

1972 Bill 89

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 89

The Builders' Lien Amendment Act, 1972

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1972

THE BUILDERS' LIEN AMENDMENT ACT, 1972

(Assented to Nov 22, 1972)

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

1. *The Builders' Lien Act is hereby amended.*

2. *Section 15 is amended by adding after subsection (5) the following subsections:*

(5.1) Except as otherwise provided in this Act, where a lien is claimed by any person other than the contractor, it does not attach so as to make the lien fund liable for a sum greater than

- (a) 15 per cent of the value of the work actually done by the contractor or subcontractor for whom and at whose request the work was done or the material was supplied giving rise to the claim of lien, plus
- (b) any additional sum due and owing but unpaid to that contractor or subcontractor.

(5.2) Where there are more lien claims than one arising from work done or material supplied for and at the request of the contractor or the same subcontractor, they shall not attach so as to make the lien fund liable in their cumulative total for a sum greater than

- (a) 15 per cent of the value of the work actually done by the contractor or subcontractor, as the case may be, plus
- (b) any additional sum due and owing but unpaid to that contractor or subcontractor.

3. *The provisions of this Act do not apply to liens registered under The Builders' Lien Act prior to the commencement of this Act.*

4. *This Act comes into force on the day upon which it is assented to.*

Explanatory Notes

1. This Bill amends chapter 35 of the Revised Statutes of Alberta 1970.

2. Limit on lien fund claims. The result is to retain one lien fund as the present Act provides but to limit the claims against it as though in fact a progressive series of hold backs had been made.

3. Section 2 of this Bill will not be applicable to liens registered prior to its commencement.