Declaration of Applicant for Building Permit Regarding the Ontario New Home Warranties Plan Act, R.S.O. 1990, Chapter O.31, as amended

PLEASE PRINT

Municipal Address*:  for multiple requests, please attach Multiple Permit Request form — Schedule A*  Municipality:  COMPLETE BOX B OR C, WHICHEVER IS APPLICABLE:  B  here applicant is building to sell ("vendor")/"builder") or contracting as a "builder"  Farion Warranty Corporation (Tarion) Ref. No.:  Tarion Expity Date:  Y M M D C  Position*:  Tarion Expity Date:  Y M M D C  Position*:  Tarion Expity Date:  Y M M D C  Control of the applicant is a corporation, print position of the representative signing:  Declaration:  Position*:  Tarion Expity Date:  Y M M D C  Total Expity Date:  Y M M D C  Control of the Ontario New Home Warrantice Plan Art, on the reverse side of this statement. I declar the above information to be true and correct.  There applicant is building to occupy ("owner"*) and is acting as the general contractor  C (SEE IMPORTANT INFORMATION ON REVERSE SIDE)  There applicant is building to occupy ("owner"*) and is acting as the general contractor  Declaration:  I,  C (SEE IMPORTANT INFORMATION ON REVERSE SIDE)  There applicant is building to occupy ("owner"*) and is acting as the general contractor  Declaration:  I,  Declaration:  Please provide name(s) and address(es) or telephone number(e) of construction consultant(s)/manager(s), if any.	EVERY APPLICANT MUST COMPLETE BOX A.	PLEASE PRINT
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#### The Ontario Building Code Act, states:

#### Section 8(2) Permits:

The chief building official shall issue a permit referred to in subsection (1) unless,

(b) the applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan*Act and is not registered under that Act;

The Ontario New Home Warranties Plan Act, R.S.O. 1990, as amended, contains the following provisions:

## Section 1: In this Act,

"builder" means a person who undertakes the performance of all the work and supply of all the materials necessary to construct a completed home whether for the purpose of sale by the person or under a contract with a vendor or owner;

"home" means

- (a) a self-contained one-family dwelling, detached or attached to one or more others by common wall,
- (b) a building composed of more than one and not more than two self-contained, one-family dwellings under one ownership,
- (c) a condominium dwelling unit, including the common elements, or
- (d) any other dwelling of a class prescribed by the regulations as a home to which this Act applies,

and includes any structure or appurtenance used in conjunction therewith, but does not include a dwelling built and sold for occupancy for temporary periods or for seasonal purposes.

"vendor" means a person who sells on his, her or its own behalf a home not previously occupied to an owner and includes a builder who constructs a home under a contract with the owner;

"owner" means a person who first acquires a home from its vendor for occupancy, and the person's successors in title;

- Section 6: No person shall act as a vendor or a builder unless the person is registered by the Registrar under this Act.
- A builder shall not commence to construct a home until the builder has notified the Corporation of the fact, has provided the Corporation with such particulars as the Corporation requires and has paid the prescribed fee to the Corporation.

### Section 22(1): Every person who,

(b) contravenes Section 6 or 12, or subsection 18(4),

and every director or officer of a corporation who knowingly concurs in such furnishing or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both.

Section 22(2): Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein.

# Regulation 892,

Section 8(1) Forthwith upon the issue of a building permit authorizing the construction of a home, other than a condominium dwelling unit, but including a contracted home, the builder shall enrol the home in the Plan by submitting to the Registrar a completed enrolment form as provided by the Corporation together with the enrolment fee.

# IMPORTANT INFORMATION FOR APPLICANTS COMPLETING BOX C

For the purposes of BOX C you are an "owner" if:

You intend to **live in** the home after construction, **and** you are acting as your own general contractor (i.e. you are **personally** hiring each of the various construction trades). Your home **will not** be covered by warranty under the *Ontario New Home Warranties Plan Act*.

If you have entered into a contract/agreement with another person/corporation to provide you with a complete home, then that person/corporation must be registered with Tarion Warranty Corporation (Tarion), must enrol the home, and must provide you with warranty coverage. That person/corporation should be obtaining the building permit and must complete BOX B of this declaration.

If you are in doubt as to your status as an "owner", contact the Enforcement Department at Tarion (416) 229-3833 or toll-free-at 1-877-982-7466 ext. 3833.