

**ONTARIO REGULATION**

made under the

**ONTARIO NEW HOME WARRANTIES PLAN ACT**

Amending Reg. 892 of R.R.O. 1990

(ADMINISTRATION OF THE PLAN)

**1. Section 1 of Regulation 892 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:**

“sale price of a home” means, in relation to a home, the total value of consideration payable, directly or indirectly, by or on behalf of an owner to or for the credit of the vendor pursuant to a purchase agreement for the home, excluding applicable taxes; (“prix de vente d’un logement”)

**2. (1) Section 1.1 of the Regulation are amended by striking out “Schedule A” wherever that expression appears and substituting in each case “subsection (4.1)”.**

**(2) Section 1.1 of the Regulation is amended by adding the following subsections:**

(4.1) The enrolment fee for every home of a type referred to in clauses (a), (b) and (c) of the definition of “home” in section 1 of the Act is,

- (a) \$385, if the sale price of the home is less than \$100,000;
- (b) \$430, if the sale price of the home is more than \$100,000 but less than \$150,000;
- (c) \$500, if the sale price of the home is more than \$150,000 but less than \$200,000;
- (d) \$570, if the sale price of the home is more than \$200,000 but less than \$250,000;
- (e) \$640, if the sale price of the home is more than \$250,000 but less than \$300,000;
- (f) \$710, if the sale price of the home is more than \$300,000 but less than \$350,000;

- (g) \$780, if the sale price of the home is more than \$350,000 but less than \$400,000;
- (h) \$870, if the sale price of the home is more than \$400,000 but less than \$450,000;
- (i) \$945, if the sale price of the home is more than \$450,000 but less than \$500,000;
- (j) \$1,025, if the sale price of the home is more than \$500,000 but less than \$550,000;
- (k) \$1,075, if the sale price of the home is more than \$550,000 but less than \$600,000;
- (l) \$1,130, if the sale price of the home is more than \$600,000 but less than \$650,000;
- (m) \$1,210, if the sale price of the home is more than \$650,000 but less than \$700,000;
- (n) \$1,260, if the sale price of the home is more than \$700,000 but less than \$750,000;
- (o) \$1,315, if the sale price of the home is more than \$750,000 but less than \$800,000;
- (p) \$1,365, if the sale price of the home is more than \$800,000 but less than \$850,000;
- (q) \$1,485, if the sale price of the home is more than \$850,000 but less than \$900,000;
- (r) \$1,540, if the sale price of the home is more than \$900,000 but less than \$950,000;
- (s) \$1,595, if the sale price of the home is more than \$950,000 but less than \$1,000,000;
- (t) \$1,725, if the sale price of the home is more than \$1,000,000 but less than \$1,500,000;
- (u) \$1,800, if the sale price of the home is \$1,500,000 or more.

. . . . .

(6) The re-enrolment fee per home is \$50.

**3. Subsection 4 (6) of the Regulation is amended by striking out “Schedule A” at the end and substituting “sections 4.0.1 and 4.0.2”.**

**4. The Regulation is amended by adding the following sections:**

**4.0.1** (1) This section applies, and subsection 5 (2.1) does not apply, to all requests for conciliation of a claim made under section 2 or 3 of Ontario Regulation 165/08 (Warranty for Delayed Closing or Delayed Occupancy) made under the Act, for every home with a date of possession on or after May 1, 2004.

(2) The delayed occupancy administration fee payable by the vendor for a request for conciliation of a claim made under section 2 or 3 of Ontario Regulation 165/08 (Warranty for Delayed Closing or Delayed Occupancy) made under the Act for a home in accordance with the Corporation's administrative procedures is,

- (a) \$600, if the home has a date of possession between May 1, 2004 and December 31, 2004, both inclusive;
- (b) \$1,200, if the home has a date of possession between January 1, 2005 and December 31, 2005, both inclusive; or
- (c) \$600, if the home has a date of possession on or after January 1, 2006.

(3) The delayed occupancy re-assessment fee payable by the vendor for re-assessment of a decision of the Corporation in respect of a claim made under section 2 or 3 of Ontario Regulation 165/08 (Warranty for Delayed Closing or Delayed Occupancy) made under the Act, for a home with a date of possession on or after May 1, 2004, in accordance with the Corporation's administrative procedures is \$350.

(4) The delayed occupancy re-assessment fee is non-refundable.

**4.0.2** The delayed closing or occupancy administration fee payable by the vendor in respect of a claim for compensation made based on a warranty described in section 5 or 6 of Ontario Regulation 165/08 (Warranty for Delayed Closing or Delayed Occupancy) made under the Act is \$500 if a conciliation is needed to settle the claim and if the Corporation pays any part of the claim.

**5. (1) Subsection 5 (1) of the Regulation is amended by striking out "Schedule A" at the end and substituting "subsections (2) and (2.1)".**

**(2) Section 5 of the Regulation is amended by adding the following subsections:**

(2) The fee payable by an owner of a dwelling unit for a conciliation of a dispute under subsection (1) is,

- (a) \$50, if the request for conciliation is made before July 1, 2009; or
- (b) \$250, if the request for conciliation is made on or after July 1, 2009.

(2.1) The fee payable by a vendor of a dwelling unit for a conciliation of a dispute under subsection (1) is,

- (a) if the request for conciliation is made before July 1, 2009,

- (i) no fee for the first conciliation with respect to each 25 units or fewer sold by the vendor, or
- (ii) \$550 for each conciliation after the first conciliation with respect to each 25 units or fewer sold by the vendor; or

(b) \$1,000, if the request for conciliation is made on or after July 1, 2009.

**6. (1) Subsection 5.8 (2) of the Regulation is amended by striking out “Schedule A” at the end and substituting “subsection (2.1) and (2.2)”.**

**(2) Section 5.8 of the Regulation is amended by adding the following subsections:**

(2.1) The fee payable by a condominium corporation as the owner of common elements for a conciliation of a dispute under any of sections 5.5, 5.6, 5.7 or this section is \$1,000.

(2.2) The fee payable by the vendor of common elements for a conciliation of a dispute under any of sections 5.5, 5.6, 5.7 or this section is \$3,000.

**7. Subsection 6 (1) of the Regulation is amended by striking out “or” at the end of clause (a) and by striking out clause (b) and substituting the following:**

- (b) \$40,000 in respect of,
  - (i) a claim in relation to a purchase agreement entered into on or after February 1, 2003 and before January 1, 2018, or
  - (ii) a construction contract entered into on or after February 1, 2003; or
- (c) in respect of a claim in relation to a purchase agreement entered into on or after January 1, 2018, the greater of,
  - (i) \$60,000, and
  - (ii) the lesser of 10 per cent of the sale price of the home, and \$100,000.

**8. (1) Subsection 9 (4) of the Regulation is amended by striking out “Schedule A” at the end and substituting “section 9.1”.**

**(2) Subsection 9 (4.1) of the Regulation is amended by striking out “the fee set out in Schedule A” and substituting “a fee of \$500”.**

**9. The Regulation is amended by adding the following section:**

**9.1 (1)** In this section,

“control” with respect to a person, means the power to direct or significantly influence, either directly or indirectly, the management, policies or business affairs of the person, whether through the holding of voting interests, or otherwise, as determined by the Registrar; (“contrôle”)

“re-seller vendor” means a vendor selling a home who is not the original vendor of the home; (“revendeur”)

“umbrella vendor or builder” means a vendor or builder that controls or is controlled by one or more other vendors or builders. (“groupe vendeur ou constructeur”)

(2) The fee for registration of a vendor or builder who is not an umbrella vendor or builder or a re-seller vendor is \$2,500.

(3) The fee for registration of a vendor or builder who is an umbrella vendor or builder is \$600.

(4) The fee for registration of a vendor who is a re-seller vendor and not an umbrella vendor or builder is \$350.

**10. (1) Subsection 10 (4) of the Regulation is amended by striking out “Schedule A” at the end and substituting “subsections (5) and (6)”.**

**(2) Section 10 of the Regulation is amended by adding the following subsections:**

(5) Subject to subsection (6), the fee for the renewal of the registration of a vendor or builder is,

- (a) \$300, if the Registrar determines that it is possible to determine the entitlement of the applicant to the renewal under subsection 7 (1) of the Act on an expedited basis; or
- (b) \$500 otherwise.

(6) If the application for the renewal is made after the time specified in subsection (2) and the Registrar permits the application under subsection (2.1), the fee for the renewal of registration is \$500 in addition to the fee chargeable under subsection (5).

**11. Schedule A to the Regulation is revoked.**

## **Commencement**

**12. This Regulation comes into force on the later of January 1, 2018 and the day it is filed.**