevalent in Newfoundland and the Deputy Minister of Housing in that Province is well aware of it.

I have committed substantial CMHC resources, both staff and money, towards seeking measures which will reliably diminish the problem in the future. Among the steps we are taking, are surveys to determine the exact nature, extent and severity of the moisture induced problems, as they are manifested in different parts of Canada. In my view, these efforts should involve close collaboration between our respective staffs and I would welcome your ideas on the form this might take, as it applies to your province.

Yours sincerely,



R.V. Hession,
President.

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Q23 ATIA

FAX TRANSMISSION

DATE: May 20, 2005

TO: Mr. Mark Lawlor
Ottawa

FAX NO.: >

TEL NO.: >

FROM:

PAGES SENT: >

If you do not receive all pages, phone

DIRECT LINE:

DIRECT FAX:

E-MAIL:

MESSAGE

>

100 blanked out pages,
information withheld by CMHC
a few of the blanked-out
pages are included here for
illustration.

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disclosure is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original transmission to us without making a copy.

May 20, 2005

Mr. Mark Lawlor
Canada Mortgage and Housing Corporation
Ottawa

Dear Mark:



0223 ATIA

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disclosure is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original transmission without making a copy.

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023AT1A

023 ATIA

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MEMORANDUM

To:

From:

Date: June 13, 2005

Q3BAT 1A

Re:

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5.

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6.

CONFIDENTIAL

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June 17, 2005

M.P. Cummins


Dear Mr. Cummins:

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Memorandum

To: Berta Zaccardi
From: Sharon Rosentzveig
cc:
Date: 27 June 2005
Re: **Dockets M050728 and M050990**



073A11

June 17, 2005

M.P. Cummins

203 111A

Dear Mr. Cummins:

000097

Sharon
Rosentzveig/NAT/CMHC-SCHL/
CA

04/07/2005 04:06 PM

To bzaccard@cmhc-schl.gc.ca

cc

bcc

Subject re: Doug Stewart's inquiry on Docket Response to
MP Cummins letter to Fontana re

Classification PROTECTED - Solicitor-Client Privilege
PROTÉGÉ - Secret professionnel des avocats

000104

Q23 ATIA

000107