

BUILDER ARBITRATION FORUM

REQUEST TO ARBITRATE

Note: All parts of this form including Schedule "A" must be completed in order to commence an arbitration.

Builder's Information

Registration Number: _____

Company Name: _____

Contact Name: _____

Address: _____

Phone Number: _____

Builder's Email: _____

Representation at the Arbitration

Read Rule 10.8 before completing this section. Check one box only.

- the Builder will be self-represented by the officer, director, employee, sole proprietor or partner indicated in the "Contact Name" field above; *or*
- the Builder will be represented by counsel. Their contact information is as follows:

Name: _____

Firm: _____

Address: _____

Email: _____

Tel: _____

- Reasonable settlement refused
Date Tarion was advised: _____
- Evidence of prior satisfaction with the warranted item(s)
Date Tarion was advised: _____
- Re-introduced or new issue raised at the conciliation
Date Tarion was advised: _____
- Shortened or no builder repair period
Date Tarion was advised: _____

Note to Builder: Evidence of exceptions to chargeability will only be admitted into evidence in a BAF hearing if it was provided to Tarion prior to the conciliation inspection as described in Rule 6.2.

- 3. Builder asserts that it should be reimbursed for amounts paid under section 2.1 of the BAF Rules (Repairs made or Compensation Paid under Protest),

Remedy Sought

(check all applicable boxes)

- A declaration that the disputed item or items in the Warranty Assessment Report are not warranted;
- A declaration that the conciliation is not chargeable;
- A declaration that Tarion is required to reimburse the Builder for repairs done by the Builder or compensation paid under protest.

Value of the Dispute

The Builder estimates that the total value of the matters in dispute is approximately \$_____.

Proposed Details for the Arbitration

Number of Witnesses for the Builder: _____

Estimated Time to Present Builder's Case: _____

Arbitrator Nominees

The Builder nominates the following three persons from the Roster and agrees that Tarion may appoint one of them as the sole Arbitrator:

Note to Builder: Before completing this section, you must obtain written confirmation (using Form 3 to the BAF Rules) from each of the nominees that he/she has no conflict of interest and is available to proceed within the time limits in the BAF Rules. Remember to attach the written confirmation to this Request.

Nominee #1: _____

Nominee #2: _____

Nominee #3: _____

Rules of the Arbitration

1. The Builder understands and agrees that the arbitration will be conducted in accordance with the Builder Arbitration Forum Rules ("BAF Rules") adopted by Tarion, a copy of which has been received and read and the Arbitration Agreement.
2. The Builder further understands and agrees that it will be required to pay a deposit to Tarion for the Arbitrator's fees and disbursements, and that the Arbitrator may require the Builder to pay an additional deposit to cover additional estimated fees and disbursements.
3. The Builder understands and agrees that the Builder may be required to pay all or part of the Arbitrator's fees and disbursements, if and as directed in the Arbitrator's decision pursuant to Rule 8 of the BAF Rules.
4. The Builder confirms:
 - (a) their offer to proceed to arbitrate the issues referred to in this Request;
 - (b) that the appointed Arbitrator shall have jurisdiction for this arbitration; and
 - (c) that the Arbitrator's Decision shall be final and binding upon all parties.

Attachments

The following documents must be attached in order to initiate the arbitration:

- a copy of the Arbitration Agreement referred to in paragraph 1 above;
- a copy of the Warranty Assessment Report;
- a non-refundable administration fee in the amount of \$847.50 (\$750.00 plus HST) by certified cheque or money order payable to Tarion Warranty Corporation;
- a written confirmation from each of the Builder's three nominees that such nominee has no conflict of interest and is available to proceed within the time limits in the Procedural Rules;
- any additional documents (*list the name, date, and number of pages of each document below*)
- Schedule A, setting out the builder's detailed reasons for arbitration

Date: _____

Print Name

Per: _____
Signature of Authorized Signing Officer

Print Name: _____

Print Title: _____

I have authority to bind the Corporation.

TO: Builder Arbitration Forum
Tarion Warranty Corporation
5160 Yonge Street, 12th Floor
Toronto, ON M2N 6L9