

- E. Builder Members are required to comply with all municipal and provincial building code requirements and the requirements of *The Builders Liens Act* when constructing and selling new homes in Manitoba.
- F. Purchasers of new homes have access to new home warranty programs to protect the purchaser from damages through defective or deficient construction of a new home.
- G. Builder Members employ salespeople to sell new homes who receive training on how to deal with the public in a fair and honest manner.
- H. Registration of Builder Members and their employees under the Act to sell new homes is not required to protect the public.

Order and Conditions

1. The Commission orders that, pursuant to Section 83 of *the Act*, a Builder Member of MHBA, and each salesperson employed by the Builder Member, engaging in a trade in real estate or providing real estate services for a home constructed by the Builder Member is exempt from the requirements to be registered under *the Act*, subject to the following conditions:
 - A. The Builder Member is a member in good standing with the MHBA.
 - B. All new home sales persons employed by the Builder Member must have taken the MHBA new home sales course and have successfully completed the new home sales exam administered by the MHBA.
 - C. Only the Builder Member and/or a qualified new home sales person employed by the Builder Member is permitted to negotiate the contract to purchase a new home (the "contract").
 - D. The new home that is the subject of the contract must have been constructed by the Builder Member.
 - E. The contract must contain a clause for the purchaser to have the opportunity to seek independent legal advice.
 - F. The initial deposit received by the Builder Member shall not exceed \$10,000.00 and shall be held by the Builder Member in trust or the Builder Member's solicitor in trust in accordance with the terms of the contract.
 - G. The contract must provide new home warranty coverage to the purchaser from a new home warranty provider that is acceptable to Canada Mortgage and Housing Corporation or Genworth Financial Capital.
 - H. The sales of condominium projects by the builder do not form part of this exemption order.
 - I. The Builder Member and its employees will provide to the Commission all books and records relating to any trade in real estate conducted in reliance on this order when requested by the Commission and its staff.
 - J. The MHBA will provide to the Commission and its staff upon request any information in their possession involving the builder member that pertains to any trade in real estate conducted by the builder member.
2. This order will expire on July 17, 2025.
3. The fee for this Order is \$150.00.

BY ORDER OF THE COMMISSION



Director