



Province of Alberta

NEW HOME BUYER PROTECTION ACT

**NEW HOME BUYER PROTECTION  
(MINISTERIAL) REGULATION**

**Alberta Regulation 220/2013**

Extract

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**ALBERTA REGULATION 220/2013**

**New Home Buyer Protection Act**

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### Definitions

1 In this Regulation,

- (a) “Act” includes the regulations made under the statute;
- (b) “appeal” means an appeal referred to in section 17(1) of the statute;
- (c) “statute” means the *New Home Buyer Protection Act*.

## Part 1 General

### Application of Act

2(1) In subsection (2)(b),

- (a) “building code” means the *Alberta Building Code 2006* declared in force by the *Building Code Regulation* (AR 117/2007);
- (b) “mobile home” means a structure that is designed to be moved from place to place and that is intended for residential occupancy.

(2) The following buildings are exempt from the definition of new home in section 1(1)(s) of the statute:

- (a) a home built by one of the following societies:
  - (i) Habitat for Humanity — Camrose Society;
  - (ii) Habitat for Humanity — Edmonton Society;
  - (iii) Habitat for Humanity Lethbridge Society;
  - (iv) Habitat for Humanity Red Deer Region Society;
  - (v) Habitat for Humanity Southern Alberta Society;

- (b) any mobile home that is not subject to the building code;
  - (c) detached amenity buildings;
  - (d) detached parking garages;
  - (e) detached recreation facilities;
  - (f) detached swimming pools.
- (3)** Subsection (2)(a) applies only
- (a) where one of the societies listed in subsection (2)(a) sells a home to an individual who has the intention of living in it, and
  - (b) the purchase and sale agreement in respect of that home prohibits the individual from selling the home to anyone other than the society or its successors.
- (4)** The Alberta Social Housing Corporation is exempt from the application of the Act.
- (5)** Despite section 3(8) of the statute,
- (a) a residential builder of a multiple family dwelling built for rental purposes is exempt from the requirement of section 3(1)(a) of the statute, and
  - (b) a sole owner of a multiple family dwelling built for rental purposes is exempt from the requirement of section 3(2) of the statute.
- (6)** Subsection (5) applies only where the residential builder or owner registers the building with the Registrar and
- (a) does not sell or agree to sell or make any other disposition of the multiple family dwelling except if the multiple family dwelling is sold to a person who satisfies the requirements of subsection (5) and this subsection,
  - (b) does not register a condominium plan in respect of the multiple family dwelling or a portion of the multiple family dwelling, or
  - (c) does not subdivide the multiple family dwelling in any other manner

for 10 years from the earlier of

- (d) the date an accredited agency, accredited municipality or accredited regional services commission grants permission to occupy the multiple family dwelling, and
- (e) if permission described in clause (d) is not granted, the date the multiple family dwelling is first occupied

and provides an acknowledgment in a form satisfactory to the Registrar of the obligations under the Act of the residential builder or the owner if the exemption ceases to apply.

**Owner builder criteria**

**3** For the purposes of section 5 of the statute, the prescribed criteria that an individual must meet to obtain an authorization are as follows:

- (a) the individual must intend to personally reside in the new home for at least 10 years;
- (b) the individual must be the registered owner
  - (i) as the sole owner,
  - (ii) as a joint tenant, or
  - (iii) as a tenant in common with at least a one-half interestof an estate in fee simple in the land upon which the new home is to be constructed;
- (c) if clause (b)(ii) or (iii) applies, that the individual is the registered owner with other owners who are all individuals;
- (d) the individual must intend to personally engage in, arrange for or manage all or substantially all of the construction of the new home;
- (e) the individual has not made a false or misleading statement in a previous application for an authorization;
- (f) the individual has not contravened the Act;
- (g) the individual has not been issued an authorization for at least 3 years since the date of the individual's first occupancy of a new home for which the individual was issued the most recent previous authorization;

- (h) the individual has not been ordinarily resident in a new home for which another individual was issued an authorization in the previous 3 years.

**Owner builder authorizations**

**4(1)** In this section,

- (a) “operator’s licence” has the same meaning as in section 1(1)(bb) of the *Traffic Safety Act*;
- (b) “identification card” has the same meaning as in Schedule 12, section 16 of the *Government Organization Act*.

**(2)** An applicant for an authorization must provide information, including but not limited to the following, in a form and manner acceptable to the Registrar:

- (a) the civic address and legal description of the land where the new home will be built;
- (b) the applicant’s address for service;
- (c) a description of the applicant’s registered interest in the land on which the new home will be built;
- (d) a true copy of the applicant’s operator’s licence or identification card;
- (e) the names and birthdates of the adults who intend to be normally resident in the new home;
- (f) a list of the names, trades and contact information for all the subcontractors that the applicant intends to be involved in building the new home.

**(3)** The applicant must also provide a statement in a form and manner acceptable to the Registrar and signed by the applicant acknowledging or confirming that

- (a) the applicant meets the criteria listed in section 3,
- (b) the applicant intends to personally engage in or arrange for or manage all of the new construction of the new home,
- (c) the applicant intends to personally occupy the new home as the applicant’s primary residence for at least 10 years,
- (d) the applicant understands the conditions under the Act applicable to authorizations and, in particular, the

applicant's potential obligations under section 4 of the statute,

- (e) the applicant is required to and will update the registry under the Act to include information required under subsection (5),
- (f) the applicant is required to obtain warranty coverage on the new home, or obtain an exemption from the Registrar from that requirement, if the applicant wishes to sell or offer to sell the new home before the end of the purchase period, and
- (g) warranty providers have the discretion respecting owner built homes
  - (i) not to provide coverage under a home warranty insurance contract,
  - (ii) to determine the cost of coverage under a home warranty insurance contract based on a risk assessment performed by a warranty provider, and
  - (iii) to request detailed information about the new home and the construction process from the owner builder.

**(4)** Despite subsection (3)(a), if the applicant does not meet the criteria listed in section 3, the applicant must provide, with the statement under subsection (3), a written explanation as to why the application should still be considered.

**(5)** An applicant for an authorization must undertake to provide information, including but not limited to the following, in a form and manner acceptable to the Registrar at the time the information becomes available:

- (a) the names of and contact information for all the subcontractors who were involved in building the new home, if different from those who were listed on the statement provided under subsection (2)(f);
- (b) the date when the applicant first occupies the new home.

**(6)** Where section 3(b)(ii) or (iii) applies, all registered owners of an interest in an estate in fee simple in the land upon which the new home is to be constructed must apply for the authorization.

**(7)** The Registrar may require any document that an applicant provides under this section be witnessed by a person who sees the applicant for authorization actually sign the document, who then must swear an affidavit of execution and give it to the Registrar.

**Compliance orders**

**5(1)** A compliance order must specify the action that a person must take, stop or modify, including but not limited to the following, by the date specified in the order:

- (a) apply to obtain an authorization or to be granted an exemption in accordance with the Act;
- (b) comply with a provision of the Act;
- (c) obtain the required home warranty coverage;
- (d) provide to a prospective owner a copy of the disclosure notice referred to in section 3(2) or (5) of the statute;
- (e) provide documentation to a compliance officer to assist the officer in the execution of the officer's duties;
- (f) register a new home or the person's intention to build a new home in accordance with the Act;
- (g) stop work on the new home;
- (h) arrange for the preparation or revision of a building assessment report for a condominium building or a phase of development to comply with the requirements of the Act;
- (i) give a copy of a building assessment report for a condominium building or a phase of development to a person entitled to it under the Act;
- (j) remove from publication, including publication on the internet, any offer for sale or advertisement for sale of a new home that does not comply with section 3 of the statute.

**(2)** On issuing an order, the compliance officer shall

- (a) serve a copy on the person to whom it is issued in accordance with this Regulation,
- (b) mail a copy of it to the registered owner at the address recorded on the certificate of title of the land,
- (c) mail a copy of it to the warranty provider listed in the registry in respect of the new home, and
- (d) send a copy of it to the Registrar within the time satisfactory to the Registrar.

**(3)** The compliance order shall remain in force notwithstanding

- (a) that a request for review has been made under section 13 of the statute,
- (b) a notice of appeal has been filed under section 17 of the statute, or
- (c) that a review or appeal is underway,

unless the chair of the Board issues a stay of the compliance order under section 19 of the statute.

(4) The form to be used under the Act is set out in the Schedule.

#### **Service of compliance orders and notices**

**6(1)** In this section, “recorded mail” means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing.

**(2)** A compliance order issued, amended, confirmed, varied or cancelled under the Act and a notice of administrative penalty or other written notice or document required by the Act to be issued or sent must be served

- (a) in the case of an individual,
    - (i) by personal service,
    - (ii) by leaving it for the individual with a person apparently at least 18 years of age at the individual’s current or most usual dwelling place,
    - (iii) by sending it by recorded mail to
      - (A) the individual’s last known address, or
      - (B) the most recent address provided by the individual to the Registrar,
- or
- (iv) by sending it by facsimile or other form of electronic transmission to the individual’s last known facsimile number or electronic address, if there is a record of so sending it,

and

- (b) in the case of a corporation,
  - (i) by leaving it with a director, manager or officer of the corporation, or the president, chairperson or other

head officer, by whatever name that person is known, of the corporation,

- (ii) by leaving it at the corporation's registered office,
- (iii) by sending it by recorded mail to the corporation's registered office,
- (iv) in the case of an extra-provincial corporation, by leaving it with, at the address of, or by sending it by recorded mail to the address of
  - (A) the corporation's attorney for service appointed as required by the *Business Corporations Act*, or
  - (B) the corporation's principal place of business in Alberta,

or

- (v) by sending it by facsimile or other form of electronic transmission to the corporation's last known facsimile number or electronic address, if there is a record of so sending it.

(3) Service is effected under subsection (2)(a)(iv) and (b)(v) when the sender obtains or receives confirmation of the successfully completed transmission.

(4) The Board may decide questions of the sufficiency, validity or timeliness of the service of compliance orders or notices.

## **Part 2 New Home Buyer Protection Act Appeal Board**

### **Establishment of New Home Buyer Protection Act Appeal Board**

**7(1)** In this Part,

- (a) "Board" includes a panel of the Board;
- (b) "case management instructions" include
  - (i) directing parties to
    - (A) state, clarify or focus the issues in dispute,
    - (B) identify any relevant agreed or alleged facts, or

- (C) identify any witnesses to be called and provide a summary of the evidence intended to be introduced through those witnesses,
- (ii) directing disclosure of material or information from any party to facilitate a fair, orderly and timely process,
- (iii) directing that communication with the Board or disclosure of some or all material or information be made or remade in an electronic format approved by the Board or in hard copy format, or any combination of both,
- (iv) directing that evidence be submitted to the Board by affidavit by a particular date, and
- (v) establishing or rescheduling dates for hearings, disclosure or exchanges of information;
- (c) “case manager” means a member of the Board or of the Board’s administration designated by the chair as a case manager;
- (d) “electronic hearing” means an oral hearing conducted by conference telephone or other electronic means where each participant is able to hear and respond to the comments of the other participants at the time the comments are made;
- (e) “party” means
  - (i) an appellant,
  - (ii) an intervener,
  - (iii) the Registrar, and
  - (iv) for the purposes of proceedings under this Part, any other person whom the Board determines to be a party.

**(2)** There is established a board to be known as the New Home Buyer Protection Act Appeal Board consisting of the persons appointed by the Minister.

**(3)** The Board may be referred to as the New Home Buyer Protection Board.

**(4)** The Minister shall appoint one of the members of the Board as chair.

- (5) The chair may
  - (a) arrange for matters to be set down before the Board,
  - (b) adjourn matters set down before the Board, and
  - (c) perform the administrative functions that are necessary to enable the Board to carry out its duties under the Act.
- (6) The chair may appoint a Board member as acting chair.
- (7) The acting chair has and may exercise and perform the powers and duties conferred or imposed on the chair by the Act at any time.
- (8) The chair may select one or more members of the Board to sit as a panel of the Board.
- (9) The chair may establish as many panels as the chair considers necessary.
- (10) The chair may appoint a presiding officer for a panel, if applicable, but if the chair does not do so, the members of a panel must choose a presiding officer from among themselves.
- (11) If a member named to a panel is unable to hear an appeal, the chair may appoint a replacement member.
- (12) A majority of members of a panel of the Board constitutes a quorum.

**Notice of appeal**

- 8(1)** A notice of appeal referred to in section 17 of the statute must be in the form approved by the chair and set out
- (a) the appellant's name, municipal address and contact information, including an e-mail address,
  - (b) a copy of the decision, order or administrative penalty being appealed,
  - (c) the date the decision, order or notice of administrative penalty was received by the appellant,
  - (d) any information contained in or on the decision, order or notice of administrative penalty that the appellant believes to be incorrect, and
  - (e) a brief description of the reasons for the appeal.
- (2) A notice of appeal is deemed to be filed when it is received

- (a) at an e-mail address specified by the Minister or the chair,  
or
  - (b) at the address specified by the Minister or the chair.
- (3)** Any filing fee for an appeal must be received by the Minister or the Board by the later of
- (a) 7 days after the filing of the notice of appeal, or
  - (b) the deadline for filing the appeal under section 17 of the statute.
- (4)** A filing fee may be refunded to the person who paid a fee if
- (a) the Board decides in favour of the person, or
  - (b) the matter is appealed to the Court and the Court decides in favour of the person.

#### **Persons affected by compliance orders**

- 9(1)** A person who is not named in a compliance order but who claims to be affected by a compliance order may apply in writing within one month after the issuance of the compliance order to the Minister for permission to appeal the compliance order.
- (2)** The application to the Minister must include a completed notice of appeal with the information set out in section 8(1) and payment of any filing fee.
- (3)** The Minister may decide, with or without reasons,
- (a) whether the person is affected by a compliance order, and
  - (b) if the person is allowed to appeal the compliance order.
- (4)** If the Minister decides to allow the person to appeal, the appeal procedure set under the Act shall be followed.
- (5)** The Minister may seek a recommendation from the Board as to whether a person is affected by a compliance order, and the Board may hold a hearing to inquire into the matter.

#### **Interveners**

- 10(1)** A person may apply to intervene in an appeal before the Board where the person has a financial or other interest in the matter by providing the following information in the form approved by the chair:

- (a) the intervener's name, municipal address and contact information, including an e-mail address;
  - (b) identification of the decision, order or administrative penalty being appealed;
  - (c) a concise statement indicating
    - (i) the manner in which the intervener's rights may be directly and adversely affected by a decision of the Board on the appeal,
    - (ii) the nature and scope of the intervener's intended participation,
    - (iii) the disposition of the appeal that the intervener advocates, if any, and
    - (iv) the reasons why the intervener believes the Board should decide in the manner that the intervener advocates.
- (2)** An application to intervene is deemed to be filed when it is received
- (a) at an e-mail address specified by the Minister or the chair, or
  - (b) at the address specified by the Minister or the chair.
- (3)** Any filing fee for an application to intervene must be received by the Minister or the Board by the later of
- (a) 7 days after the filing of the application, or
  - (b) the deadline for filing an appeal under section 17 of the statute.
- (4)** A filing fee may be refunded to the person who paid a fee if
- (a) the Board decides in favour of the person, or
  - (b) the matter is appealed to the Court and the Court decides in favour of the person.
- (5)** The Board may allow or refuse a person to intervene in an appeal, and may set terms and conditions.

**Additional grounds**

**11(1)** A person may appeal a decision of the Registrar as to whether a building, portion of a building, or proposed building or portion of a proposed building is

- (a) a new home,
- (b) entitled to an exemption under the Act, or
- (c) otherwise exempt from the application of the Act.

**(2)** The appeal procedure set out under the Act shall be followed for appeals under this section.

**Applications for stay**

**12(1)** A person may apply for a stay under section 19 of the statute in the form and manner approved by the chair.

**(2)** The chair shall notify the Registrar of any stay applications, and set or extend a deadline for a response.

**(3)** The chair may

- (a) accept or refuse the application,
- (b) refer the application to the Board for a recommendation, or
- (c) issue an order,

with or without reasons.

**(4)** If the chair refers the application to the Board, the Board may hold a hearing.

**(5)** The chair may reconsider an application for a stay on the chair's own motion.

**Notice of hearing**

**13(1)** Unless section 22 applies, the Board must mail or e-mail a notice of the time and place of the hearing of the appeal to the parties at least 7 days before the hearing date.

**(2)** If the notice is sent by e-mail, it must be sent to the party's last known electronic address.

**(3)** The notice under subsection (2) is deemed to have been sent when the sender obtains or receives confirmation of the successfully completed transmission.

(4) The Board may, on its own motion or application by a party, extend or abridge a time limit specified in this Part or by the Board, on any terms that the Board considers appropriate.

#### **Nature of hearing**

**14** For greater certainty, when hearing an appeal of a decision, an order or an administrative penalty, the Board may also consider, but is not bound by

- (a) any relevant guidelines and interpretation bulletins issued by the Registrar, and
- (b) any matter on the record, including decisions of a compliance officer, the Registrar or any other person.

#### **Adjournments**

**15** The Board may grant an adjournment of a hearing for any period and on any terms it considers appropriate if the Board is satisfied that

- (a) there are compelling reasons for granting the adjournment, or
- (b) not granting the adjournment would amount to a denial of fairness to one or more of the parties to the appeal.

#### **Case management**

**16(1)** A case manager may do one or more of the following:

- (a) correspond with parties on behalf of the Board;
- (b) make case management instructions that in the case manager's opinion are desirable or necessary for the resolution of a matter before the Board;
- (c) provide parties with copies of correspondence received, decisions, authorities and other information relevant to an appeal;
- (d) hold meetings or discussions with parties to facilitate any of the actions outlined in this section;
- (e) refer any matter to a panel for a preliminary hearing;
- (f) refuse to accept an appeal or an application to intervene on behalf of the Board if

- (i) the notice of appeal or application to intervene is not substantially complete, including instances where a means of contacting the party is not provided,
  - (ii) respecting a notice of appeal, the notice of appeal is not filed in time,
  - (iii) the filing fee is not paid in time, or
  - (iv) in the case manager's opinion, the party's claim is not properly before the Board;
- (g) identify potential parties and determine the extent of their involvement in an appeal, if any.

(2) Parties may ask a case manager for case management instructions.

(3) Parties may ask for a hearing with respect to case management instructions.

(4) A party who disagrees with a case manager under this section may request a hearing within 7 days after receiving case management instructions.

(5) The chair or a case manager may refer any matter to a hearing, with or without a prior request by a party.

(6) A Board member who has acted as a case manager in respect of a matter may not participate in any subsequent hearing concerning the same matter unless all affected parties consent.

#### **Representation by lawyer or other agent**

**17(1)** A party appearing before the Board may be represented by a lawyer or other agent.

(2) An agent may not act for a party before the Board unless the party has provided the Board with written authorization for the agent to act in a form acceptable to the chair.

(3) Subsection (2) does not apply where the party attends before the Board.

#### **Hearing open to public**

**18(1)** Subject to subsections (2) and (3), all oral hearings and electronic hearings are open to the public.

(2) If the Board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters

because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Board may conduct all or part of the hearing in private.

(3) If all or any part of an oral hearing or an electronic hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of an appeal must be placed on the public record.

(5) The Board may exclude documents from the public record

(a) if the Board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and

(b) the Board considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

#### **Rules of Court**

**19** The provisions of the *Alberta Rules of Court* (AR 124/2010) do not apply to appeals.

#### **Absence of party**

**20** If a party to an appeal fails to appear in person or by lawyer or other agent within one hour from the time set out in the notice given under section 13, the appeal may be

(a) dismissed,

(b) heard and determined in that party's absence,

(c) adjourned to a later time or date, or

(d) continued subject to any terms and conditions of the Board,

as the Board considers proper in the circumstances.

**Oral hearing procedures**

- 21(1)** Hearings may be recorded at the Board's discretion.
- (2)** No hearing may be recorded unless the person making the recording is authorized to do so by the Board.
- (3)** The Board may hold an electronic hearing unless a party satisfies the Board that holding an electronic hearing is likely to cause the party significant prejudice.

**Appeal without hearing**

- 22(1)** With the consent of the parties to an appeal, the consideration of the appeal may be conducted without a hearing before the chair or the Board.
- (2)** Where an appeal is conducted under subsection (1) without a hearing, all matters concerning the appeal must be submitted in writing, or as otherwise directed by the Board, to the Board not more than 30 days after the parties provide their consent under subsection (1).

**Dismissal of appeals**

- 23** The Board may dismiss an appeal if the Board is of the opinion that
- (a) the appellant has not complied with an order of the Board or case management instructions by the date required,
  - (b) the appeal
    - (i) has no reasonable chance of success,
    - (ii) is frivolous, trivial, vexatious or an abuse of process, or
    - (iii) has been appropriately dealt with in another proceeding,
  - (c) the appeal is outside of the jurisdiction of the Board, or
  - (d) the appellant has withdrawn the appeal.

**Withdrawals**

- 24(1)** A party may withdraw from an appeal in writing.
- (2)** If a withdrawal is received by the Board less than 15 days before a scheduled hearing, the Board may allow a withdrawal with or without costs.

(3) If an appellant provides an address to the Board, but correspondence, including by e-mail, to that address is returned or rejected and the appellant does not provide a current address to the Board within 7 days, the appeal is suspended.

(4) If an intervener provides an address to the Board, but correspondence, including by e-mail, to that address is returned or rejected and the intervener does not provide a current address to the Board within 7 days,

(a) the intervener's status is suspended, and

(b) the intervener is no longer entitled to notice of proceedings on the appeal.

(5) If an appeal is suspended, the chair, the Board or a case manager may cancel any scheduled hearings, with or without notice to the parties.

(6) A suspension under this section is lifted if the Board receives a current address from the appellant whose appeal was under suspension, or an intervener whose status was under suspension.

(7) If an appeal is suspended for 21 days, the appeal is deemed to have been withdrawn.

(8) If an intervener's status is suspended for 21 days, the intervener loses intervener status.

(9) An appeal which is deemed to have been withdrawn, or intervener status which is lost, may be restored with leave of the Board and made subject to terms and conditions.

#### **Dispute resolution**

**25** The Board may accept or reject a recommendation to resolve a dispute from the parties.

#### **Reconsiderations**

**26(1)** The Board may correct typographical errors, errors of calculation and similar errors or omissions in its orders, decisions or reasons.

(2) The Board may rehear any matter before making its decision, and may review, rescind or vary any order or decision made by it.

(3) A party may apply for reconsideration of an order or decision of the Board by filing the application with the Board within one month of the date of the order or decision, accompanied by

- (a) the order or decision that is the subject of the request,
  - (b) the reasons for the party's application for reconsideration, and
  - (c) any filing fee.
- (4) The Board may waive any filing requirement where it considers it to be appropriate.
- (5) The Board may accept or reject a request for reconsideration, with or without reasons.
- (6) The chair may refer a decision or order for reconsideration to the Board with instructions
- (a) to correct an error or omission,
  - (b) to clarify a statement, or
  - (c) to address an issue relating to a court decision or judicial review.
- (7) The Board shall notify all parties to the original decision of the reconsideration and provide a copy of any supporting material.
- (8) All parties to the original decision may file a submission within one month after receipt of the notice of reconsideration.
- (9) The Board may extend or abridge the time for filing a submission.
- (10) Reconsideration applications are to be heard in writing only.
- (11) The Board, on a reconsideration, may
- (a) dismiss the application,
  - (b) return the matter to the original panel, or
  - (c) refer the matter to a new panel,
- and may set terms of the reconsideration order.

**Costs**

- 27** The Board may order costs against a person in any circumstances that the Board determines to be appropriate.

**Evidence**

- 28(1)** The Board is not bound by the rules of evidence in judicial proceedings.
- (2)** Evidence may be given before the Board in any manner that the Board considers appropriate.
- (3)** The Board may accept any oral or written evidence that the Board considers proper, whether or not it would be admissible in a court of law.
- (4)** No proceeding is invalid by reason of a defect or other irregularity in form.

**Decisions and orders of Board**

- 29(1)** The decisions and orders of the Board must be issued in writing.
- (2)** Reasons of the Board, including dissenting reasons, if any, may be issued orally or in writing.
- (3)** A party to an appeal may ask the Board for written reasons within 14 days of the issuance of oral reasons.

**Publication**

- 30** The Registrar may publish decisions, orders and reasons of the Board in any manner that the Registrar considers appropriate.

**Expiry**

- 31** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on February 1, 2019.

**Coming into force**

- 32** This Regulation comes into force on the coming into force of section 28(2) of the *New Home Buyer Protection Act*.

**Schedule****Form 1  
Compliance Order**

(New Home Buyer Protection Act  
section 12)

To \_\_\_\_\_ (name) \_\_\_\_\_

of \_\_\_\_\_ (address) \_\_\_\_\_

Take notice that:

This order is issued in respect of the new home located  
at \_\_\_\_\_ (address or legal description) \_\_\_\_\_.

You are hereby ordered, on or before \_\_\_\_\_, pursuant to  
section 12 of the *New Home Buyer Protection Act* (“the Act”), to  
take, stop or modify the following action: \_\_\_\_\_

This order is being issued because \_\_\_\_\_:

Non-compliance with this order is an offence under the Act.

Pursuant to sections 6, 15 and 26 of the Act, contravention of or  
failure to comply with this order may result in one or more of the  
following actions being taken against you:

- you might be prosecuted under the Act in respect of the  
contravention or failure to comply;
- you might have an administrative penalty imposed on you  
in respect of the contravention or failure to comply;
- you might be refused an authorization as an owner builder  
under the Act or have an authorization issued to you as an  
owner builder under the Act suspended or cancelled.

This compliance order may be reviewed by the Registrar under  
section 13 of the Act if a written request for review is made within  
30 days of the date of receipt of this order to (name, address,  
telephone number and facsimile number of the Registrar).

The Registrar’s decision on a review of the compliance order may  
be appealed under section 17 of the Act by filing a notice of appeal  
with (name and address of Minister) within one month of receipt  
of the Registrar’s decision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Compliance Officer









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