

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.

Section 6: No person shall act as a vendor or a builder unless the person is registered by the Registrar under this Act.

Section 12: 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 the Ontario New Home Warranty Program (ONHWP), 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 your local office of ONHWP.