

## **Delayed Closing/Occupancy Claim Form & Homeowner Instruction Guide**

(for homes with a purchase agreement signed on or after July 1, 2008)

**Please read the following information carefully and follow the instructions for completing the Delayed Closing/Occupancy Claim Form before making a claim for compensation.**

Prior to completing this Form, please refer to the appropriate section of the Homeowner Information Package, [www.tarion.com](http://www.tarion.com) or Section 9 of the Addendum attached to your purchase agreement to determine if and when you can claim compensation for a Delayed Closing/Occupancy.

### **Submitting a Claim for Delayed Closing or Delayed Occupancy**

1. You should first gather and make copies of all documents, receipts, invoices and other materials which in any way support your claim for delayed closing or delayed occupancy compensation.
2. Remember to retain copies of all materials for your records.
3. Review and complete the “Statutory Warranty Form” titled “Delayed Closing/Occupancy Claim Form.”
4. Be sure to fully complete the form and be accurate.
5. Complete the form for all expenses incurred even if the amount exceeds the maximum allowable claim amount.
6. You may submit your claim by sending it by regular mail, registered mail, or courier to 5150 Yonge Street, Concourse Level, Toronto, Ontario, M2N 6L8, or by fax to 1-877-664-9710.
7. Please make sure you have all documents before you submit your Delayed Closing/Occupancy Claim Form.

### **Delayed Closing/Occupancy Claim Service Rules**

1. Once your Delayed Closing or Delayed Occupancy Claim Form is received, Tarion will send a letter notifying your vendor/builder of your claim submission and request the vendor/builder's input. Tarion will also send you a letter specifying the outside date by which the matter should be settled with your vendor/builder.
2. If for any reason the vendor/builder does not settle the claim with you by the end of the specified outside date, you should contact Tarion to request an assessment of your claim. If you do not contact Tarion in due course, Tarion will consider the matter resolved.
3. Tarion will require a \$50.00 fee if you request an assessment of your Delayed Closing/Occupancy claim. However, the fee will be refunded to you, after the assessment is conducted, if Tarion's report determines that your claim is warrantable. Please do not submit the fee at this time.
4. The information provided by you and the vendor/builder will be reviewed to determine whether the claim is valid or invalid.
5. If the claim is determined to be valid, Tarion will settle the claim with you directly.

### **Instructions for Completing the Delayed Closing/Occupancy Claim Form**

Please follow these instructions carefully. Please note that if the Delayed Closing/Occupancy Claim Form is not properly completed or any relevant supporting documentation is missing, this may be sufficient reason for Tarion to deny your claim.

1. **Home Identification Information** – This section provides information about your home. You may refer to your Certificate of Completion and Possession to get this information. If you do not have this information please call our Contact Centre at 1-877-982-7466 for assistance.
2. **Homeowner Contact Information** – This section provides us information about you and how to contact you if we require additional information. If your mailing address is different from the address of the home under warranty, include your complete mailing address, including postal code.
3. **Required information** – Attach documentation to support your claim and place a checkmark in the appropriate boxes provided.

4. **Claim Calculations** – This section sets out compensable expenses that are made up of a combination of living expenses and other expenses. This section of the form should be completed carefully and are discussed in more detail below. You, as Purchaser, are entitled to be compensated for all expenses incurred by you **as a result of the delay** up to the amount of \$7,500.00. This has two parts:

a. ***Living Expenses***

This is an amount of \$150.00 per day for each day of delay until the date of Closing or Occupancy (or the date of termination of the purchase agreement, if applicable) as compensation for possible living expenses incurred due to the delay such as meals and accommodation. No invoices or proof of payment are needed for this type of expense and should not be submitted.

b. ***Other Expenses***

You are also entitled to be reimbursed for any other legitimate expenses which you incur **as a result of the delay**. These might include, for example, additional moving or storage expenses resulting from the delay. Legitimate invoices and proof of payment must be provided to support any such expense claims. Please note that submissions of false receipts will disentitle you to any Delayed Closing or Delayed Occupancy compensation in connection with the Claim. Any PST or GST which was paid in connection with such expenses should be included in the amounts claimed.

- **Moving:** You must provide invoices and proof of payment for your total moving costs. You will normally incur one moving expense when purchasing a new home. If you had to make more than one move because of the delay, you can claim for the extra moving costs you incurred. You must submit receipts for both the initial move and any subsequent moves resulting from the delay.  
Costs to move might include:
  - from a previous residence to a temporary residence
  - from a temporary residence to a new residence
  - from a previous residence to storage
  - from storage to a new residence
- **Storage:** You must provide invoices and proof of payment for the total amount of your costs claimed for storage costs resulting from the delay. Provide a storage agreement and/or invoice showing dates of service and amount paid.
- **All Other Expenses:** You must provide invoices and proof of payment to claim the costs referred to here. Some examples are pet boarding, Canada Post charges to hold mail, or extra telephone hook-up.

5. **Total Claim** – The total claim is the sum of the living expenses and the total of the other expenses. Note: The maximum compensation allowed under the Ontario New Home Warranties Plan Act for Delayed Closing or Delayed Occupancy is \$7500.00 + GST. If claiming GST, receipts with a valid GST number are required.

### **Guidelines for Providing Proof of Expenses Paid**

As mentioned, any expenses claimed, other than living expenses, must be supported by invoices, agreements, purchase orders, or other evidence of the work, materials or services provided.

You may submit copies of cancelled cheques, credit card slips or statements, bank statements, debit card slips, etc. to show proof of payment. Tarion will not reimburse GST without a copy of the receipt showing that GST has been paid.

Please note that any payments to friends and relatives will require a sworn affidavit, commissioned by a commissioner of oaths, from the friend or relative swearing that the arrangement was on arm's length terms and that payment was received from you. Details of the work, materials, services provided, and payment must be provided.

**Please note further information may be required for us to verify your claim. If we require any additional information we will contact you.**