



**Home  
Construction  
Regulatory  
Authority**

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

March 15, 2022

Delivered by email to: corporate@albionhome.ca

To: Albion Building Consultant Inc.  
3028 Danforth Avenue, Suite 211  
Toronto, ON, M4C 1N2

Attention: Muhammad Moshan Babar

**Re: NOTICE OF PROPOSAL TO REFUSE TO RENEW LICENCE**

**The Registrar proposes to refuse to renew the licence of Albion Building Consultant Inc. under section 40(1)(a) of the *New Home Construction Licensing Act, 2017* (“NHCLA”).<sup>1</sup>**

**A. REASONS**

**Overview**

1. Albion Building Consultant Inc. (the “Applicant”) is licensed and has applied for a renewal of its licence as a vendor/builder with the Home Construction Regulatory Authority. They did so on approximately July 14, 2021.
2. The Applicant had previously been licensed with Tarion Warranty Corporation (“Tarion”) since approximately February 13, 2019.
3. At all material times, the Applicant’s officers, directors and interested persons included among others: Zamal Hossein, Fardia Hauqe, and Muhammad Moshan Babar.
4. Zamal Hossein was at all relevant times a director of another corporation called Albion Builders Inc. (“unlicensed builder”) that was never registered with Tarion or licensed with HCRA.

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<sup>1</sup> *New Home Construction Licensing Act, 2017*, SO 2017, c 33, Sched 1, available online here: [www.ontario.ca/laws/statute/17n33#BK44](http://www.ontario.ca/laws/statute/17n33#BK44)

### **Unlicensed Builder Previously Found Guilty**

5. On February 22, 2016, the unlicensed builder plead guilty and was convicted of building a home without being registered and for failing to enrol a home contrary to sections 6 and 12 of the ONHWPA.

### **Applicant was Found Guilty Twice under the Ontario New Home Warranties Plan Act (“ONHWPA”)**

6. On February 20, 2019, the Applicant was convicted of four counts of building without being registered under section 6 of the ONHWPA.
7. On February 11, 2022, the Applicant was also convicted of failing to enrol eleven homes with Tarion under section 12 of the ONHWPA.

### **Zamal Hossein was Also Previously Found Guilty**

8. On February 22, 2016, Zamal Hossain plead guilty and was convicted under sections 6 and 12 of the ONHWPA for acting as an officer and director who knowingly concurred in the unlicensed builder building a home without being registered and for failing to enrol a home in breach of the ONHWPA.
9. On February 11, 2022, Zamal Hossain plead guilty and was convicted under section 12 of the ONHWPA for acting as officer and director who knowingly concurred with the Applicant failing to enrol eleven homes with Tarion.

### **Farida Haque Was Also Found Guilty**

10. On February 11, 2022, Farida Haque, the Applicant’s officer, and director, was convicted of acting as a vendor of a new home without being registered pursuant to section 6 of the ONHWPA.

### **Zamal Hossein and Farida Hauque Also Failed to Disclose with RECO**

11. Zamal Hossein and Farida Hauque, who are the Applicant’s officers and directors, are also registered salespersons with the Real Estate Council of Ontario (“RECO”) under the Real Estate and Business Brokers Act, 2002.
12. Zamal Hossein failed to disclose on an application to RECO made in 2020 the Applicant’s convictions dated February 20, 2019, under the ONHWPA, which he was required to do as an officer and director of the Applicant.
13. Farida Haque failed to disclose on applications to RECO made in 2019 and 2021 the Applicant’s convictions under the ONHWPA dated February 20, 2019, which she was required to do as an officer and director of the Applicant.

## **The HCRA**

14. The HCRA regulates new home vendors and builders in accordance with the NHCLA and with the principle of promoting the protection of the public interest.
15. Part of the HCRA's oversight function includes considering concerns raised about applicants and licensees and taking appropriate action to protect the public as authorized by the NHCLA.

## **Grounds for the Proposal**

16. Under section 38(1)(b)(iii) of the NHCLA, in the Registrar's opinion, it has not been demonstrated that having regard to the past and present conduct of the officers, directors or interested persons, as applicable, of the Applicant, that the Applicant can be reasonably expected to carry on business in accordance with the law and integrity and honesty.
17. Under section 38(1)(b)(iv) of the NHCLA, in the Registrar's opinion, an officer or director of the corporation has made a false statement with respect to the conduct of the Applicant's business.
18. Under section 38(c)(i) of the NHCLA, in the Registrar's opinion, it has been demonstrated that the Applicant or an interested person in respect of the Applicant has carried on activities that are in contravention of the NHCLA and the Regulations.
19. Under section 38 (1)(g) of the NHCLA, granting a licence to the Applicant is contrary to the public interest having regard to its past selling new homes without being registered under section 6 and failing to enroll under section 12 of the ONHWPA.

## **Conclusion**

20. For the reasons stated above, and further to the mandate of the HCRA under section 3(3) of the NHCLA to maintain a fair, safe and informed marketplace and promote the protection of the public interest, the Registrar maintains that the Applicant is not entitled to be licenced under the NHCLA.

## **Amended or Additional Reasons or Particulars**

21. The Registrar may serve the Applicant with amended or additional reasons or particulars of conduct or financial position.

### **B. RIGHT TO A HEARING**

**If you dispute this decision, you have the right to request a hearing before the Licence Appeal Tribunal ("Tribunal") about this proposal.**

**To request a hearing, you must deliver a Notice of Appeal form within 15 calendar days after this Notice of Proposal is delivered to you, addressed to the following:**

Licence Appeal Tribunal  
PO Box 250  
Toronto, ON M7A 1N3  
LATregistrar@ontario.ca  
Phone: 416-326-1356  
Toll free: 1-888-444-0240  
TTY: Call the Bell Relay Service at 1-800-855-0511

AND

The Registrar  
Home Construction Regulatory Authority  
40 Sheppard Ave West, 4th Floor, Suite 400  
Toronto, ON M2N 6K9  
Legal@hcraontario.ca

**If you choose not to dispute this decision, the licence of the Applicant will be refused without any further advance notice to you.**

**If the licence of the Applicant is refused, then they will be prohibited from acting or holding themselves out as vendors or builders, offering to sell or transfer a new home, selling or transferring a new home, offering to construct a new home, or constructing a new home.**

The Notice of Appeal form and other information about hearings may be found on the Tribunal's website at <https://slasto-tsapno.gov.on.ca/lat-tamp/en/>.

When an applicant delivers a Notice of Appeal form within the timeline set out above, a legal proceeding before the Tribunal will commence. The Tribunal may direct the Registrar to carry out the proposal or may substitute its opinion. The Tribunal may also attach conditions to its order or to a licence.

The HCRA cannot advise you about the appeal process. If you dispute this decision, you have the right to retain a lawyer or paralegal to represent you.

Information about this proposal will be reported publicly on the HCRA website <https://www.hcraontario.ca/> and the Ontario Builder Directory <https://obd.hcraontario.ca/>.

## **Contact Information**

If you have any questions about the reasons for the proposal or wish to discuss this matter with the HCRA, please contact [Legal@hcraontario.ca](mailto:Legal@hcraontario.ca). If you have any questions about the appeal process or timelines, please contact the Tribunal at the contact information noted above.

Dated at Toronto this 15<sup>th</sup> day of March, 2022.

A handwritten signature in black ink, appearing to read 'Wendy Moir', written in a cursive style.

Wendy Moir  
Registrar, HCRA