



Home Construction Regulatory Authority  
40 Sheppard Avenue West, Fourth Floor, Suite 400  
Toronto, ON M2N 6K9  
Tel: 416-487-HCRA (4272) Fax: 416-352-7724

## **Request for Services**

### **External Legal Counsel – Provincial Offences Prosecutors**

The Home Construction Regulatory Authority (HCRA) is seeking experienced legal counsel to conduct, and provide advice in respect of the conduct of, prosecutions in the Ontario courts under the Provincial Offences Act (POA), on behalf of the HCRA including in respect of offences under the New Home Construction Licensing Act, 2017 (NHCLA).

The HCRA is a private, not-for-profit corporation without share capital designated by the Government of Ontario as the regulatory authority to license and regulate new home builders and vendors. The HCRA fosters improved quality and buyer confidence in the home building industry through modern licensing standards, education requirements, and enforcement procedures. The HCRA's mandate includes maintaining a fair, safe and informed marketplace promoting the protection of the public interest.

The NHCLA provides for enforcement with respect to licensee conduct, and with respect to unlicensed persons building or vending new homes for which a license is required. This includes prosecutions under the POA for offences under the NHCLA.

The jurisdiction of the HCRA extends throughout Ontario. The HCRA seeks a roster of Prosecutors, including areas of particular emphasis in the Greater Toronto Area, the Ottawa area, and southwestern Ontario.

#### **Deliverable Requirements:**

The range of services includes all aspects of POA prosecutions in the Ontario courts, including:

- Representing the HCRA on initial appearances, judicial pre-trials, applications, motions and other pre-trial proceedings
- Advising HCRA staff, including persons appointed under the NHCLA as Investigators and as Provincial Offences Officers, with respect to the conduct of proceedings
- Negotiating resolutions, taking direction and instructions from HCRA staff
- Conducting trials
- Advising and representing the HCRA on appeals and judicial review proceedings, as required
- Liaising with court staff, legal representatives, unrepresented defendants, and witnesses
- Reporting to the HCRA, as required

Strong knowledge of and experience in criminal or quasi-criminal / Provincial Offences litigation is required. Extensive experience practicing before trial and appellate Courts is required. Strong

knowledge of the Canadian Charter of Rights and Freedoms, Evidence Act, POA, court rules and procedures, and rules of evidence, is required.

Experience in litigation in respect of regulated professions or industries, including sectors regulated by Ontario's Administrative Authorities designated by the Ministry of Government and Consumer Services, or self-regulated sectors, is an asset. Experience in litigation in respect of the home construction industry is an asset.

Oral and written proficiency in French is an asset.

### **Submission Due Date & Proposal Requirements:**

Interested parties are asked to provide the below information by the submission due date and to the email address noted below.

Following an assessment of all responses to this Request for Services, the HCRA will interview shortlisted candidates. References will be will then be checked.

Retainer terms and conditions will be negotiated upon selection of the successful candidate(s), and will include scope, budget, schedule, and resources.

**Please send proposals to [info@hcraontario.ca](mailto:info@hcraontario.ca).**

**The due date and time to submit proposals is Friday, February 11, 2022, at 5:00 p.m.**

**Note that when responding, please clearly provide the following:**

- Background regarding the firm's experience in providing similar services, including roles and deliverables, when that work was completed, and other relevant details
- Names and backgrounds of the instructing principals and associates proposed to provide services to the HCRA. Instructing principals must have a minimum of 8 years of relevant experience. Associates must have a minimum of 5 years of relevant experience
- At least two references who can speak to the relevant work completed by the firm and above-named individuals
- Confirmation there are no outstanding LSO disciplinary proceedings in respect of the firm and the above-named individuals
- Confirmation of a minimum of commercial general liability insurance with an inclusive limit of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate, as well as professional liability insurance required by the firm's professional obligations
- The jurisdiction of the HCRA extends throughout Ontario. The HCRA seeks a roster of Prosecutors, with areas of particular emphasis in the Greater Toronto Area, the Ottawa area, and southwestern Ontario
- Joint submissions will be considered
- Hourly rate(s) based on scope of work provided above, and an overall estimated cost. Rates must be competitive

The HCRA thanks all firms that respond. Only firms selected for an interview will be contacted.

**Additional Questions:**

More information about the HCRA is available on the HCRA website: <https://www.hcraontario.ca/>

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