

1981 BILL 219

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 219

AN ACT TO AMEND THE BUILDERS' LIEN ACT

MR. GOGO

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 219
Mr. Gogo

BILL 219

1981

AN ACT TO AMEND THE BUILDERS' LIEN ACT

(Assented to _____, 1981)

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

- 1 *The Builders' Lien Act is amended by this act.*
- 2 *Section 15 is amended by striking out "15 percent" wherever it occurs and substituting "10%".*
- 3 *Section 16(2) is amended*
 - (a) *by striking out "35 days" and substituting "45 days"*
 - (b) *by striking our "15 percent" and substituting "10%".*
- 4 *Section 26(3) is amended by striking out "\$20" and substituting "\$50".*
- 5 *Section 30 is amended by striking out "35 days" wherever it occurs and substituting "45 days".*

Explanatory Notes

- 1 This Act will amend ch. 35, Revised Statutes of Alberta, 1970.
- 2 Reduces percentage of value of contract to be held back by owner from 15% to 10%.
- 3 Section 16(2) presently reads:

(2) Where a contract is under the supervision of a supervisor and a period of 35 days has elapsed after a certificate issued by the supervisor to the effect that the sub-contract has been completed has been given to the person primarily liable upon that contract and to the person who became a sub-contractor by a sub-contract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced

 - (a) by 15 per cent of the sub-contract price, or
 - (b) if there is no specific sub-contract price, by 15 per cent of the actual value of the work done and materials furnished under that sub-contract,

but this subsection does not operate if and so long as any lien derived under that sub-contract is preserved by anything done under this Act.
- 4 Section 26(3) presently reads:

26(3) No lien shall be registered unless the claim or joined claims amount to or aggregate \$20 or more.
- 5 Extends time for registering lien from 35 to 45 days.

6 Coming into force.

6 This Act comes into force on a date to be fixed by Proclamation.