

COVID-19 Temporary Supplement to RB 04

Effective Date: November 29, 2021

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What This Supplement Is About

This updated COVID-19 Temporary Supplement is effective as of November 29, 2021 and replaces any COVID-19 Temporary Supplement previously issued by Tarion.

For any conciliations held on or after November 29, 2021, chargeability will be assessed at the time of the conciliation inspection. As set out in Registrar Bulletin No. 04, a conciliation is chargeable if Tarion determines that one or more items are warranted at the conciliation unless a specified exception to chargeability applies for each and every item that was assessed as warranted.

This supplement to Registrar Bulletin No. 04 describes an additional temporary exception to chargeability for situations where a builder was not able to repair a warranted item before the conciliation due to a delay or other issue caused by the COVID-19 pandemic. This may include, for example, an issue with a supply chain, material shortage or trade availability.

All exceptions to chargeability and other provisions set out in Registrar Bulletin No. 04 continue to apply.

Application of COVID Exception

This temporary COVID exception to chargeability applies to conciliations conducted by Tarion on or after November 29, 2021.

For the COVID exception to apply to an item, the builder must before the conciliation inspection date:

- demonstrate to Tarion that the builder made a reasonable attempt to repair the item before the conciliation but, for reasons beyond the builder's control, the builder was not able to repair the item due to an issue directly related to the COVID-19 pandemic;
- demonstrate to Tarion that the builder made a reasonable attempt to enter into a repair agreement with the homeowner before the conciliation;
- provide documentation to Tarion evidencing the builder's efforts to repair the item and to enter into a repair agreement;
- agree in writing that the item is warranted; and
- agree in writing to repair the item within a time period that Tarion considers to be reasonable.

Extension of Post-Conciliation Repair Period

If Tarion determines that the COVID exception applies, Tarion may extend the post-conciliation repair period for the item. The extended time period will be set out in the Warranty Assessment Report issued by Tarion.

Extension of Pre-Conciliation Repair Period

As stated in Registrar Bulletin No. 04, the goal is to avoid conciliations. When a builder becomes aware that repairing a warranted item may be affected by a COVID-19 issue, the builder should advise the homeowner and contact Tarion well before the conciliation to request an extension to the pre-conciliation repair period pursuant to Registrar Bulletin No. 01 or Registrar Bulletin No. 02, as applicable.



Challenging and Reversing a Chargeable Conciliation

The rules and guidelines in Registrar Bulletin No. 04 and Registrar Bulletin No. 08 regarding challenging and reversing a chargeable conciliation continue to apply. The temporary COVID exception to chargeability may be considered in any Tarion review or Builder Arbitration Forum appeal.