

Ask Jon Eakes

BP Roof Shingles -- Class Action Law Suit

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BP and IKO have had problems with some organic base (felt) asphalt impregnated shingles. There are class action suits against them in both the US and Canada.

The advice from my roofing specialist:

"Whoever claims they have a legitimate complaint against BP or IKO should go at it alone and not join a class action. The results will be felt much faster and the settlement much greater. Of course homeowners always have Small Claim Court to file a complaint and get a proper settlement. As I always said, make sure that you have proper ventilation and the manufacturer will not be able to walk away freely from your claim."

Spring 2019: It is still possible to join this class action suit -- and your roofer can usually help with the paperwork. In Quebec, it is always possible to go to small claims court rather than join the class action -- in the rest of Canada it is too late to opt out of the class action suit so joining the suit is your only recourse. Callers to my radio show are confirming the recommendation above that small claims is faster and pays more if you live in Quebec and still have that option.

You can see my opinion at the end of this entry.

Click here for general information about failing shingles.

Since many of you are asking-- here is information on the BP class action suit. The site mentioned below is complex but has the clearest information on this whole process that is available.

It is important to note that everywhere except in Quebec, you must formally "Opt Out" of this class action if you want to continue with or initiate a private settlement with BP -- such as a standard warranty settlement or small claims court. If you do not opt out, your individual claim will simply be rejected.

In Quebec you are not automatically excluded from private action just because there is a class action suit so you do not need to Opt Out. However if you make a claim under the settlement, then any individual action will be refused. In fact if you already have a claim in process, it will be assumed you do not want to participate in the class action suit unless you formally stop your individual claim prior to September 19, 2012.

So, in Canada outside Quebec, if you don't Opt OUT, you are IN and cannot take a personal action against BP.

In Quebec if you are already taking an action against BP you are OUT of the class action suit unless you stop your individual action before September 19, 2012. You are only blocked from personal action in the future if you file a specific claim under the class action settlement.

It is not quite the opposite, but almost. After all, we do have two "distinct" legal systems in Canada that work quite differently.

Check the following web site for more information and important filing dates, such as limits on when you can file a claim under the class action settlement:

The BP Organic Shingles Settlement Website -- English

<http://www.bpshinglesettlement.com/>

Le site web Entente de Règlement des Bardeaux Organiques BP -- en français

<http://www.bpreglementbardeau.com/>

To stay in or out of a class action law suit is not a simple choice.

To be in: most of the work is done for you; it takes a long time for results; once all the lawyers costs have been paid you may be suprised at how little you actually receive.

To opt out: you have to do all the complex warranty claim and negotiations yourself; it also takes quite some time for a settlement; if you win, the financial sum will be pro-rated to the age of your shingles. If your contractor is on your side, you have a better chance of a reasonable settlement.

Although there have been cases of class action suits really righting wrongs -- in my opinion they are generally make work projects for legal firms -- especially considering that Canadian courts do not grant the kind of lottery winner settlements that are seen in the US. Balance your own mental health against the possible financial payoff before undertaking any of this.

You may want to study Attic Ventilation before buying your next roof covering -- and get a good clear contract that you can eventually use in a warranty claim procedure if necessary.

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