

**Effective:** July 14, 2022

**Updated:** March 22, 2023

## 10. Duty to Comply with the HCRA's Request for Information

The HCRA is responsible for regulating new home builders and vendors. Part of the regulation process includes acquiring information about applicants or licensees to ensure that they have the necessary knowledge, skills, and judgment to operate safely, ethically, and in accordance with the law.

Applicants or licensees are obliged to provide the HCRA with the information it requests in a timely manner. If you are a licensee, failing to respond is a contravention of your obligations under the *New Home Construction Licensing Act, 2017* (NHCLA). If you are an applicant, the HCRA may not be able to process your application if you do not respond.

### HCRA Requests for Information

If the Registrar receives a complaint about a licensee, the HCRA will gather information to determine what, if any, action is required. Licensees will be notified of the complaint and are required under the NHCLA to provide any information requested by the Registrar:

- Section 56 (3) provides: when a licensee receives a written request for information from the HCRA, they shall provide the information as soon as is reasonably possible.
- Section 59 (4) provides: an HCRA inspector may require a person to produce any document or record relevant to the inspection.

Licensees are obligated to comply with these requests as soon as reasonably possible.

When the HCRA requests information as part of its complaints process, it is also an opportunity for licensees to respond to the concerns in their own words. The HCRA will fairly and objectively consider all the relevant facts about the complaint.

Failure to respond to requests for information from the HCRA may result in administrative or legal enforcement action against a licensee.

### HCRA Requests for Information Concerning Applications for Licence

As noted in the [Guide to Good Conduct for New Home Builders and Vendors](#), the HCRA takes a holistic approach to licensing. When assessing an application for a licence, the HCRA considers the key areas which demonstrate suitability for licensure. These areas include technical competence, financial responsibility, and demonstration that applicants will conduct themselves ethically and in accordance with the law. The HCRA may require additional documentation or information from the applicant to assess their suitability in these areas.



# ADVISORY

Without certain key documentation, the HCRA may be unable to process the application.

Applicants must provide the requested documentation to the HCRA promptly. If an applicant fails to respond to these requests, the HCRA may:

- refuse to issue a new licence;
- refuse to renew the licence;
- put conditions on the licence;
- revoke or suspend an existing licence; or
- issue a compliance order which requires a person to follow the requirements of the *New Home Construction Licensing Act, 2017*. Failure to meet the compliance order may lead to the above noted actions.\*

\*updated on March 22, 2023