

## Declaration of Building Permit Regarding the Ontario New Home Warranties Plan Act

**Every Applicant Must Complete Box A:**

A	
Property Address: _____	Permit Number: _____

**Complete Box B OR Box C, whichever is applicable:**

B	
<b>Where applicant is building to sell (“vendor”/“builder”) or contracting as a “builder”:</b>	
Ontario New Home Warranty Registration No.: _____	
Signature of Applicant _____	Date _____
Current Address _____	Current Telephone Number _____

**OR**

C (See important information on next page)	
Where applicant to occupy (owner) <b>and</b> is acting as the general contractor:	
DECLARATION:	
I, _____ (applicant) have read and understood the provisions of section 8(2) of the Ontario Building Code Act, as well as the relevant provisions of the Ontario New Home Warranties Plan Act, noted on the second page to this document. I declare that I am not acting as a “vendor” or “builder”, nor am I contracting with a “builder” to construct this “home”. I understand this is not eligible for enrolment or coverage under the Ontario New Home Warranties Plan Act.	
Signature of Applicant _____	Date _____
Current Address _____	Current Telephone Number _____

\*\*\*This information is available in accessible formats upon request\*\*\*

**The Ontario Building Code Act:**

Section 8(2) The Chief Building Official shall issue a permit [...] unless, (b) the applicant is a builder or vendor as defined by the New Home Construction Licensing Act, 2017 and is not licensed under that Act.

**The Ontario New Home Warranties Plan 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 one or more common walls,

(b) a building composed of more than one and not more than two self-contained, one-family dwellings under one ownership,

(c) a condominium unit that is a residential dwelling, including the common elements in respect of which the unit has an appurtenant common interest as described in the condominium declaration of the condominium corporation, or

(d) any other dwelling of a class prescribed by the regulations as a home to which this Act applies.

“**Vendor**” means a person who, on the person’s own behalf, sells a home not previously occupied to an owner and includes a builder, as defined in clause (a) of the definition of “builder”, who acts as such under a contract with the owner.

**New Home Construction Licensing Act**

**Section 37(1)** No person shall act or hold oneself out as a vendor, offer to sell or transfer a new home, including as prescribed, or sell or transfer a new home, including as prescribed, unless the person is licensed as a vendor and meets the other prescribed requirements, if any.

**Section 37(2)** No person shall act or hold oneself out as a builder, offer to construct a new home or construct a new home unless the person is licensed as a builder and meets the other prescribed requirements, if any.

**Section 71(4)** A person or entity that is convicted of an offence under this Act is liable to,

(a) in the case of an individual,

(i) on the first conviction, a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, and

(ii) on each subsequent conviction, a fine of not more than \$100,000 or imprisonment for a term of not more than two years less a day, or both; or

(b) in the case of a person or entity that is not an individual,

(i) on the first conviction, a fine of not more than \$250,000, and

(ii) on each subsequent conviction, a fine of not more than \$500,000.

**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 and paying each of the various construction trades). Your home **will not** be covered by warranty under the Ontario New Home Warranties Plan Act/Tarion Warranty Corporation.

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 the Ontario New Home Warranty Program, must enroll 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.

For further clarification, please contact the Home Construction Regulatory Authority (HCRA) directly at [www.hcraontario.ca](http://www.hcraontario.ca).