

August 21, 2020

## **ADVISORY FOR BUILDERS: REINSTATEMENT OF BUILDER ARBITRATION FORUM PROCESSES**

In line with Government of Ontario's Emergency Order that suspends certain statutory limitation periods and that is in place until September 11, 2020, the Builder Arbitration Forum (BAF) processes are scheduled to resume on September 11, 2020.

Under strict protocols based on the health and safety guidelines endorsed by the Government of Ontario, the BAF resumption will include necessary modifications to BAF processes, including:

- Until further notice, all hearings will be held virtually. Hearings may also be held in writing pursuant to BAF Procedural Rule 11 if mutually agreeable with the parties and arbitrator (please refer to the [BAF Procedural Rules](#)).
- Documents such as written case materials may be delivered electronically, subject to any specific requirements imposed by the Arbitrator assigned to your matter. Payment of the various BAF fees through physical cheques is still required.
- Timelines for certain steps in the proceeding may be unilaterally extended by Tarion as it adjusts to manage a backlog of appeals.
- Builders who require accommodations as a result of COVID-19 are asked to contact the Tarion representative assigned to the file, or Tarion's BAF co-ordinator if no representative has been assigned

### **Arbitrations that have commenced, but were suspended due to COVID-19**

If you have an open BAF matter (i.e., where Tarion already delivered a "Form 4 – Tarion's Response"), Tarion's representative will contact the representative indicated on your Request to Arbitrate to set dates for the next step in the proceeding.

### **Arbitrations that have not commenced**

If you previously contacted Tarion's BAF co-ordinator indicating your intention to appeal a Warranty Assessment Report upon resumption of BAF processes, Tarion's BAF co-ordinator will contact you to set dates for filing your complete Arbitration Package to initiate your appeal.

Tarion is monitoring COVID-19 developments and will update its policy based on guidance from the Government of Ontario.

Please do not hesitate to contact Simran Singh, the Builder Arbitration Forum Coordinator directly via email at [BAF@tarion.com](mailto:BAF@tarion.com) or via telephone at (416)-229-3835 if you have any questions.