

Bill No. 74 of 1947.

A BILL TO AMEND THE MECHANICS' LIEN ACT

NOTE.

This Bill amends section 24 of the Act and provides for the expiry of a lien unless a renewal statement is filed within six years after the date of filing of the lien, showing the amount still owing on the lien. This is in line with *The Bills of Sale Act* which requires a renewal of a chattel mortgage to be filed, but within three years of registration. The records of the two Land Titles Offices are encumbered with mechanics' liens which were registered many years ago, many of which have been paid and many others where no proceedings have been taken with respect to them for many years. Where the six years has already elapsed the lienholder is given a further year after the coming into force of this amendment.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 74 of 1947.

An Act to amend The Mechanics' Lien Act.

(Assented to , 1947.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Mechanics' Lien Act*, being chapter 236 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 24 by adding immediately at the end thereof the following new subsections:

"(6) Every registered lien whether a certificate of *lis pendens* has been filed or not, shall absolutely cease to exist on the expiration of six years from the date of registration of the lien unless before the expiration of that period and not more than two months before its expiration the lienholder, his assignee, agent or any person claiming through or under him, files in the office of the Registrar of Land Titles a statement verified by affidavit setting out the interest of the lienholder and the amount still owing for principal and interest, which statement may be in Form 7 in the Schedule or to the like effect with such variations as the circumstances may require.

"(7) Upon receipt of the statement the Registrar of Land Titles shall make a memorandum upon the certificate of title of the land of the filing of the statement.

"(8) Notwithstanding the other provisions of this section, where a lien has been registered before the coming into force of this amending Act, and the lien is still then existing, it shall absolutely cease to exist at the expiration of one year from the date of the coming into force of this amending Act or upon the expiration of the period referred to in subsection (6), whichever last occurs, unless in the meantime the lienholder files in the office of the Registrar a statement complying with the provisions of subsection (6), which statement shall be filed not more than two months before the expiration of the said period of six years or one year, as the case may be.

"(9) The provisions of subsections (6), (7) and (8) shall apply *mutatis mutandis* to liens filed in the office of the Minister of Lands and Mines pursuant to the provisions of section 23."

2. The said Act is further amended by adding immediately after Form 6 in the Schedule thereto the following new Form:

"FORM 7

"(Section 24.)

"Statement setting out the interest of the lienholder and the balance due on the lien dated the..... day of, 19..... and registered by..... of..... in the Province of Alberta in the office of the Registrar of Land Titles for the..... Alberta Land Registration District on the..... day of, 19....., against.....
(here insert legal description of land affected by the lien).

"Amount for which lien filed - - \$.....

"Interest (if any) to date of statement \$.....

"Balance still owing \$.....

.....
*(Signature of Lienholder, Agent,
 or as the case may be.)*

"I,..... of..... in the Province of Alberta, the lienholder mentioned in the foregoing statement (or, the agent of the lienholder, or as the case may be), make oath and say as follows:

"1. That the foregoing statement is true and that the amount stated therein as the balance is still owing to me under the said lien.

Sworn before me at..... }
 in the Province of Alberta, the
 day of, 19..... }

.....
(A Commissioner of Oaths, etc.)

3. This Act shall come into force on the day upon which it is assented to.

No. 74

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

An Act to amend The Mechanics'
Lien Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1947