

ADVISORY FOR HOMEOWNERS & BUILDERS: UPDATE ON COVID-19 MEASURES

Due to the recent increases in COVID-19 cases in the province, Tarion is taking additional precautions to help safeguard the health of homeowners, builders and our employees in this evolving public health situation. The following provides updates to previously published advisories and the measures outlined are currently in effect.

Conciliations & re-inspections

- Warranty Services Representatives will advise homeowners and builders prior to any scheduled conciliations or re-inspections as to how they will be conducted – virtual, in-person or a combination – and will provide a copy of [Tarion's advisory on inspection protocols](#).
- Conciliations and re-inspections will be conducted by virtual inspection wherever possible in order to reduce the need for interactions between homeowners, builder representatives, and Tarion representatives.
- Warranty Service Representatives will no longer attend homes with consultants, except in exceptional circumstances.
- In cases where there are concerns about the ability to assess some issues on the warranty form, the virtual inspection can be done from outside the home. This will allow the Tarion representative to assess the majority of the items remotely but with the proximity to allow them – if it is safe to do so – to enter the home to take a quick measurement or look at something in person, if necessary. This approach will decrease the amount of time in the home and not require another date to be scheduled.
- The Tarion representative will advise the builder in advance whether the conciliation will be conducted virtually from outside the home, and the builder can choose whether to attend the conciliation (virtually) from outside the home or from another location. If the builder is not present at the home and entry into the home is required, the Tarion representative will contact the builder and review the issues with them prior to issuing the warranty assessment.

Claim inspections

- All claim inspections (to confirm that warranted repairs have been completed) will be conducted virtually or via submitted documentation (e.g. photos, reports, etc.), except in exceptional circumstances.

Safety Protocols

- Prior to the inspection, homeowners and builders will be required to fill out a COVID-19 screening questionnaire.
- In the event that entry into a home is necessary, Tarion representatives will be equipped with Personal Protective Equipment (PPE), including a face shield, mask, gloves, booties, and sanitizer. PPE is washed and sanitized after each use.
- Homeowners and builder representatives will be advised that they must wear masks if a Tarion representative is going to be entering the home.
- Homeowners who refuse to or cannot wear masks must step outside or be in a different section of the home altogether in order to allow the Tarion representative to do their assessment. Builder representatives who refuse to wear masks will be asked to remain outside while the Tarion representative assesses the issue. If a homeowner or builder representative will not comply, the Tarion representative has the authority to end the inspection if they do not feel that it is safe to continue.
- A full list of our health and safety protocols can be found [here](#) and this information will be provided to both homeowners and builders prior to a scheduled inspection.

Repairs & repair periods

- We encourage homeowners and builders to work together in order to facilitate repairs in a safe way that is consistent with the health and safety guidelines endorsed by the province. For guidance on scheduling repairs, refer to our [advisory](#)
- Emergency repairs should be addressed by builders on a priority basis. If the builder and homeowner are unable to come to an agreement on how to address emergency issues, they should contact Tarion immediately so we can work with you to help address the situation. Tarion emergency contact information is covid19@tarion.com or 1-877-982-7466.
- If homeowners are not comfortable granting access to their home because of health and safety concerns, Tarion encourages them to enter into a written agreement with their builder to identify how and when the repairs can be completed. If such an agreement is reached, Tarion should be advised. If the parties cannot come to a reasonable agreement, they can contact Tarion at covid19@tarion.com for assistance.

Requests for additional time for repairs

- If builders are having difficulty completing repairs due to issues related to COVID-19, (e.g. material and trade shortages) and/or homeowners are not comfortable allowing trades into their homes under the current circumstances, builders can request additional time for repairs. If builders require additional time, they are encouraged to contact the homeowners and enter into written agreements with them to identify how and when the repairs can be completed. Those agreements should be provided to Tarion so that the timelines can be formally adjusted. For more information on the materials shortages, refer to this [advisory](#)

- If a builder is unable to come to a written agreement with a homeowner, then they are encouraged to contact Tarion and request an extension. The request should be submitted to covid19@tarion.com **at least 10 days before the expiry of the applicable repair period**. The following information should be provided with the request for extension:
 - The enrolment number(s) for the home(s) affected;
 - The warranty form(s) affected;
 - A complete explanation of the builder's circumstances (i.e. why additional time is required to complete the repairs);
 - The length of additional time being requested.

- Tarion will review the information provided and will contact the builder if additional information is required. Tarion will then confirm whether additional time will be granted and, if so, the length of the additional time. For more information on the process for requesting extensions, refer to our [Guidance on Repairs during COVID-19 advisory](#)

Unavoidable delays and Critical Dates

If a new home is in the midst of construction at this time, it is very possible that the pandemic will cause delays in the delivery of the home. Under the unavoidable delay provisions of the Addendum (which forms part of the purchase agreement), the builder may be entitled to unilaterally extend critical dates. However, the builder must follow the rules set out in the Addendum to do so. If the builder does not follow the rules regarding providing appropriate notice, they may not be able to extend the critical dates and homeowners may be eligible for compensation.

Some homes may not yet have been affected, but new circumstances may arise due to the pandemic that could affect home delivery. There may be different impacts resulting in an unavoidable delay on the delivery dates of different homes depending on a number of factors.

Please Note: The Critical Dates listed in the Addendum can only be extended by the period of Unavoidable Delay.

If the home is affected by the pandemic and the builder follows the rules set out in the Addendum and summarized above, then the builder can unilaterally extend Critical Dates for your home (for the **Unavoidable Delay Period**).

While the builder can extend the current and future Critical Dates originally set out in the Addendum, the builder cannot reset the original timeline framework in the Addendum. For example, if the upcoming next critical date is the Second Tentative Closing Date or Firm Closing Date, the builder cannot go back and reset to a First Tentative Closing Date.

To learn more about COVID-19 and delayed closings, refer to our [advisory](#) and [Q&A](#)

Guidance for Pre-delivery inspections (PDI)

- Given the current public health situation, Tarion does not consider it absolutely necessary that the PDI occur prior to a closing in the presence of both the builder and the homeowner. However, it is Tarion's position that in-person PDIs can happen if participants adhere to provincial health and safety and physical distancing guidelines, and both parties agree to the conditions under which the PDI would be carried out. For additional guidance and safety precautions for PDIs, refer to our [advisory](#)

Other Concerns or Questions

- If you have any concerns or questions, contact Tarion's Customer Service team at 1-877-982-7466 or email covid19@tarion.com

Important Note: *The information contained in this advisory is intended for general guidance and does not constitute legal or other professional advice. The reader is advised to seek legal advice from their own legal counsel to address their particular circumstances.*