

ADVISORY FROM TARION TO CONDO CORPORATIONS & FIELD REVIEW CONSULTANTS ON PROVINCIAL COVID-19 PANDEMIC EMERGENCY ORDERS: PERFORMANCE AUDITS, B19 REPORTING, CE MEETINGS AND REPAIRS

In response to the continuing COVID-19 pandemic, the Ontario government has passed Emergency Orders suspending for the duration of the emergency any provisions of any Government statute, regulation, rule or by-law that imposes limitation periods. The suspension is retroactive to March 16 and can last up to 90 days and be renewed. As the Ontario New Home Warranties Plan Act includes a number of mandated deadlines, we are issuing the following advisory which supersedes previously issued advisories:

Performance Audits

In response to the government's Emergency Orders, deadlines to submit Performance Audits are suspended for the duration of the emergency. Once the emergency orders are lifted, Condo Corporations will receive a reasonable extension to submit any Performance Audits that were due during the emergency period. If you are a Designate for a Condominium Corporation, or are a Performance Auditor with questions about this potential delay, please contact Bonnie Douglas, Manager, Common Elements, at Bonnie.Douglas@Tarion.com.

Update for Builder Bulletin 19R – Field Review Consultants

It is anticipated that due to COVID 19, condominium construction sites may at some point be temporarily closed. and Field Review Consultants (FRC) may need to suspend their site activity. In addition, in response to the government's Emergency Orders, deadlines for B19 reporting are suspended for the duration of the emergency. Once the emergency orders are lifted, there will be a reasonable extension applied for any B19 reports due during the emergency period. If you are an FRC that is not able to attend a site in order to carry out required reporting under B19, please reach out to B19@Tarion.com to let us know. Please note that automatically generated late notices of reporting may still be issued, however where delays are due to the pandemic or the emergency orders, this will not impact the project or reflect on FRC performance. Once the Provincial Order is lifted, full reporting for the time period missed will need to be issued.

Access to units and common elements

Unit owners' reluctance to open their homes for trades and builders or condo corporations' concerns about allowing access to common elements will not be viewed by Tarion as denied access during the period of the emergency. When it comes to after-sales service in a unit, we do not expect any homeowner to open their homes to trades or suppliers if they do not wish to do so. Nor do we expect a condo corporation to provide access to common elements against the wishes of their condo community. Similarly, builders and their trades and suppliers who do not wish to enter an individual unit or a building are not expected to do so.

Warranty claim submissions + requests for conciliation

- Until the emergency orders have been lifted, all warranty claim submission deadlines (First-Year, Second-Year and MSD Common Elements Claims) are suspended. Condo Corporations should still submit forms to their builder and to Tarion but are not required to adhere to deadlines for submitting forms and will not have forms rejected for being late. Once the emergency orders have been lifted, condo corporations will receive a reasonable extension to submit their forms.
- The 60-day period in which condo corporations must request a conciliation is suspended until the emergency orders have been lifted. Once the emergency period is over, condo corporations will receive a reasonable extension to submit a request for conciliation.
- Conciliations and inspections are postponed and will be rescheduled at the earliest possible date after the emergency orders have been lifted.

Builder Repair Periods

- All repair timelines are suspended until after the emergency orders are lifted.
- We are monitoring the current situation and will review this timeline and advise of any extensions to the suspension..
- This does not apply to emergencies or health and safety issues.

Conciliations, inspections & common element meetings

- Conciliations, inspections, common element meetings and other possible in-person interactions booked over the next month are postponed and will be rescheduled to the earliest available date after the emergency orders are lifted. This will be continually re-evaluated, and further advisories will be forthcoming.

Emergencies and Health and Safety Issues

- Unit owners or condo corporations can still contact their builder and Tarion regarding any concerns with health and safety issues or other emergency concerns. Builders are advised to continue to follow the emergency processes outlined in Builder Bulletin 42 and Builder Bulletin 49.

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

We are continuously monitoring information from official health authorities and planning and adjusting for business continuity in an evolving environment. Thank you for your patience and understanding.