



**Home
Construction
Regulatory
Authority**

New Application Form Instructions

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Introduction to the Home Construction Regulatory Authority

The Home Construction Regulatory Authority (HCRA) has been designated by the Government of Ontario to be the regulator of new home builders and vendors in the province. The HCRA is responsible for licensing the people and companies who build and sell new homes in Ontario.

The HCRA is responsible for enforcing high professional standards for competence and conduct, ensuring a fair marketplace, and enhancing new home buyers' confidence in one of the biggest purchases of their lives. The HCRA also provides educational information for consumers, including the Ontario Builder Directory – the official source of information about Ontario's 5,000+ licensed builders and vendors.

About This Guide

The New Home Construction Licensing Act, 2017 (NHCLA) sets out the standards and requirements for new home builders and vendors in Ontario. As of February 1, 2021, all builders and vendors of new homes must hold a valid licence with the HCRA.

This guide sets out the key information you will need to apply for a builder, vendor or builder-vendor licence. It is advisable to consult the [NHCLA](#) and its regulations to understand your rights as an applicant and the obligations that come with a licence. Do not rely on this guide to determine compliance with the NHCLA as this is for information purposes only.

The HCRA recommends reading the guide in its entirety before starting an application so that you can gather the required information and prepare the necessary documents.

Before You Apply

Before you begin the application process, you should determine whether you meet the definition of a “builder”, “vendor” or “vendor/builder” and if the structure you are building meets the definition of “home.” These definitions can be found on the [HCRA website](#).

Competency Requirements

Builders and vendors applying for a licence as a first-time applicant must meet the competency requirements put in place under section 38 of the NHCLA.

All first-time applicants must demonstrate the following technical and business competencies as a pre-requisite for licensing. The required competencies may be held by one person or collectively held by a group of people such as principals, directors, officers or employees.

1. Business Planning and Management
2. Financial Planning and Management
3. Project Management and Supervision
4. Legal Issues in Housing
5. Customer Service and Tarion Requirements
6. Building Codes*
7. Construction Technology*

**Not required for vendor-only licence applications*

Competency requirements can be met in two ways:

Course Completion

A person or group of people (principals, directors, officers or employees) within the organization successfully completes the approved course(s) achieving a passing grade of at least 70% for each required competency. **Before submitting the application for licensing, applicants must contact the course provider(s) and ask them to send the statement of achievement (or similar verification of successful completion) directly to the HCRA.** For more information about the course providers approved by the Registrar, visit the [HCRA website](#).

Course Exemptions and Equivalencies

The Registrar may exempt an applicant from having to complete some of the courses based on one or more of the following: the applicant’s experience in the industry, a professional designation, or completion of similar education. For more information on how to apply for a course exemption and equivalency, visit the [HCRA website](#).

Consent to External Checks

The HCRA will provide a notice in the application form regarding the use of Criminal Record and Judicial Matters Checks as well as credit checks.

Criminal Record and Judicial Matters Check

First-time applicants are responsible for providing the results of a Criminal Record and Judicial Matter Check as part of the licensing application process with the HCRA. Applicants may choose to use the HCRA's third-party provider or provide the results of a check completed by a municipal police service or the Ontario Provincial Police.

If you choose to provide the results of a check from a municipal police service or Ontario Provincial Police, you must mail the original copy, stamped and signed, to the address below.

Home Construction Regulatory Authority
Licensing & Customer Service Department
40 Sheppard Avenue West, Fourth Floor, Suite 400
Toronto, ON, M2N 6K9

The HCRA will not accept a Criminal Record and Judicial Matter Check that is more than 6 months old. It is recommended that you complete this check before starting your application as the HCRA will not begin the assessment process until all documents have been received.

If the applicant is a corporation or partnership, the corporation or partnership is responsible for providing the results of a Criminal Record and Judicial Matter Check for each of their directors, officers and partners, as applicable.

If an applicant has a criminal record, it does not mean the application will be refused. The Registrar will consider a range of factors including the relevance of the conduct to licensing, how much time has passed since the conduct, whether the conduct is part of a pattern of behaviour, and steps taken to redress the impact of the conduct. The Registrar will also consider the circumstances of each individual matter in assessing the results of a Criminal Record and Judicial Matter Check.

Credit Check

All new applicants and applicants for renewals, as well as any related principals, officers, directors and partners are subject to a credit check performed by a third-party provider as a part of the application.

The results of the credit check, including bankruptcies and past judgments, will be considered as part of the assessment of financial responsibility. The credit check is an important tool that provides a consistent measure for the Registrar's assessment of financial responsibility and may also be relevant to expectations regarding compliance with the law and acting with honesty and integrity.

Interested Persons

As part of the application process, the HCRA will review information about individuals and corporations involved with a business.

An interested person is a person who may not be the applicant, an officer or director, but who nonetheless exercises influence or control over the operation of the applicant or licensee. The interested person's influence may be the result of direct or indirect financial controls. It is important to note that an interested person does not necessarily need to have any formal ownership position or financial arrangement with a licensee. The key point is that the person may be exercising control over the applicant or licensee.

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First time applicants and renewal applicants will be asked to identify interested persons on their application forms. They are also obliged to notify the HCRA Registrar of changes to the information provided. At the time of application for a licence or renewal, interested persons are not required to undergo a Criminal Record and Judicial Matters Check. The HCRA Registrar may, however, determine that additional information is required about one or more identified interested persons.

The application form also includes a declaration by the applicant about past and present conduct and financial responsibility of identified interested persons. This includes whether the interested persons have currently or previously been registered with Tarion under the Ontario New Home Warranties Plan Act or licensed with the HCRA under the NHCLA.

It is important to disclose all interested persons. Failure to do so might be considered as an honesty and integrity issue by the HCRA Registrar.

The HCRA Licensing Process

Application Process

To begin a licence application, go to the Builder Portal and create an account. The HCRA's Builder Portal is an online service for builders and vendors to manage and submit forms electronically and pay fees. The HCRA is committed to making the application process fair and efficient, and will only be accepting applications, supporting documents and fee payments through the Builder Portal. Those unable to apply through the Builder Portal and requiring an accommodation should contact the HCRA Licensing and Customer Service Department at info@hcraontario.ca.



- *Providing a false statement in your application is an offence under the New Home Construction Licensing Act, 2017.*
- *Failure to submit a completed application (including fees and supporting documents) will result in delays. Applications will not be assessed until complete.*

Fees for New Applicants

As part of the application for a licence, applicants will be required to pay a licensing fee to the HCRA. The required fee will be different depending on whether the applicant is part of an umbrella group. An umbrella group means that the applicant shares at least one common principal, director, officer or partner with another licensed vendor or builder.

New licence fee – umbrella

- This is a one-time, new licence fee of \$750 for those applying as part of an umbrella group. This fee is lower than non-umbrella applicants based in part on administrative efficiencies in the review of historical records of the shared principal(s), director(s), officer(s) or partner(s).

New licence fee – non-umbrella

- This is a one-time, new licence fee of \$3,000 for a new applicant with no history as a licensee or previous registration with Tarion.

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Fee payment is conveniently offered through the Builder Portal. Those unable to make a payment through the Builder Portal and requiring an accommodation should contact the HCRA Licensing and Customer Service Department at info@hcraontario.ca. Please note that HCRA reviews the application after payment has been received. If payment has not been received within 10 business days, the application will be automatically treated as withdrawn.

After the Application is Submitted

Once the HCRA has received a licence application or licence renewal application, along with the required fees and supporting documentation, HCRA staff will review the file to ensure that the application is complete. The applicant may be contacted if additional information is required.

The HCRA strives to process applications in a timely fashion while remaining objective, fair, and consistent. The HCRA will be transparent about anticipated processing times for applications, so applicants know what to expect.

There are four key areas that form the core of an assessment based on the NHCLA, entitlement criteria:

1. CONDUCT

Can the applicant be expected to carry on business in accordance with the law and with honesty and integrity?

2. COMPETENCY

Does the applicant have the knowledge and skills necessary to build new homes or sell new homes and generally engage with purchasers and homeowners? Factors include completion of approved or equivalent courses and ability to apply knowledge to business and service planning and to the building of new homes.

3. FINANCIAL RESPONSIBILITY

Can the applicant be expected to be financially responsible in the conduct of business? Factors include history of bankruptcy.

4. GOOD STANDING (RENEWAL ONLY)

Has the applicant met the responsibilities as a licensee, including satisfying any conditions that may have been applied to the licence and all Tarion obligations related to warranty performance? Other factors include contravention of the NHCLA, the ONWHPA or their regulations such as cooperating with an inspection or investigation, complying with the Registrar's request for information and paying any fines owed to the HCRA.

For corporations and partnerships, the assessment will include consideration of the financial responsibility, conduct, and competency of principals, directors, officers, partners and interested persons.

Applicant Interviews

First-time applicants may be required to participate in a licensing interview, conducted in-person or virtually, as provided for in Section 6 of O. Reg 631/20. Should past or present conduct suggest any consumer protection risks, renewal applicants may also be required to participate in an interview. The HCRA conducts interviews in order to:

- Explore any potential risks related to conduct or the role of particular persons in the applicant's business, including interested persons.
- Assess whether new applicants can apply technical knowledge and experience gained through educational courses and experience.
- Evaluate financial responsibility in the start-up or operation of an applicant's business.

For corporations, one or more of the principals, officers and directors may be asked to participate in the interview. The outcome of the interview is part of the assessment of the application to determine entitlement to a licence.

Potential Outcomes of the Application

The HCRA Registrar will take one of the following actions on the application once the assessment process is complete:

1. Grant a licence

If the application is successful and the licence is granted, the applicant will be notified by email.

2. Grant a licence or renewal of licence with conditions the applicant has consented to

The purpose of applying a condition to a licence is to mitigate an identified risk and to support consumer protection. Examples of possible conditions include completion of further education, and supervision or mentorship arrangements. The HCRA will engage with the applicant on the content of any condition on a licence the Registrar has determined is necessary.

3. Issue a Notice of Proposal to grant or renew a licence with conditions

If it is proposed to grant a licence subject to conditions, the Registrar may have sought the applicant's consent to the condition(s). If the applicant does not consent or if the circumstances warrant, the Registrar may proceed with a Notice of Proposal (NOP) to grant the licence subject to the proposed condition(s). The NOP will set out the reasons for the proposed conditions and the applicant's right to ask for a hearing by the Licence Appeal Tribunal.

4. Issue a Notice of Proposal to refuse a licence or renewal of licence

If the Registrar determines that the applicant is not entitled to a licence, the Registrar will issue a Notice of Proposal (NOP) to refuse the licence or to refuse to renew the licence. The NOP will set out the reasons for the proposed refusal and the applicant's right to ask for a hearing by the Licence Appeal Tribunal.

Once the Registrar makes a final decision to refuse to grant a licence, the applicant may only reapply if one year has passed since the refusal as per Section 7 of [O. Reg. 631/20](#).

Additional Documents to be Submitted with Applications

Please ensure all applicable documents as listed below are included with the application as they will be required to process a complete application. **Submission of an incomplete application will delay the approvals process.**

All Applicants:

Completed application form

Licensing fees

Criminal Record and Judicial Matters Check (if providing originals)

Current financial statement of applicant or recent Corporate Tax Return including Schedules 100,125,141

Insurance coverages for Architects and Engineers holding competencies (for Type C/D Condo only where applicable)

Master Business Licence filed with the Government of Ontario (if applicable)

Bankruptcy discharge papers (if applicable) Supporting information relating to attestation questions (if applicable)

Copy of Declarant Agreement (for Condo only where applicable)

Descriptive outline/chart of business structure

Business plan (including executive summary for the applicant, after sales service policy, list of contractors/trades to be used)

For Corporations:

Corporate profile report

Articles of Incorporation

Articles of Amendment (if applicable)

Shareholder Register (if applicable)

Shareholder Agreement (if applicable)

Initial Return/Notice of Change in Directors and Officers of the applicant (if applicable)

CV for principals, officers, directors and interested persons

For Partnerships or Joint Venture:

Limited Partnership Agreement

Limited Partnership Report

Declaration Form 3 under Limited Partnerships Act

Articles of Incorporation for General Partner (if applicable)

CV for partners and interested persons

All documents can be uploaded and attached electronically to your application form on the HCRA Builder Portal except for the original Criminal Record and Judicial Matters Check if you choose to obtain it from municipal police or Ontario Provincial Police.

Application Instructions

Applicant Identity

Licence type

Builder Only

A builder must be a licensed person or company who will build a home not previously occupied (a new home). It is the builder who performs the work including the supply of materials necessary to construct and warranty a completed home. This may include a project manager depending on the level of control over the project, determined by the contract or evidenced in the completed home.

A builder may be responsible for both building and selling a new home. A builder may also build a new home under an agreement with a vendor or under an agreement with a landowner.

Vendor Only

A vendor must be a licensed person or company who will sell a home not previously occupied (a new home). It is the vendor who sells and transfers title of the new home to a purchaser.

For a new home that is not a home built under contract with a landowner, a vendor must have an agreement with, or otherwise employ, a licensed builder in the construction of the new home.

Vendor and Builder

A vendor/builder must be a licensed person or company who will both build and sell a home not previously occupied (a new home). As a result, the person must be licensed as both a builder and a vendor.

The builder of a home built under contract with a landowner (a contract home) is deemed to be a vendor. Consequently, the builder will also be the vendor for purposes of statutory warranty.

Business Type

The application will require you to indicate your business structure:

- **Corporation** – a form of business authorized by federal, provincial or territorial law to act as a separate legal entity. Its purpose and by-laws are set out in its articles of incorporation. A corporation may be owned by one or more persons.
- **Limited Partnership** – a form of business that is operated by a single general partner, supported by other limited partners. The limited partners contribute capital but cannot be involved in the company's management.
- **Sole Proprietor** – a form of business that one individual owns entirely and that is not incorporated.

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- **Partnership** – an association or relationship between two or more individuals, corporations, trusts or partnerships that join together to carry on a trade or business.
- **Joint Venture** – a form of business under which two or more entities pool resources and share expertise for the purposes of a common venture.

Legal Name

This is the legal registered name of the business (i.e., the name to be used on the Agreement of Purchase and Sales or Construction Contract).

Business Name

This is the registered business name of the company. Business names are required to be registered by the Government of Ontario and are approved with the issuance of a Master Business Licence.

Umbrella Group

Indicate if the company is part of an existing umbrella group.

- **Umbrella Group:** the applicant company is linked to a larger network of licensed vendors and/or builders under common corporate leadership through the principals, officers, directors or otherwise through the business operation.

An umbrella group shares at least one common principal, director, officer, partner or franchise. The umbrella group itself is not a legal entity and does not have its own licence number, but each member company of the umbrella group is a separate legal entity and has its own licence number.

- **Franchise:** a type of licence that a party (franchisee) acquires to allow them to have access to a business's (franchisor) proprietary knowledge, processes, and trademarks in order to allow the party to sell a product or provide a service under the business's name. In exchange for gaining the franchise, the franchisee usually pays the franchisor an initial start-up and annual licensing fees.

Bare Trustee (e.g., holding company)

Indicate if the company is a trustee (of a property or other company) and if so for whom.

- **Bare trustee:** in the case of a bare trust, the trustee of a bare trust is a mere nominee in whose name the property is held. Otherwise, the business is a simple trust, where the beneficiary (or beneficiaries) has an immediate and absolute right to both the capital and income of the trust and the property is held in the name of the trustee (or trustees), but the trustee has no discretion over the assets held in trust.

Type of Construction

Indicate the **intended** construction project(s). The HCRA must ensure the required competencies are met.

Non-Condominium – Self-contained, single-family dwellings for one family, excluding condominiums. This could be a detached home, a townhome, a row-home, or a unit in a quadruplex, as long as it is a self-contained, one-family unit. It may be a home in a new subdivision, an infill, or one constructed on a landowner's vacant or cleared lot.

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Condominium – Condominium property as defined in Section 1(1) of the Condominium Act, 1998: the land, including the buildings on it, and interests appurtenant to the land (such as common elements), as the land and interests are described in the description, and includes all land and interests appurtenant to land that are added to the common elements.

For the purposes of the HCRA and the Tarion Warranty Corporation, condominiums may be subdivided into five different types:

Type A – The project has only Part 9 Ontario Building Code (OBC) construction requirements and is a lot-line condominium.

(e.g., Freehold and townhomes with common elements such as roadways, sidewalks, etc. verified through Schedule C of Declaration. This includes vacant land and common elements of Condominium Corporations.)

Type B – The project has only Part 9 OBC construction requirements and is not a lot-line condominium.

(e.g., Buildings that are 3 storeys or less in height with building area less than 600m²/6460ft². Common elements usually begin from the back-side surface of drywall, and may include the exterior of the unit. Verified through Schedule C of the Declaration.)

Type C – The project has both Part 3 and 9 OBC construction requirements.

(e.g., Townhomes, stacked towns, and midrise buildings of 3 storeys or less, usually with an underground parking structure designed and built to Part 3 of the OBC.)

Type D – The project has only Part 3 OBC construction requirements.

(e.g., Mid-rise and high-rise buildings with 4 or more storeys subject to Part 3 OBC only.)

Residential Condominium Conversion Projects - Consist of both new construction elements as well as existing elements. Projects may involve a change of use, or substantial renovation permit or may have other special conditions. Generally, these types of projects are designed and built to Part 3 of the OBC, but may also consist of Part 9 elements.

Contact Information

Business Contact

The HCRA requires applicants to provide details related to the business address and all pertinent business contact information.

The address indicated will be used for future mailing of information or other communication unless a different mailing address will be provided in this section. **The business address, contact information, email address, and website provided in this section will be displayed on the Ontario Builder Directory (OBD).** Section 49 of the NHCLA provides that you must notify the Registrar within 5 days of a change in address. This includes all addresses you identified for receiving communications from the HCRA.

Primary Contact

The applicant must designate a **primary contact person** who will communicate with the HCRA when required. All correspondence from the HCRA, including confidential correspondence, will be addressed to the person identified.

The applicant must notify the HCRA of any change of the primary contact person.

Related Individuals and Organizations

The HCRA reviews information about individuals and corporations involved with a business. This section of the application is used to record information about individuals and/or companies involved with and related to the applicant.

Please provide the **date of birth**, and **driver's licence number** for each of the applicable principals, officers, directors, partners or interested persons.

- **Officer/Director** – Named in the Initial Return/Notice of Change in Directors and Officers filed with the Ministry of Government and Consumer Services.
- **Principal** – Any individual or company owning at least 10% of the business as per the Shareholder Register.
- **Interested Persons** – Individuals employed by or affiliated with the licensee or applicant (including guarantors), or who have the ability to exercise influence or control over the operation of the business or licensee (either directly or indirectly), including the management, policies, or business affairs and strategy of the business. An interested person may also be a financial beneficiary of the applicant, such as a silent partner.
- **Party** – An individual or company in a joint agreement to conduct business creating a joint venture.

If the applicant is a **corporation**, the information is required for the corporation, as well as for all officers, directors, principals and interested persons.

If the applicant is a **partnership**, the information is required for the partnership as well as all partners, principals and interested persons.

If the applicant is a **joint venture**, information is required for all parties in the joint venture, including any interested persons, officers, directors, principals and partners.

If applying as a **sole proprietorship**, complete the information for yourself and include any interested persons.

Principals

If any of the principals listed in the previous section are **business organizations such as corporations, partnerships or joint ventures**, the applicant is required to complete an additional section. This is meant to better understand the relationships between organizations and to identify any corporate linkages that may influence or impact the applicant's business.

If the applicant did not indicate any principals or the principals indicated are not business organizations, this section can be ignored.

Business and Technical Competence

An applicant must successfully complete the compulsory competency courses before applying for a licence. If the applicant applies for a course equivalency, prior learning assessment and recognition (PLAR), or exemption for certain professionals, the applicant must receive confirmation from the Registrar before applying for a licence. Refer to the [HCRA website](#) for information on courses and how to apply for course equivalency and exemption.

As part of the application for licence process, contact the course provider(s) to have the statement of achievement forwarded to the HCRA for verification.

All of the seven competency areas listed are required for vendor/builder and builder-only licences. Only five competency areas are required for vendor-only applications. The applicant must demonstrate that the business has the required competencies to execute the intended construction. This means that each competency is present in the business or is accessible to the business through external sources.

Consultants

Vendor and builders of Type C/D condominiums are afforded an exemption to taking the courses as long as the required competencies are possessed by consultants, and/or contractors with professional qualifications in the area of the competency, who are on retainer or contract with the vendor/builder for the duration of the condominium project. However, there is no exemption to the Customer Service and Tarion Warranty course as customer service is fundamental to all interactions with purchasers throughout the new home buying customer journey. This competency must be held by at least one person who is an owner, principal, officer or senior employee of an applicant company.

The **consultant table** on the application form requires the information for all consulting firms contracted for a specified competency. This includes the name of the consulting firm as well as the lead person (consultant) assigned to the project. For example, an applicant may contract with a legal firm to provide the competency required for Legal Issues in Housing. The consultant is the lawyer in this legal firm that is responsible for the work with the applicant.

Past Conduct Declaration

An applicant must answer questions that assist the Registrar in determining whether the applicant can reasonably be expected to meet the expectations of good conduct. These questions allow applicants to self-report conduct or circumstances that may be relevant to this determination. The self-reporting requirements in the application include providing full and detailed information about the conduct or circumstances and providing any supporting documentation. Applicants are required to answer all questions honestly and accurately. Failure to do so may result in a decision to refuse, revoke or suspend a licence and possibly other action.

The declarations made in this section are to be made by the applicant and on behalf of all of its principals, officers, directors, partners and parties. A positive response does not disqualify an applicant from the licensing process, nor does it necessarily prevent them from obtaining a licence. This information is part of an overall evaluation of all new applicants for a licence. Providing false or misleading information is, however, highly relevant as it brings into question an applicant's honesty and integrity.

Building or Selling without a Licence

This section requires applicants to indicate if they have any homes under construction, already completed and/or have already been sold prior to being approved for registration with Tarion or licensing with the HCRA.

Illegal building is building that is done contrary to the provisions of the NHCLA and the Ontario New Home Warranties Plan Act, 1992. It includes:

- Building a new home without being a licensed builder unless the individual building the home is also the owner of the property and the home is being built for their own occupancy and not for purposes of offering it for sale.
- Selling a new home that has not been previously occupied without being a licensed vendor.
- Building a new home for purposes of sale or selling a new home not previously occupied where the home has not been qualified for enrolment or enrolled with Tarion for purposes of warranty protection.

Illegal building is a serious risk to the public. The HCRA Registrar considers all information related to the applicant's relevant past conduct when making licensing decisions. Providing thoughtful, honest and upfront disclosure about any past conduct related to illegal or unlicensed building or selling new homes is an important conduct consideration for the HCRA.

Intended Construction and Sales Strategy

If the applicant is applying for a builder-only licence and intends to build condominiums, the HCRA requires the applicant to identify who they intend to work with to sell the units.

If the applicant is applying for a vendor-only licence and intends to build condominiums, the HCRA requires the applicant to identify who they intend to work with to build the units.

Declarant: a person who registers a declaration and description under the Condominium Act (CA) to create a condominium corporation. The declarant creates the corporation and the corporation in turn manages the affairs of the condominium corporation such as the maintenance and repair of the buildings that form the condominium property.

Declaration and Signatures

Applicants are required to truthfully attest to the details provided in the application such as a listing of all interested persons, information about past conduct and criminal history, and compliance with laws. Failure to complete an honest attestation will impact the Registrar's assessment of honesty and integrity.

Providing a false statement in the application is an offence under the NNHCLA.

Printed Licence Request

A licence certificate is an important document. Under section 4 of [O. Reg. 626/20](#), builders and vendors are required to prominently display their licence:

- At their principal place of business (office address as identified in the application);
- On their website, if any; and
- At any premises where business is conducted with the public.

Please note that licence certificates will only be provided electronically in PDF format. Those unable to access a licence certificate online and requiring an accommodation should contact the HCRA Licensing and Customer Department at info@hcraontario.ca. An electronic copy of the licence certificate can also be accessed through the Builder Portal account and is available for download. In the application form, a printed copy of the certificate can be requested to be mailed to the business address for an administrative fee of \$25.