

## Registrar's Advisory

### Re: Repair Period Extension Requests

Attention Vendor/Builder:

This Advisory explains how and when a builder<sup>1</sup> and homeowner may request that Tarion extend a builder repair period. This Advisory applies to freehold homes and condominium units with a date of possession on or after May 1, 2024. All capitalized terms in this Advisory have the same meanings as defined in [Registrar Bulletin 01 - Customer Service Standard](#).

#### Background

As set out in [Registrar Bulletin 01 - Customer Service Standard](#), if a homeowner requests a Conciliation for claim items listed on a Year-End Form or Second-Year Form, the builder has an additional 30-day Pre-Conciliation Repair Period to repair or resolve the claim items that are covered by a Statutory Warranty. However, a homeowner and builder may wish to extend the Pre-Conciliation Repair Period to give them more time to work together to resolve claim items without a Conciliation by Tarion.

Tarion may in its sole discretion extend a Pre-Conciliation Repair Period if Tarion determines that the extension would facilitate the resolution of a claim item.<sup>2</sup> If a homeowner and builder wish to extend a Pre-Conciliation Repair Period, they may submit an extension request to Tarion using a Repair Period Extension Request.

#### Repair Period Extension Request

The Repair Period Extension Request is a form developed by Tarion that builders and homeowners are required to use if they wish to extend the Pre-Conciliation Repair Period. It is available on [Tarion.com](http://Tarion.com) or on request. A request or agreement in any other form will not be accepted by Tarion.

In the Repair Period Extension Request, the builder and homeowner must indicate the date on which the requested extended builder repair period will end (the "Extension Date"). The

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<sup>1</sup> In this Bulletin, "builder" refers to both "vendor" and "builder", as they are defined in the *Ontario New Home Warranties Plan Act*.

<sup>2</sup> See subsection 5.10(c) of Regulation 892 under the *Ontario New Home Warranties Plan Act*.

Extension Date cannot be more than 180 days (approximately 6 months) after the end of the Pre-Conciliation Repair Period.

The Repair Period Extension Request must list the outstanding claim items that have not been resolved by the builder. The Repair Period Extension Request must not include any items that were not listed on the Statutory Warranty Form for which the request is submitted. A Repair Period Extension Request that lists items that were not on the Statutory Warranty Form will not be accepted by Tarion.

A Repair Period Extension Request that is not fully completed or not signed by the homeowner and the builder will not be accepted by Tarion.

The only purpose of the Repair Period Extension Request is to extend the Pre-Conciliation Repair Period. It does not create any additional warranty rights or obligations for the homeowner or builder. More specifically, the Repair Period Extension Request is not:

- a Statutory Warranty Form;
- an agreement that the builder will resolve the listed outstanding claim items; or
- an agreement or admission by the builder that the listed outstanding claim items are covered by a Statutory Warranty.

## **When a Repair Period Extension Request Can be Submitted**

### **Year-End Form and Second-Year Form**

A Repair Period Extension Request can only be submitted for claim items listed on:

- a Year-End Form; or
- a Second-Year Form if the two-year warranty period has expired.

If a homeowner and builder want to have more time to resolve claim items listed on another Statutory Warranty Form, the homeowner should submit the claim items on the next Statutory Warranty Form (i.e., outstanding claim items from an Initial Form can be submitted on a Mid-Year Form, and outstanding items on a Second-Year Form can be submitted on another Second-Year Form).

### **Pre-Conciliation Repair Period**

A Repair Period Extension Request can be submitted only if the homeowner has requested a Conciliation by Tarion, and only to extend the Pre-Conciliation Repair Period.

A completed and signed Repair Period Extension Request must be submitted to Tarion at least 48 hours before the scheduled Conciliation inspection.

If Tarion decides to grant the requested extension, Tarion will cancel the scheduled Conciliation inspection and will reschedule it to a date that is after the Extension Date stated in the Repair Period Extension Request.

A Repair Period Extension Request cannot be submitted after a Conciliation has been conducted by Tarion or to request extension of the Post-Conciliation Repair Period.

### **Conciliation of Claim Items Listed in the Repair Period Extension Request**

If outstanding claim items listed in the Repair Period Extension Request are resolved by the builder, the homeowner can cancel the rescheduled Conciliation inspection.

If outstanding claim items listed in the Repair Period Extension Request are not resolved by the Extension Date, the homeowner is not required to make another request for Conciliation and the Conciliation inspection will proceed on the rescheduled date. Only outstanding claim items listed in the Repair Period Extension Request will be assessed by Tarion at the Conciliation inspection.

If outstanding claim items listed in the Repair Period Extension Request are not resolved by the Extension Date and the homeowner and builder wish to further extend the Pre-Conciliation Repair Period, they may submit another Repair Period Extension Request to Tarion at least 48 hours before the rescheduled Conciliation inspection. Tarion will decide whether to further extend the Pre-Conciliation Repair Period or proceed with the Conciliation inspection and will advise the homeowner and builder of its decision.

If claim items listed in a Repair Period Extension Request are conciliated by Tarion, the rules, guidelines and expectations set out in [Registrar Bulletin 01 - Customer Service Standard](#) and [Registrar Bulletin 04 – How Chargeability is Determined and Applied](#) will apply to the Conciliation.

All Repair Period Extension Requests should be emailed to [customerservice@tarion.com](mailto:customerservice@tarion.com).

You can find the form for the Repair Period Extension Request [here](#).

Signed,

"Peter Balasubramanian"

Registrar