

# New Subdivision Homeowners Information

Helpful tips for new home buyers



[www.oshawa.ca/newhome](http://www.oshawa.ca/newhome)

## Developing and Building

**Note:** Assumption of a subdivision occurs when the municipality accepts responsibility for the maintenance of all municipal services.

### Developer Responsibilities

The developer is responsible for installation of municipal services such as: roads, sewers, water supply, sidewalks, walkways, privacy and acoustic fencing, ponds and boulevard trees per their agreement with the City. These services must meet a certain quality standard before the City will assume responsibility of their maintenance. They are also responsible for maintaining clean and safe roads in the subdivision.

### Builder Responsibilities

The builder is responsible for the construction of the buildings/homes, internal lot grading and sodding (grass). During house construction, they are also responsible to maintain a safe and clean work site.



### Important Notes:

- The developer and builder are separate although sometimes they could be part of the same group of companies. Each has different roles and responsibilities in a subdivision. Contact the appropriate company for your concerns.
- A subdivision agreement is a contract between the developer and the City. When a developer sells building lots to the builder, some of the developer's responsibilities are transferred to the builder to ensure that warning clauses and notices are communicated to the homeowners. A home purchase agreement is a private contract between a homeowner and the builder, not the developer.
- A builder cannot legally sell homes until a subdivision is draft approved by the City.
- Building permits cannot be issued until the subdivision is registered.
- With respect to builder's deposits, new home purchasers should review their home purchase agreement to confirm what deposits and payments the builder collected and the requirements and milestones for refund. Sometimes the builder requires the subdivision to be assumed before they refund a deposit. The City does not hold homeowner deposits.
- Assumption or Final Acceptance of the subdivision by the City occurs when the developer has satisfied all the obligations in the subdivision agreement. At this point, responsibility

for the maintenance of all municipal services transfers from the developer to the City. This could take a few years because the developer has to satisfy all their obligations in the subdivision agreement before the City can assume the subdivision and pass an Assumption By-law to complete this process. A two year warranty period will apply to both above and below ground developer-installed services.

- A consulting Professional Engineer, on behalf of the builder, will be required to certify that the final lot grading follows the approved subdivision drainage plan. This is normally done after the grass has been laid. The builder is required to complete the final grading and sodding within 12 months of the date of building occupancy.



## Architectural Control Guidelines

All homes in new subdivisions are required to observe certain architectural guidelines approved by the City to ensure that the exterior appearance of each home follows the overall vision for the community.

## Subdivision Approval Process

After the subdivision is draft approved, the developer's consulting engineer designs and supervises the construction of the municipal services within a subdivision. The City's Engineering Services Branch and Community Services staff inspect the works to ensure compliance with the subdivision agreement and approved plans. Financial securities collected from the developer with the subdivision agreement are not released until works are completed to the satisfaction of the City.

## After You Have Moved In

1. Driveway paving, including the portion on the boulevard, called the apron, is the builder's responsibility if it is included in the home purchase agreement. If the builder is to pave the driveway, the schedule for paving is dependent on their timing subject to any maximum time restriction per the subdivision agreement.
2. Driveway widening must comply with the City's Zoning By-law in terms of maximum widths allowed. If your subdivision has not been assumed by the City, the curbs are still under the developer's responsibility. You must first contact the developer through your builder and get written consent to be able to widen your driveway and

curb. Afterwards, you can contact Service Oshawa for further details on how to start a request.

3. Street trees are planted in accordance with the City's requirements and are included in the approved landscape plans for a subdivision. Due to conflicts with utilities and other above-ground structures, it is not always possible to plant a tree in front of each lot.
4. Drainage complaints regarding lots in unassumed subdivisions should be directed to the builder for their corrective action and confirmation of grading certification by their consulting engineer responsible for overseeing and approving the drainage design.

### Homeowner Improvements

Home purchase agreements will usually contain a requirement that homeowners, wishing to complete landscape improvements such as gardens, sheds, decks or pools, wait until the lot grading certification has been completed. Written approval must be obtained from the builder to ensure that the proposed work does not impact the builder's obligation in the subdivision agreement.

1. Grading changes and landscaping within your property is not advisable if your lot has not been provided a lot grading certificate as it may violate provisions in your home purchase agreement with the builder. After your lot has been certified, any changes to the grading and drainage should still be approved by your builder and should comply with the approved subdivision grading plan and the City's Site Alteration By-law 85-2006 ([www.oshawa.ca/SiteAlterationBylaw](http://www.oshawa.ca/SiteAlterationBylaw)).

2. Pool construction in lots within unassumed subdivisions could be subject to different rules in your home purchase agreement with your builder. As such, you must obtain written consent from your builder and obtain other permits required by the City such as Pool Enclosure and Site Alteration Permits.
3. Home improvements such as sheds, decks or garages may also require building permits. Check the City's Building Permit and Inspection Services website for more details at [www.oshawa.ca/permits](http://www.oshawa.ca/permits).



## Building Permit and Inspections

### Ontario Building Code

All construction is regulated by the Ontario Building Code (O.B.C.) in the province. The purposes of the Ontario Building Code include; public health and safety, fire protection, resource conservation, environmental integrity and accessibility although its primary purpose is the promotion of public safety through the application of appropriate uniform building standards.



### Building Permit Application Process in New Subdivisions

After the subdivision agreement has been finalized, the builder can receive the building permits. The building and site plans are reviewed for compliance with the O.B.C. and the City's Zoning By-law. Building Permit and Inspection Services also consults other internal City divisions to confirm that all the developer's obligations, specific to any lot where building permits are requested, have been completed.

Building plans are submitted by the builder for each model type. As part of

the review, Building Permit and Inspection Services also confirms that the builder is registered with Tarion prior to the issuance of permits.

### Inspections

The O.B.C. mandates specific inspections that the City's Building Inspector must conduct for which the builder is required to give notice. Specific details regarding these inspections can be obtained from Building Permit and Inspection Services.

It is important to note that occupancy is not permitted until all the O.B.C. requirements have been satisfied.

A Final Inspection is also required to correct all identified deficiencies not required for occupancy such as exterior decks, landings and exterior cladding.

### Important Notes:

- If decks or landings two feet or higher are not completed at occupancy, the builder must block or disable the locks on patio and garden doors for safety reasons. Do not reset the lock or remove any barrier until the decks, landings, handrails and guards are completed.
- Gas-fired appliances are regulated by the Gas Code and any questions should be directed to Enbridge Gas.
- Inspection of the electrical system is performed by the Electrical Safety Authority (E.S.A.) and they can be contacted at 1-877-372-7233.

## Tarion

After you have moved into your new home, the New Home Warranty Program provides warranty coverage. Provincial law requires that new houses be protected by a mandatory warranty by the builder and backed by the Tarion Warranty Corporation.

Tarion is a non-profit, private corporation established per the Ontario New Home Warranties Plan Act enacted by the Province. The Act requires all builders to provide new home warranty coverage and grants Tarion the responsibility to enforce the terms of the Act.

New home buyers should review the Tarion Home Information Package to be familiar with the roles and responsibilities of the homeowner, builder and Tarion. Ensure that all communication with your builder is documented with a copy forwarded to Tarion for your file. Do not solely rely on verbal communication with site personnel, tradespeople or builder's representatives.

Review the Statutory Warranty Forms, specifically; the 30-day Form, Year End Form, Second Year Form and the Major Structural Defect Form. It is also advisable to obtain a copy of Tarion's Construction Performance Guidelines that describes the standard to which construction covered by the warranty must be completed.

For more information, please contact:  
Tarion Customer Centre  
5150 Yonge St, Concourse Level  
Toronto, ON M2N 6L8  
1-877-982-7466  
[www.tarion.com](http://www.tarion.com)

## Important Reminder About New Address

Your municipal address is assigned by Building Services in accordance with established bylaws to ensure that no delay is incurred by emergency services in locating your home. Municipal numbers are assigned at the time of the registration of your subdivision and circulated to the emergency services providers and other agencies municipal numbers cannot be changed.

Your municipal address must be displayed in a readily visible location immediately after moving in if it is not already done.



## Contact Information for New Subdivisions

### City of Oshawa

[www.oshawa.ca](http://www.oshawa.ca)

**Engineering Services:** Municipal  
Infrastructure Design & Construction  
905-436-5606

**Planning Services:** Land Use, Policy  
Development Activities  
905-436-3853

**Building Permit and Inspection Services:**  
Building Permits, Building Inspections,  
Occupancy Permits, Zoning Information  
905-436-5658

**Service Oshawa:** General  
Information, Service Requests,  
Payments, Parking Permits  
905-436-3311  
1-800-667-4292

### Utilities

**Enbridge Gas:** 1-877-362-7434  
[www.enbridgegas.com](http://www.enbridgegas.com)

**Canada Post:** 1-866-607-6301  
[www.canadapost.ca](http://www.canadapost.ca)

**Oshawa Public Utilities Corporation:**  
905-723-4623  
[www.opuc.on.ca](http://www.opuc.on.ca)

**Electrical Safety Authority:**  
1-877-372-7233  
[www.esasafe.com](http://www.esasafe.com)

### Region of Durham

[www.durham.ca](http://www.durham.ca)

**Regional Headquarters:** Construction,  
Health, Planning, Design, Tourism  
905-668-7711

**Water Billing:** New  
Accounts, Billing inquiries  
905-666-6211

**Works Department:** Sanitary and  
Watermain, Regional Road Issues  
905-668-7711

**Waste Management:**  
Blue Box Recycling  
905-579-5264

### School Boards

**Durham District School Board:**  
905-666-5500  
1-800-265-3968  
[www.ddsb.ca](http://www.ddsb.ca)

**Durham Catholic  
District School Board:**  
905-576-6150  
1-877-482-0722  
[www.dcdsb.ca](http://www.dcdsb.ca)

**Conseil scolaire Viamonde:**  
416-614-0844  
1-888-583-5383  
[www.csviamonde.ca](http://www.csviamonde.ca)

**Conseil scolaire de district  
catholique Centre-Sud:**  
416-397-6564  
1-800-274-3764  
[www.csdccs.edu.on.ca](http://www.csdccs.edu.on.ca)



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**[www.oshawa.ca/newscentre](http://www.oshawa.ca/newscentre)**



**[www.oshawa.ca/newhome](http://www.oshawa.ca/newhome)**

Stay in the know about the latest events at

**[www.oshawa.ca/calendar](http://www.oshawa.ca/calendar)**

Get involved with Oshawa programs and workshops at

**[www.oshawa.ca/activeoshawa](http://www.oshawa.ca/activeoshawa)**

If this information is required in an accessible format, please contact

Service Oshawa:

Phone: 905-436-3311

Email: [service@oshawa.ca](mailto:service@oshawa.ca)