

1990 BILL 279

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 279**

**AN ACT TO AMEND THE BUILDERS' LIEN ACT**

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MR. TAYLOR

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 279*  
*Mr. Taylor*

## **BILL 279**

1990

### **AN ACT TO AMEND THE BUILDERS' LIEN ACT**

*(Assented to , 1990)*

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 This Bill will amend Chapter B-12 of the Revised Statutes of Alberta 1980.*
- 3 Section 1 is amended by adding the following after clause (c):*

*(c.1) Subject to the regulations, "energy project" means any project which is principally for the construction of exploration, production, manufacturing, packaging, servicing, distribution, storage, transportation or marketing facilities for oil, gas or petrochemical raw materials, but not including products which are fabricated by physical process, blending or reaction from petrochemical raw materials.*
- 4 Section 30 is amended by striking out "45 days" and substituting "45 days in the case of any work that is not an energy project and 120 days in the case of an energy project".*

## Explanatory Notes

3 Adds a new definition.

4 Provides for a lien period of 120 days in the case of energy projects.  
Section 30 presently reads as follows:

*30 (1) A lien for materials may be registered at any time within the period*

*(a) commencing when the lien arises, and*

*(b) terminating 45 days from the day that the last of the materials is furnished or the contract to furnish the materials is abandoned.*

*(2) A lien for the performance of services may be registered at any time within the period*

- (a) *commencing when the lien arises, and*
  - (b) *terminating 45 days from the day that the performance of the services is completed or the contract to provide the services is abandoned.*
- (3) *A lien for wages may be registered at any time within the period*
- (a) *commencing when the lien arises, and*
  - (b) *terminating 45 days from the day that the work for which the wages are claimed is completed or abandoned.*
- (4) *In cases not referred to in subsections (1) to (3), a lien in favour of a contractor or a subcontractor may be registered at any time within the period*
- (a) *commencing when the lien arises, and*
  - (b) *terminating 45 days from the day the contracted or subcontract, as the case may be, is completed or abandoned.*
- (5) *Notwithstanding subsections (1) to (4), the time limited by this section for registering a lien is not extended by reason only that something improperly done or omitted to be done in respect of work done or materials furnished is corrected or done, as the case may be, at a later date.*

5 Section 55 presently reads:

55 *The Lieutenant Governor in Council may*

- (a) *prescribe rules to expedite and facilitate the business before any court under this Act, and to advance the interests of suitors therein;*
- (b) *prescribe a tariff of costs*
  - (i) *as between parties, and*
  - (ii) *as between solicitor and client,**payable for services rendered in respect of a lien under this Act;*
- (c) *prescribe forms to be used under this Act.*

6 Coming into force.

*5 Section 55 is amended by adding the following after clause (c)*  
*(d) by regulation amend the definition of "energy project".*

*6 This Act comes into force on January 1, 1991.*