

Index

References are to section numbers of the Construction Lien Act, R.S.O. 1990, c. C.30, unless preceded by GR, ADJ or PD, in which case references are to the General Regulation (GR), Adjudications Regulation (ADJ) and Practice Direction for Civil Actions, Applications, Motions and Procedural Matters in the Toronto Region, effective December 7, 2018 (PD).

ABANDONMENT OF CONTRACT

Generally, **72**

ACTION

See also **PRACTICE**

Carriage, **59**

Commencing, **59**

Consolidation, **59**

Court to dispose of all claims, **51**

Defined, **1(1), § 1:3**

Lien, **53**

expiration, **53**

registration, **53**

ADJOURNMENTS

Civil motions, **PD I G**

Construction lien motions, **PD I G**

ADJUDICATION

Adjudicator, **13.9**

appointment, **13.9(5)**

selection, **13.9(2)**

Amounts payable, **13.19**

costs of resumption, **13.19(6)**

enforcement, **13.19(2)**

holdback, **13.19(1)**

late payment, interest, **13.19(3)**

Authorized nominating authority,
13.2(1)

Availability of adjudication

application despite other proceedings,
13.5(5)

contract, **13.5(1)**

expiry of period, **13.5(3)**

ADJUDICATION—Cont'd

Availability of adjudication

—Cont'd

multiple matters, **13.5(4)**

subcontract, **13.5(2)**

Conduct, **13.12**

costs of assistance, **13.12(3)**

on-site inspection, **13.12(2)**

powers, **13.12(1)**

Consolidate adjudication, **13.8**

Costs, **13.16**

Court enforcement, **13.20**

Definition, **13.1**

Determination, **13.13**

delayed, **13.13(5)**

Documents, **13.11**

Duties and powers, **13.3**

fees

retention, **13.3(4)**

setting, **13.3(3)**

Effect, **13.15**

extension, **13.13(2), 13.13(3)**

Fee, adjudicator, **13.10**

Frivolous, vexatious, **13.17**

Immunity, **13.21**

testimonial immunity, **13.22**

Interim authority, **13.4**

Judicial review, setting aside, **13.18**

Notice, **13.7**

response, **13.11.1**

Powers and duties, **13.3**

fees

retention, **13.3(4)**

ADJUDICATION—Cont'd

Powers and duties, **13.3**—Cont'd
fees—Cont'd
setting, **13.3(3)**
Procedure, **13.6**
Termination, **13.14**

**AGREEMENT OF PURCHASE
AND SALE**

Retention of holdbacks for
improvement, **5(2)**

**ALTERNATIVE FINANCING AND
PROCUREMENT**

Generally, **1.1**

APPEALS

Generally, **71**
General, **71(2)**, § **71:4**
extension of time, **71(2)**, § **71:4**
notice of, **71(2)**, § **71:4**
time limits, **71(2)**, § **71:4**
Intervention, **57**
Procedure
appeal to Divisional Court, **71(1)**,
§ **71:3**
notice of appeal, **71(2)**, § **71:4**
stated case and facts, **70(1)**, **70(2)**
Where no appeal, **71(3)**, § **71:5**
trial date, **71(3)**, § **71:5**
setting, **71(3)**, § **71:5**

**APPLICATION OF RULES OF
COURT**

Generally, **67**
Accounting, **67**
Breach of trust, **67**
Claim, **67**
payment to court and, **67**
trust account and, **67**
Decision, **67**
on reference, **67**
standard of review, **67**
test, **67**
palpable and overriding
error, **67**

**APPLICATION OF RULES OF
COURT—Cont'd**

Funds, **67**
payment into court and, **67**
preservation of funds and, **67**
trust account and, **67**
Interim certificate of pending litigation,
67
Judgment, **67**
on consent, **67**
Lien, **67**
perfection of, **67**
Materials and services, **67**
Reference, **67**
Tracing order, **67**
Work performed, **67**
valuation, **67**

APPLICATIONS

See PRACTICE

ASSIGNMENT OF RIGHTS

See LIEN

BOND

Financial guarantee bond ss. 78(10),
Form 30
Financial guarantee bond under s.
44, **Form 21**

**BOND, LABOUR AND
MATERIAL PAYMENT**

Generally, **69**

BREACH OF TRUST

By corporation, **13(1)**, § **13:3**
breach of trust, **13(1)**, § **13:3**
claim, **13(1)**, § **13:3**
officer, director, controlling
mind, **13(1)**, § **13:3**
effective control, **13(1)**, § **13:3**
knowledge, **13(1)**, § **13:3**
personal liability, **13(1)**, § **13:3**
trust obligation, **13(1)**, § **13:3**
conduct, **13(1)**, § **13:3**
knowledge, **13(1)**, § **13:3**

BREACH OF TRUST—Cont'd

- By corporation, **13(1), § 13:3**
 - Cont'd
 - trust obligation, **13(1), § 13:3**
 - Cont'd
 - onus to show compliance, **13(1), § 13:3**

CASE MANAGEMENT MASTER, REFERENCE TO

- General, **58**
- Report, **62**
- Requests for assignment to case management
 - consent requests, **PD II A**

CERTIFICATE

- Completion of a subcontract, **Form 10**
- Of action under s. 36, **Form 14**
- Substantial performance, **Form 9**

CERTIFICATES

- Completion of subcontracts, **33**
 - copy of certificate, **33(4)**
 - date subcontract deemed completed, **33(2)**
 - declaration and certification, **33(1)**
 - services or materials supplied after subcontract certified completed, **33(3)**
- Minor irregularities, **6**
- Publication information, duty to furnish, **39(4)**
- Rules governing, **32**
- Substantial performance of contracts, **32**
 - See SUBSTANTIAL PERFORMANCE

CERTIFICATION OF ACTION TO SET PRE-TRIAL AND TRIAL DATES

- Generally, **PD IV**

CLAIM

- For lien under s. 34, **Form 12**

CLAIM FOR LIEN

- See also LIEN, LIEN CLAIMANT
- Affidavit of verification
 - cross-examination, **40**
 - See CROSS-EXAMINATION ON CLAIM FOR LIEN
- Contents, **34(5), § 34:6, § 34:7**
- Exaggerated claims, **35**
- Minor irregularities, **6**
- Preservation
 - Crown, **34(3), § 34:5**
 - general owner, **34(7)**
 - municipal, **34(3.1)**
 - owner, **34(1), § 34:2, § 34:3**
 - railway right-of-way, **34(4)**
 - where lien attaches, **34(1)(a), § 34:2**
 - where lien does not attach, **34(1)(b), § 34:3**
- Uniting claims of number of persons, **34(8), § 34:9**

“CLASS”

- Persons comprising, **79**

COMMON INTEREST

- Generally, **18**

CONSTRUCTION DISPUTE

- See ADJUDICATION

CONSTRUCTION LIEN ACT

- Application
 - architects, **3(4)**
 - contract as defined in Ministry of Transportation and Communication Creditors Payment Act made before April 1, 1990, **3(2)**
 - Crown, **3(1)**
 - Proceedings Against the Crown Act, **3(3)**
- Failure to comply strictly with, ss. **6, 32(2), 32(5), 33(1)**
- Waiver of rights, **4**

**CONSTRUCTION TRADE
NEWSPAPER**

Certificates or declarations of
substantial performance, **32(5)**
Notice of intention to register under
Condominium Act, 1998, **33(2)**
Publication information, duty to
furnish, **39(4)**

CONTRACT

Generally, **1(1), § 1:5**
Abandonment or non-completion,
72
Conformity of, **5(1)**
See IMPROVEMENT
Deemed completion, **2(3)**
Defined, **1(1), § 1:5**
Obligations under, **1(1), § 1:5**
meals and incidental services,
1(1), § 1:21
Operation of statute and, **1(1),
§ 4:1, § 22:2, § 77:1**
Performance, **1(1)**
Reference to prime contract, **2**

**CONTRACT SUBSTANTIALLY
PERFORMED**

Generally, **2**
Adjudication amounts, **2(2.1)**
Deemed complete, **2(3)**
Multiple improvements, **2(4)**

CONTRACTOR

Agent for owner, deemed, **1(3),
§ 1:1**
Defined, **1(1), § 1:1, § 1:5**

**CONTRACTOR'S AND
SUBCONTRACTOR'S
TRUST, AMOUNTS
RECEIVED A TRUST**

Accounting, **8(1), § 8:5**
Barter agreement, **8(1), § 8:5**
Breach of trust, **8(1), § 8:5**
liability for
contractor's, **8(1), § 8:5**

**CONTRACTOR'S AND
SUBCONTRACTOR'S
TRUST, AMOUNTS
RECEIVED A TRUST
—Cont'd**

Breach of trust, **8(1), § 8:5**—Cont'd
under Construction Lien Act,
8(1), § 8:5
Construction Lien Act, **8**
trust provisions, **8**
Duty of care, **8**
Fraud, **8(1), § 8:5**
General, **8**
Holdback, **8(1), § 8:5**
Improvident underwriting, **8**
Interim certificate of pending litigation,
8(1), § 8:5
Jurisdiction, **8**
Bankruptcy and Insolvency act
rule, **11**
Bankruptcy and Insolvency Act s.
178 and, **8**
stay of proceeding, **8**
trustee
fiduciary capacity, **8**
Land Reserved for First Nations,
§ 8:4
Payment certificate, **8(1), § 8:5**
Subrogated rights, **8(1), § 8:5**
Tracing order, **8(1), § 8:5**
Trust, **8(1), § 8:5**
defined by statute, **8(1), § 8:5**
payment into court, **8(1), § 8:5**
privity of contract, **8(1), § 8:5**
Trust funds, **8(1), § 8:5**
accounting for, **8(1), § 8:5**
conversion to principal's own
use, **8(1), § 8:5**

CONVEYANCES

See also SALE OF INTEREST IN
PREMISES
Priorities
general priority of liens, **78(1),
§ 78:3**

CONVEYANCES—Cont'd

- Priorities—Cont'd
 - prior conveyances, **78(3), 78(4), § 78:5, § 78:6**
 - subsequent conveyances, **78(6), § 78:8**
- Security for lien claim, **80(2)**

COSTS

- Generally, **86(1), 86(1)(b)**
- Action for damages, **86(1), 86(1)(b)**
- Costs, **86(1), 86(1)(a), 86(1)(b)**
 - award of, **86(1), 86(1)(a), 86(1)(b)**
 - exceeding amount of claim, **86(1), 86(1)(b)**
 - full indemnity scale, **86(1), 86(1)(b)**
 - partial indemnity scale, **86(1), 86(1)(b)**
 - power of Master, **86(1), 86(1)(b)**
 - principles, **86(1), 86(1)(b)**
 - substantial indemnity scale, **86(1)(a)**
 - time for payment, **86(1), 86(1)(b)**
 - timing of motion for, **86(1), 86(1)(b)**
- Holdback, **86(1), 86(1)(b)**
 - statutory, **86(1), 86(1)(b)**
 - contractor's invoice exceeding, **86(1), 86(1)(b)**
- Holdback funds, **86(1), 86(1)(b)**
 - retention, **86(1), 86(1)(b)**
 - statutory obligation to retain, **86(1), 86(1)(b)**
- Least expensive course not taken, **86(1)(a), 86(2)**
- Liens, **86(1), 86(1)(b)**
 - claim in excess of a mount owed, **86(1), 86(1)(b)**
 - liability, **86(1), 86(1)(b)**
 - registration of claim, **86(1), 86(1)(b)**
 - written notice of, **86(1), 86(1)(b)**
- Offers to Settle, **86(1)(a)**

COSTS—Cont'd

- Payment, **86(1), 86(1)(b)**
 - defined, **86(1), 86(1)(b)**
 - set-off and, **86(1), 86(1)(b)**
- Person, **86(1), 86(1)(b)**
 - defined, **86(1), 86(1)(b)**
- Set-off, **86(1), 86(1)(b)**
 - record keeping and, **86(1), 86(1)(b)**
- Work done, **86(1), 86(1)(b)**
 - improvement test, **86(1), 86(1)(b)**

COUNTERCLAIM

- See PLEADINGS

COURT

- See also PRACTICE
- Defined, **1(1), § 1:1, § 1:7**

COURTS OF JUSTICE ACT

- Generally, **67**

CROSS-EXAMINATION ON CLAIM FOR LIEN

- Generally, **40**
- Application of rules of court, **40(4)**
- Notice requirement, **40(3)**
- Procedure
 - who may be examined, **40(1)**
 - who may examine, **40(2)**

CROSSCLAIM

- See PLEADINGS

CROWN

- Generally, **16(1), 67**
- Act binding on, **3(1)**
- Contracts prior to April 1990, **3(2)**
- Crown agents, **16(1), 67**
 - defined, **16(1), 67**
 - community college, **16(1), 67**
 - lien attachment and, **16(1), 67**
- Defined, **1(1), § 1:1, § 1:13**
- Delivery of claim for lien, **34(3), § 34:5**
- Interest in premises, **16(1)**
 - registration not required, **16(3)**

CROWN—Cont'd

Notice provisions under Proceedings Against the Crown Act, not applicable, **3(3)**
Owner, as, **16(2), 16(3)**

DEATH OF PERSON HAVING LIEN

Generally, **73**

DECLARATION

Declaration of last supply, **31(5), § 31:12, Form 7**
Declaration of substantial performance, **32**
Minor irregularities, **6**

DEEMED COMPLETION OF CONTRACT

Generally, **2(3)**

DEFINITIONS

Action, **1(1), § 1:3**
Contract, **1(1), § 1:1, § 1:5**
Contractor, **1(1), § 1:6**
Court, **1(1), § 1:7**
Crown, **1(1), § 1:1**
Declaration, **33.1(1)**
Description, **33.1(1)**
Holdback, **1(1), § 1:8**
Home, **1(1), § 1:9**
Home buyer, **1(1), § 1:1, § 1:10**
Improvement, **1(1), § 1:1, § 1:11**
Interest in the premises, **1(1), § 1:12**
Land, **1(1), § 1:1**
Lien claimant, **1(1), § 1:13**
Materials, **1(1), § 1:14**
Mortgage, **1(1), § 1:1***
Municipality, **1(1), § 1:1**
Owner, **1(1), § 1:1, § 1:15**
Payer, **1(1), § 1:1, § 1:16**
Payment certifier, **1(1)**
Person having a lien, **1(1), § 1:1, § 1:17**
Premises, **1(1), § 1:1, § 1:18**
Price, **1(1), § 1:1, § 1:19**
Registered, **33.1(1)**

DEFINITIONS—Cont'd

Services or materials, **1(1), § 1:1, § 1:14**
Subcontract, **1(1), § 1:1, § 1:20**
Subcontractor, **1(1), § 1:1**
Substantial performance, **1.1, 2(1), 2(2)**
Suffers damage as a result, **1(1)**
Supply of services, **1(1)**
Wages, **1(1), § 1:1, § 1:22**
Worker, **1(1)**
Workers' trust fund, **1(1)**
Written notice of lien, **1(1), § 1:1, § 1:23**

DIRECTIONS

Application to court for, **66**

DISCHARGE OF LIEN

See also LIEN
Corporation, **47**
 action as personal judgment and, **47**
 charter, **47**
 cancellation, **47**
 revival, **47**
 time limits and, **47**
Court, **47**
 authority, **47**
 generally, **47**
Crown agent, **47**
 college as, **47**
 improper preservation and, **47**
 lien attachment and, **47**
General power, **47(1)(a), § 47:3**
 business, **47(1)(a), § 47:3**
 integrated operation, **47(1)(a), § 47:3**
 lien, **47(1)(a), § 47:3**
 registration, **47(1)(a), § 47:3**
 error, **47(1)(a), § 47:3**
Judicial function, **47**
 motions judge, **47**
 trial judge, **47**
Limitations period, **47**
Motion under, **47**

DISCHARGE OF LIEN—Cont'd

No genuine issue for trial and, **47**

DISPUTE

See ADJUDICATION

DIVISIONAL COURT

Enforcement, **71**

post-judgment, **71**

Lien bond, **71**

Stay, **71**

pending appeal, **71**

DOCUMENTS, SERVICE OF

Generally, **87**

ENFORCEMENT OF LIEN

See LIEN

EXAGGERATED CLAIMS

Generally, **35(1)1**

Liens, **35(1)1**

claim in excess of amount owed,
35(1)1

liability, **35(1)1**

Person, **35(1)1**

defined, **35(1)1**

**EXTENDING TIME FOR
PAYMENT**

Generally, **75(1)**

EXTRAORDINARY REMEDIES

Generally, **68**

FORMS

Administrative forms, **PD V**

Certificate of Action, **36, Form 14**

Certificate of Completion of
Subcontract, **33(1), Form 10**

Certificate of Substantial Perfor-
mance of Contract, **32, Form 9**

Claim for Lien, **34, Form 12**

Contractor Notice of Non-Payment
if Dispute under s. 6.5(6),
Form 1.3

Contractor Notice of Non-Payment
Where Owner Does not Pay
under s. 6.5(5), **Form 1.2**

FORMS—Cont'd

Declaration of Last Supply, **31(5),
§ 31:12, Form 7**

Financial Guarantee Bond, **44,
Form 21; 78(10), § 78:9,
Form 30**

Holdback Repayment Bond under s.
22(4), **Form 5**

Judgment at Trial Where Lien
Attaches to Premises, **62,
Form 28**

Judgment at Trial Where Lien Does
Not Attach to Premises, **62,
Form 29**

Judgment Directing Reference for
Trial, **58, Form 22**

Labour and Material Payment Bond
under s. 85.1, **Form 31**

Letter of Credit under s. 22(4),
Form 4

Notice Given by Defendant, **36(4),
Form 15**

Notice of Cross-Examination under
clause 40(3), **Form 16 and 17**

Notice of Intention to Register
under Condominium Act,
1998, **33.1, Form 11**

Notice of Non-Payment of
Holdback under s. 27.1, **Form
6**

Notice of Postponement of Lien, **43,
Form 20**

Notice of Settlement Meeting,
Form 34

Notice of Termination under s.
31(6), **Form 8**

Notice of Trial, **Form 33**

Notice to Contractor, **18, Form 2**

Notice to Lien Claimant, **19(3),
Form 3**

Owner Notice of Non-Payment
under s. 6.4(2), **Form 1.1**

Performance Bond under s. 85.1,
Form 32

Release of Lien, **41, Form 19**

FORMS—Cont'd

- Report Where Lien Attaches to Premises, **62, Form 26**
- Report Where Lien Does Not Attach to Premises, **62, Form 27**
- Subcontractor Notice of Non-Payment if Dispute under s. 6.6(7), **Form 1.5**
- Subcontractor Notice of Non-Payment Where Contractor Does not Pay under s. 6.6(6), **Form 1.4**
- Written Notice of Lien under s. 1(1), **Form 1**

GENERAL LIEN

- See LIEN

HIGHWAY

- Land dedicated to municipality, **17(4)**
- Lien constituting charge, **16(3)**

HOLDBACK

- Generally, **22, 51(a)**
- Agreement of purchase and sale providing for retention of, **5(2)**
see also IMPROVEMENT
- Bonding, **22(1)**
 - deficiency holdback and, **22(1)**
 - financing and, **22(1)**
 - first progress draw and, **22(1)**
- Charge
 - See LIEN
- Defined, **1(1), § 1:1, § 1:13**
- Early release of funds on subcontract certified complete, **25**
- General, **22(1)**
 - breach of trust and, **51(a)**
 - contract and, **22(1)**
 - estoppel and, **22(1)**
 - payment certificate and, **51(a)**
 - payments made in trust, **22(1)**
 - statute and, **22(1)**
 - statutory holdback, **51(a)**

HOLDBACK—Cont'd

- Obligation to retain, **22(3)**
- Owner's personal liability, **23(1)**
 - determined by an action under Act, **23(4)**
 - limitation, **23(2), (3)**
- Payments
 - basic holdback, **26**
 - defaulted subcontract, **30**
 - directly to person having lien, **28**
 - discharge, extent of, **29**
 - finishing work holdback, **27**
 - other than holdback, **24**
 - where subcontract certified complete, **25**
- Prohibited applications of funds, **30**
- Security, effect of posting, **44(6), (7), § 44:9**
- Types
 - basic, **22(1)**
 - separate for finishing work, **22(2)**

HOME

- Defined, **1(1), § 1:1, § 1:9**

HOME BUYER

- Defined, **1(1), § 1:1, § 1:10**

IMPROVEMENT

- Generally, **1(1), § 1:1, § 1:11**
- Agreement of purchase and sale providing for, **5(2)**
- Conformity of contracts to Act, **5(1)**
- Contaminant
 - Environmental Protection Act and, **1(1), § 1:11**
 - generally, **1(1), § 1:11**
 - quality control, **§ 1:11**
- Generally, **§ 1:11**
 - alteration and repair of the land, **1(1), § 1:1, § 1:11**
 - Construction Lien Act and, **1(1), § 1:1, § 1:11**
- Lienable improvement, **§ 1:11**
- Substantial part of, **2(2)**
- Transitory, **§ 1:11**

**INFORMATION, DUTIES
RESPECTING**

Beneficiary of trust, **39(1), (2)**
 Certificate of substantial performance publication information, **39(4)**
 Failure to provide information, **39(5)**
 Lienholder, **39(1), (2)**
 Mortgagee, **39(1)**
 Negligent mis-statement, **39(5)**
 Order to comply with request, **39(6)**
 Persons having preserved or perfected lien, **60**
 Trustee of workers' fund, **39(3)**

INSOLVENCY

Priorities, **85**

INSURANCE PROCEEDS

Generally, **83**

“INTEREST IN THE PREMISES”

Defined, **1(1), § 1:1, § 1:12**

INTEREST ON DEBT

No right to lien, **14(2), § 14:4**

**INTERLOCUTORY
PROCEEDINGS**

Generally, **67**
 Security for costs, **67**
 statutory regime, **67**

JOINT INTEREST

Generally, **18**

JUDGMENT

At trial where lien attaches to premises, **62, Form 24**
 At trial where lien does not attach to premises, **Form 25**
 Default, setting aside, **54**
 Directing a reference for trial, **58, Form 22**

JUDGMENT OR REPORT

General, **62**

JUDGMENT OR REPORT

—Cont'd

Personal judgment
 effect, **75(1)**
 jurisdiction to grant, **63**

**LABOUR AND MATERIAL
PAYMENT BOND**

Generally, **69**

LAND

Defined, **1(1), § 1:1**

LAND TITLES ACT

Application to lien, **76**

LEASE

See also LEASEHOLD INTEREST
 Effect of forfeiture or termination, **19(2)**
 enforcement requires notice to lien claimants, **19(3)**
 reinstatement of lease upon payment of unpaid rent, **19(4)**
 Order for completion of lease by trustee, **68(5)**
 Owner's interest as, **19(1)**
 Priority to proceeds, **84**

LEASEHOLD INTEREST

Generally, **19(1)**
 Written notice, **19(1)**
 criteria, **19(1)**
 O. Reg. 175 and, **19(1)**
 other types of written notice and, **19(1)**
 test, **19(1)**

LIEN

See also CLAIM FOR LIEN, PRIORITIES
 Assignment of rights, **73**
 Bootstrapping lien right, **31(3)(b)(i), § 31:9**
 Charge on holdbacks and additional debts, **21**
 Charge upon amount paid into court, **44(6), (7), § 44:9**

LIEN—Cont'd

Condominiums, **33**
 Creation of lien, **14(1), § 14:3**
 materials and service, **14(1), § 14:3**
 movable walls/furniture system, **14(1), § 14:3**
 lienable improvement, **14(1), § 14:3**
 onus as to what is lienable, **14(1), § 14:3**
 office work, **14(1), § 14:3**
 lienable interest and, **14(1), § 14:3**
 rental of tools, **14(1), § 14:3**
 lienable interest and, **14(1), § 14:3**
 when lien arises, **15**
 Crown's interest exempt, **16(1)**
 Direct payment to person having application of, **28**
 s. 28 and, **28**
 Discharge
 court's general power, **47(1)(a), § 47:3**
 general lien, **42**
 irrevocability, **48**
 registration of court order, **49**
 release, by, **41(1)**
 Enforcement where contract not completed, **72**
 Exaggerated claim, **35**
 Expiry
 corporate charter and, **31(2), § 31:3 to § 31:7**
 cancellation of, **31(2), § 31:3 to § 31:7**
 revival of, **31(2), § 31:3 to § 31:7**
 retroactivity and, **31(2), § 31:3 to § 31:7**
 declaration by court, **45 to 47**
 orders of court, **45(3), 46(3), (4), § 46:5, § 46:6**

LIEN—Cont'd

Expiry—Cont'd
 declaration of last supply, **31(5), § 31:12**
 requirements of declaration, **31(5)(a), (b), § 31:12**
 failure to perfect, **36(2)**
 failure to preserve, **31(1), § 31:2**
 of contractors' liens, **31(2), § 31:3 to § 31:7**
 for services or materials supplied before certification, **31(2)(a), § 31:4, § 31:5**
 for services or materials supplied where no certification, **31(2)(b), § 31:6, § 31:7**
 of liens, **31(1), § 31:2**
 of other persons, **31(3)(b)(i), § 31:9**
 for services or materials supplied before certification, **31(3)(a), § 31:8**
 for services or materials supplied where no certification, **31(3)(b), § 31:9, § 31:10**
 lien, **31(3)(b)(i), § 31:9**
 registration of, **31(3)(b)(i), § 31:9**
 timely preservation, **31(3)(b)(i), § 31:9**
 of separate liens when ongoing supply, **31(4), § 31:11**
 other rights not affected, **38**
 perfected lien, **37**
 motion required, **46, 37(2)**
 preserved lien, **36(2)**
 registration of court's declaration, **49**
 saving other rights, **38**
 time limit, **31(2), § 31:3 to § 31:7**
 incorporation and, **31(2), § 31:3 to § 31:7**
 interpretation of, **31(2), § 31:3 to § 31:7**

LIEN—Cont'd

- Expiry—Cont'd
 - time limit, **31(2)**, § **31:3** to § **31:7**
 - Cont'd
 - judicial discretion and, **31(2)**, § **31:3** to § **31:7**
 - liens and, **31(2)**, § **31:3** to § **31:7**
 - preserving and perfecting claim, **31(2)**, § **31:3** to § **31:7**
 - expiration, **31(2)**, § **31:3** to § **31:7**
- Expiry of preserved lien
 - corporation and, **37(1)**, § **31:2**
 - revived, **37(1)**, § **31:2**
 - time limits for preservation and perfection, **37(1)**, § **31:2**
 - generally, **36(2)**
 - issuance of action, **36(2)**
 - counting of days, **36(2)**
 - registration, **36(2)**
 - in accordance with statute, **36(2)**
- General lien
 - discharge, **42**
 - inapplicable to liens arising and expiring on lot-by-lot basis, **20(2)**
 - perfection, **36(5)**
 - lien, **36(3)**
 - excessive claim, **36(3)**
 - perfection, **36(3)**
 - commencement of an action and, **36(3)**
 - preservation of, **36(3)**
 - procedure, **36(3)**
 - amending statement of claim, **36(3)**
 - premises, on more than one, **20(1)**
 - preservation, **34(7)**
 - lien, **34(1)(b)**, § **34:3**
 - crown agents and, **34(1)(b)**, § **34:3**

LIEN—Cont'd

- General lien—Cont'd
 - preservation, **34(7)**—Cont'd
 - lien, **34(1)(b)**, § **34:3**—Cont'd
 - registration, **34(1)(b)**, § **34:3**
 - compliance with statute, **34(1)(b)**, § **34:3**
 - electronic, **34(1)(b)**, § **34:3**
 - procedure, **34(1)(b)**, § **34:3**
 - vacating of, **34(1)(b)**, § **34:3**
 - posting of security, **34(1)(b)**, § **34:3**
 - release against one or more premises, **74(2)**
 - sale of one or more premises, **74(1)**
 - subordination, **82**
 - vacating, **44(4)**
 - Interest on amount owed, **14(2)**, § **14:4**
 - Jurisdiction for claim, **50(1)**, § **50:2**
 - Labour and materials payment bond, **1(1)**
 - claimant, meaning of, and, **1(1)**
 - preservation of, **1(1)***
 - Limitation on value, **17(1)**, **2(2)**
 - liability of municipality, **17(4)**
 - See MUNICIPALITY
 - set-off, **17(3)**
 - Not lienable work, **31(3)(b)(i)**, § **31:9**
 - Notice of lien, withdrawal of, **41(2)**
 - Perfection
 - expiry of perfected lien, **37**
 - extended payment terms, **36(6)**
 - general lien, **36(5)**
 - how to perfect lien, **36(3)**
 - preservation necessary, **36(1)**
 - sheltering, **36(4)**
 - Postponement, **43**
 - Preservation
 - expiry where no perfection, **36(2)**
 - general lien, **34(7)**

LIEN—Cont'd

Preservation—Cont'd
how lien is preserved, **34(1), § 34:2, § 34:3**
lien claimant deemed purchaser, **76**
lien expires if not preserved, **31(1), § 31:2**
Right to lien, **14(2), § 14:4**
pure construction managers, **§ 14:3**
Single contract for more than one premises, **20(1)**
Supply of services, **31(3)(b)(i), § 31:9**
preparation for the work day as, **31(3)(b)(i), § 31:9**
site closure and, **31(3)(b)(i), § 31:9**
work done, **31(3)(b)(i), § 31:9**
Uniting claims of number of persons, **34(8), § 34:9**
Vacating
court's general power, **47**
expiry of perfected lien under, **37, 46**
expiry of time to preserve or perfect, **45**
payment into court, **44**
see also VACATING LIEN
registration of order, **49**
When arises, **15**

LIEN CLAIM ENFORCEABLE IN ACTION

Generally, **50(1), § 50:2**
Corporation charter, **50(1), § 50:2**
cancellation, **50(1), § 50:2**
revival, **50(1), § 50:2**
articles of revival, **50(1), § 50:2**
time limits and, **50(1), § 50:2**
Lien, **50(1), § 50:2**
claim, **50(1), § 50:2**
abeyance, **50(1), § 50:2**
OBCA s. 241(5) and, **50(1), § 50:2**

LIEN CLAIM ENFORCEABLE IN ACTION—Cont'd

Lien, **50(1), § 50:2**—Cont'd
costs of action, **50(1), § 50:2**
discharge, **50(1), § 50:2**

LIEN CLAIMANT

Death, **73**
Deemed purchaser, **76**
Defined, **1(1), § 1:13**
Information, right to, **39(1), 39(2)**
Multiple claimants, **50(3), § 50:4**
Representation in court, **67**

MANDATORY MEDIATION

Generally, **PD III**

MASTER, REFERENCE TO

General, **58**
Report, **62**

MATERIAL PAYMENT BOND

Generally, **69**

MATERIALS

Defined, **1(1), § 1:14**
Improvement, defined, **1(1), § 1:11**
Supply of, defined, **1(2), 1(3), § 1:24, § 1:25**

MINOR IRREGULARITIES

Failure to comply strictly with, **6, 32(2), 32(5), 33(1)**
Lien, **6**
overperfection, **6**
Lien claim, **6**
action seeking personal judgment for breach of contract, **6**
claim exceeding amount of, **6**
prejudice and, **6**
proper parties, **6**

MORTGAGE

See also MORTGAGEE
Defined, **1(1)**
Order for completion of mortgage by trustee, **68(5)**
Priorities, **78**

MORTGAGE—Cont'd

Security for lien claim, **80(2)**

MORTGAGE PROCEEDINGS

Designated counties for commencement of, **PD VI**

MORTGAGEE

See also MORTGAGE

Information

duty to provide, **39(2)**

right to, **39(1)**

MOTIONS

See PRACTICE

MUNICIPALITY

Defined, **1(1)**

Public street or highway

delivery of claim for lien, **34(3.1)**

improvements done at expense of others, **17(4)**

liability for payment, **17(4)**

lien constituting charge, **16(3)**

Railway right-of-way

copy of claim for lien to be given to office manager, **34(4)**

lien constituting charge, **16(3)**

NOTICE

Contractor under s. 18, to a, **Form 2**

Cross-examination of person verifying claim for lien under s.

40(3) of the act, **Form 16**

Intention to register under Condominium Act, 1998, **33.1(3)**,

Form 11

Postponement of lien under, **43**,

Form 20

Settlement meeting, **Form 34**

Trial, **Form 33**

NOTING IN DEFAULT

Generally, **54**

General, **54**

setting aside, **54**

test under s. 54 CLA, **54**

ONTARIO REGULATION

306/18—ADJUDICATIONS

Adjudicators

certificate of qualification, **ADJ 3**

requirements for holders of certificates, **ADJ 4**

suspension, cancellation of certificate, **ADJ 5**

Commencement, **ADJ 26**

Consolidation of adjudications, **ADJ 18**

Definitions, **ADJ 1**

Designation, **ADJ 2**

Determinations, **ADJ 22**

Documents, **ADJ 16.1**

disclosure, **ADJ 20**

Duties and powers

adjudicator registry, **ADJ 6**

annual report, **ADJ 13**

code of conduct, **ADJ 7**

expertise, **ADJ 12**

fee schedule, **ADJ 9**

Failure of adjudicator to complete, **ADJ 24**

Labour and material payment bonds, **ADJ 25**

Notice of adjudication, copy to authority, **ADJ 16**

Powers, **ADJ 20**

Responding to notice, **ADJ 17**

Unable to conduct adjudication, **ADJ 23**

failure of adjudicator to complete, **ADJ 24**

ONTARIO REGULATION

304/18—GENERAL

Alternative financing and procurement

surety bonds, **GR 3**

Commencement, **GR 16**

Definition, **GR 1**

Expiry, preservation and perfection of liens

certificate, declaration of substantial performance, **GR 9**

ONTARIO REGULATION

304/18—GENERAL—Cont'd

Expiry, preservation and perfection of liens—Cont'd

claim for lien copy given to crown office, **GR 11**

claim for lien copy given to municipal clerk, **GR 11.1**

notice of contract termination, **GR 8**

notice of intention to register condominium, **GR 10**

Forms, **GR 2**

Holdbacks

non-payment, **GR 7**

payment on annual basis, **GR 5**

payment on phased basis, **GR 6**

Nuclear facilities, non-application, **GR 13**

Prompt payment

notices of non-payment, **GR 4**

Surety bonds, application of s. 85.1, **GR 12**

OWNER

Defined, **1(1), § 1:15**

Personal liability, **23(2), 33.1(4)**

PARTIES

See PRACTICE

PAYER

Defined, **1(1), § 1:16**

Payments that may be made

where no written notice of lien received, **24(1)**

where subcontract certified complete, **25**

where written notice of lien received, **24(2)**

PAYMENT

See PROMPT PAYMENT

PAYMENT CERTIFIER

Certification of substantial performance, **32**

Defined, **1(1)**

PAYMENT CERTIFIER—Cont'd

Determination of whether subcontract completed, **33**

PERFECTION OF LIEN

See LIEN

PERFORMANCE OF CONTRACT

See SUBSTANTIAL PERFORMANCE

“PERSON HAVING A LIEN”

Defined, **1(1), § 1:17**

PLEADINGS

See also PRACTICE

Counterclaim

beyond limitation period, **67**

leave to amend, **53, 67**

need not be related to making of improvement, **55**

time for delivery, **53**

what defendant may do, **55**

Crossclaim

must be related to making of improvement, **55**

time for delivery, **53**

what defendant may do, **55**

Joinder of claims, **55**

Party noted in default, **54**

Statement of claim, **53**

Statement of defence

default in delivery, **54**

time for delivery, **54**

Third party claims, **56**

POSTPONEMENT OF CLAIM

General, **43**

Priority, **78(8)**

PRACTICE

See also ACTION and PLEADINGS

Adding parties, **57**

Appeals, **71**

procedure

appeal to Divisional Court, **71(1), § 71:3**

PRACTICE—Cont'd

Appeals, **71**—Cont'd
 procedure—Cont'd
 notice of appeal, **71(2)**, § **71:4**
 stated case and facts, **70(1)**,
 (2), § **71:3**, § **71:4**
 where no appeal, **71(3)**, § **71:5**
 Application for directions, **66**
 Applications and motions
 adjournments, **PD I G**
 Civil Practice Court, **PD I A**
 motions in writing, **PD I F**
 rules applicable to all, **PD I B**
 scheduling
 long application before judge,
 PD I D
 long motion before judge, **PD**
 I D
 motions before masters, **PD I**
 E
 short application before judge
 or master, **PD I C**
 short motion before judge or
 master, **PD I C**
 summary judgment motion
 before judge, **PD I D**
 urgent matter before judge, **PD**
 I D
 Appointment of trustee, **68(1)**
 Carriage of action, **59**
 Commencing action, **53**
 Completion of sale, orders for, **65**
 Consolidation of actions, **59**
 Costs, **86**
 Counterclaim
 need not be related to making of
 improvement, **55**
 time for delivery, **53**
 Court to dispose completely of
 action, **51**
 Courts of Justice Act applies, **67**
 Cross-examination on claim for
 lien, **40**
 Crossclaim
 must be related to making of
 improvement, **55**

PRACTICE—Cont'd

Crossclaim—Cont'd
 time for delivery, **53**
 Declaration that lien has expired
 court's general power, **47(1)(c)**,
 § **47:3**
 expiry of perfected lien under, **37**,
 46
 expiry of time to preserve or
 perfect, **45**
 Default judgment, **54**
 Discharging lien, court's general
 power, **47(1)(a)**, § **47:3**
 Dismissing action
 court's general power, **47(1)(d)**,
 § **47:3**
 where lien expires, **46**
 Extraordinary remedies, **68**
 application for appointment of
 trustee, **68(1)**
 powers of trustee, **68(2)**
 liens a charge on amounts
 recovered, **68(3)**
 orders for completion of sale,
 68(5)
 sale subject to encumbrances,
 68(4)
 Factual disclosure, **67**
 Interlocutory steps, **67**
 Joinder, **50(3)**, § **50:4**
 Judgment or report
 general, **62**
 personal judgment, **63**, **75**
 Jurisdiction
 court of competent jurisdiction,
 50(2), § **50:3**
 Ontario Court (General Divi-
 sion), **50(1)**, § **50:2**
 where exclusive jurisdiction not
 acquired, **52**
 Mandatory mediation, **PD III**
 Motions, procedure on, **67**
 Multiple lien claimants, **50(3)**,
 § **50:4**
 Notice of trial, **57**, **60**

PRACTICE—Cont'd

Parties to action, **57**
 Party noted in default, **54**
 Payment into court, **67**
 Reference to master, case management master or person agreed on by parties
 general, **58**
 report, **62**
 Regulations, Lieutenant Governor, **88**
 Representation of lien claimant in court, **67**
 Return of payment into court, **46(4)**, **§ 46:6**
 Rules of court apply, **67**
 Security for costs, **67**, **71(3)**, **§ 71:5**
 Service of documents, **87**
 Settlement meeting
 conduct of, **61**
 fixing date, **60**
 non-application of Rule 50, **61**
 notice, **60**
 power of court, **61**
 statement of settlement, **61**
 Stated case, **70**
 Statement of claim, **53**
 Summary character of proceedings, **67**
 Technical assistance to court, **67**
 Third party claims, **56**
 Trial date, fixing, **60**
 Trust claim, **50(2)**, **§ 50:3**
 Vacating lien, **44**

PREMISES

Defined, **1(1)**, **§ 1:18**
 “Interest in the,” defined, **1(1)**, **§ 1:12**
 Crown’s interest, **16(1)**, **(3)**
 joint interest, **18**
 other person’s interest, **16(2)**
 preservation of lien, **34(7)**

PRESERVATION OF LIEN

See LIEN

PRICE

Defined, **1(1)**, **§ 1:19**

PRIORITIES

Agreements affecting owner’s interest, **78**
 “Class”
 persons comprising, **79**
 priority, **80(1)**
 where conveyance or mortgage void, **80(2)**
 Conveyances, **78**
 where void, **80(2)**
 Disposition proceeds, **84**
 General creditors, **77**
 General liens, **82**
 Insolvency, **85**
 Insurance proceeds, **83**
 Lease, **84**
 Mortgages, **78**
 building, **78(2)**, **§ 78:4**
 financial guarantee bond, **78(10)**, **§ 78:9**
 general, **78(1)**, **§ 78:3**
 home buyers, **78(11)**
 saving provision, **78(9)**
 Postponement, **78(8)**
 Prior mortgages, prior advances, **78(3)**, **§ 78:5**
 Prior mortgages, subsequent advances, **78(4)**, **§ 78:6**
 Proceeds of sale, **84**
 Subsequent mortgages, general priority against, **78(6)**, **§ 78:8**
 Subsequent mortgages, special priority against, **78(5)**, **§ 78:7**
 Trustees appointed under Part IX, **78(7)**
 Worker
 device to defeat priority, **81(3)**
 forty days’ wages, **81(1)**
 trustee to trust fund is subrogated to rights of, **81(2)**

PROCEEDINGS

See PRACTICE

PROCEEDS OF SALE

- Perfected lienholder's right to share, **64**
- Preservation of lien, **34(7)**
- Priorities, **84**

PROMPT PAYMENT

- Definition, **6.1**
- Holdback, **6.2**
- Interest on late payments, **6.9**
- Invoice, **6.3(1)**
 - exception, **6.3(4)**
 - restriction on condition, **6.3(2)**
 - revisions, **6.3(5)**
- Late payments, interest, **6.9**
- Non-payment, reason, **6.7**
- Payment deadline, **6.4**
 - contractor to subcontractor, **6.5**
 - exception, **6.5(5), 6.5(6)**
 - non-payment, **6.5(4)**
 - partial payment, **6.5(2)**
 - payment deadline once received from owner, **6.5(8)**
 - timing of notice, **6.5(7)**
 - owner to contractor, **6.4(1)**
 - exception, **6.4(2)**
 - pay remaining amount, **6.4(3)**
 - subcontractor to subcontract, **6.6**
 - date invoice was given, **6.6(10)**
 - exception, **6.6(6), 6.6(7)**
 - non-payment, **6.6(4)**
 - partial payment, **6.6(2)**
 - payment deadline once received from contractor, **6.6(9)**
 - timing of notice, **6.6(8)**
- Proper Invoice, **6.1**
- Reason for non-payment, **6.7**
- Wages, **6.8**

RAILWAY RIGHT-OF-WAY

- Copy of claim for lien to be given to office manager, **34(4)**
- Lien constituting charge, **16(3)**
- Preservation of lien, **34(7)**

REDUCTION OF AMOUNT PAID INTO COURT

- Generally, **44(5), § 44:7**
- Holdback funds, **44(5), § 44:7**
 - release of, **44(5), § 44:7**
- Security, **44(5), § 44:7**
 - prorate share, **44(5), § 44:7**
 - reduction of, **44(5), § 44:7**

REFERENCE TO MASTER, CASE MANAGEMENT MASTER OR PERSON AGREED ON BY PARTIES

- Costs, **58(4)**
 - award of, **58(4)**
 - power of Master, **58(4)**
 - exceeding amount of claim, **58(4)**
 - full indemnity scale, **58(4)**
 - partial indemnity scale, **58(4)**
- General, **58**
- Holdback funds, **58(4)**
 - retention, **58(4)**
 - statutory obligation to retain, **58(4)**
- Report, **62**

REGISTRATION ON TITLE

- Court orders, **49**

REGISTRY ACT

- Application to lien, **76**

RELEASE

- Of lien under s. 41 of the act, **Form 19**

REPORTS

- Where the lien attaches to the premises, **62, Form 26**
- Where the lien does not attach to the premises, **62, Form 27**

REPRESENTATION BY AGENT

- Generally, **67**

RULES OF CIVIL PROCEDURE

- Application where not inconsistent, **67**

**RULES OF CIVIL PROCEDURE
—Cont'd**

Rule 50 not applying to action, **61**

**SALE OF INTEREST IN
PREMISES**

See also CONVEYANCES

Fees and disbursements, **65(3)**

General lien, continuation of, **74**

Orders for completion of sale, **65,**
68(5)

Proceeds

court's direction as to completion
of sale, **65(1)**

court's direction as to fees and
disbursements, **65(3)**

court's direction as to whom
proceeds paid, **65(4)**

deficiency, **65(5)**

payment into court, **65(2)**

perfected lienholder's right to
share, **64**

priorities, **84**

Subject to encumbrance that court
directs, **68(4)**

SECURITY

Bond posted under s. 44, **Form 21**

Effect of taking, **75**

Payment in place of lien, **44**

Return where action dismissed, **46**

SERVICE OF DOCUMENTS

Generally, **87**

General, **53**

extending time for service, **53**

statement of claim, **53**

amendment of, **53**

time limits, **53**

Services and materials, **53**

“SERVICES OR MATERIALS”

Defined, **1(1)**

SET OFF BY TRUSTEE

Generally, **12**

SET OFF BY TRUSTEE—Cont'd

Holdback, **12**

statutory, **12**

contractor's invoice exceeding,
12

Lien, **12**

written notice of, **12**

Payment, **12**

defined, **12**

set-off and, **12**

Set-off, **12**

record keeping and, **12**

SETTLEMENT MEETING

Conduct of, **61**

Fixing date, **60**

Notice, **60**

Statement of settlement, **61**

SHELTERING PRESERVED LIEN

Generally, **36(4)**

STATED CASE

Generally, **70**

STATEMENT OF CLAIM

See PLEADINGS

STATEMENT OF DEFENCE

See PLEADINGS

STATEMENT OF SETTLEMENT

Generally, **61**

Lien, **61**

discharge, **61**

perfection of, **61**

preservation, **61**

vacating of, **61**

STREET

Land dedicated to municipality,
17(4)

Lien constituting charge, **16(3)**

SUBCONTRACT

Abandonment or non-completion,
72

Certificate of completion, **33**

Defined, **1(1), § 1:20**

SUBCONTRACTOR

Agent for owner, deemed, **1(3), § 1:1**
Defined, **1(1), § 1:20**

SUBROGATION

Bankruptcy, **69**
Bonds, **69**
 payment, **69**
 labour and material, **69**
Improvident underwriting, **69**
Officers and director, **69**
Surety, **69**
Trustee of workers' trust fund, **81(2)**

SUBSTANTIAL PERFORMANCE

Certification and declaration, **32(1)**
 see also MINOR IRREGULARITIES, PAYMENT CERTIFIER
 contents of certificate, **32(2)**
 copies of certificates or declarations, **32(5)**
 liability for failure to furnish copy of certificate, **32(4)**
 liability for refusal to certify, **32(3)**
Defined, **2(1), (2)**
Of contract defined, **2(1)**
Of improvement, **2(2)**
Trust fund created by, **7(3), § 7:5**

“SUFFERS DAMAGES AS A RESULT”

Defined, **1(1)**

SUMMARY PROCEDURE

See also CROWN, CITE16
Generally, **67**

“SUPPLY OF SERVICES”

Defined, **1(1), § 1:21**
“Last supply,” **2(3)**
Lienable, **1(1), § 1:13**
Transportation of materials, **1(1), § 1:11**
Work done, **1(1), § 1:1**

THIRD PARTY CLAIMS

Court may give directions, **56**
Leave application, **56**
Third party may be added for purpose of claiming contribution or indemnity, **56**

TIME

For delivery of pleading, **54**
 claims, **54**
 R. 19.04(1)(a) Rules of Civil Procedure and time limits, **54**
 statement of claim and, **54**

TRUST FUNDS

See also TRUSTEE, WORKERS' TRUST FUND
Beneficiary's right to information, **39(1), (2)**
Breach of trust
 contribution or indemnity, **13(4)**
 corporations, **13(1), (2), § 13:3, § 13:4**
 joint and several liability, **13(3), § 13:5**
 liability of corporations, **13(1), (2), § 13:3, § 13:4**
Claim not to be joined with lien claim, **50(2), § 50:3**
Coverage limit, **12.1**
Created by
 amounts payable, **7(2), § 7:4**
 substantial performance, **7(3), § 7:5**
Insolvency, priorities on, **85**
Payments by trustee
 discharging loan, **11(2)**
 non-trust monies, **11(1)**
 person owed for improvement, **10**
 set-off for debts, claims or damages, **12**
 trusts created
 see also TRUSTEE

TRUST FUNDS—Cont’d

Payments by trustee—Cont’d
 trusts created—Cont’d
 contractor’s and
 subcontractor’s trust,
 8(1), § 8:5
 see also TRUSTEE
 owner’s trust, **7(1), § 7:3**
 vendor’s trust, **9(1)**
 see also TRUSTEE
 Workers’ trust fund, right to information, **39(3)**

TRUSTEE

Appointment, **68(1)**
 Liens a charge on amounts recovered, **68(3)**
 Obligations
 under contractor’s and
 subcontractor’s trust, **8(2), § 8:6**
 under owner’s trust, **7(4), § 7:6**
 under vendor’s trust, **9(2)**
 Powers, **68(2)**
 Priority, **78(7)**

TRUSTS

Generally, **7**
 Amounts certified as payable, **7(2), § 7:4**
 owners assets, **7(2), § 7:4**
 sales proceeds, **7(2), § 7:4**
 Asset sale, **7(2), § 7:4**
 General operating revenues, **7(1), § 7:3**
 Gross proceeds of sale, **7(2), § 7:4**
 Net proceeds of sale, **7(2), § 7:4**
 Operating account, **7(2), § 7:4**
 intention, **7(2), § 7:4**
 Secured creditors, **7(2), § 7:4**
 Trust monies and, **7(2), § 7:4**

VACATING LIEN

Court order where lien expires, **45**

VACATING LIEN—Cont’d

Payment into court, without notice, **44(1), § 44:3, § 44:4**
 jurisdiction, **44**
 court, **44**
 payment of holdback into court, **44**
 Payment into court of reasonable amount, **44(2), § 44:5**
 Procedure
 consolidation of motions, **44(8)**
 ex parte proceedings, **44(2), § 44:5**
 rules govern, **44(9), § 44:10, § 44:11**
 Reduction of amount paid into court, **44(5), § 44:7**
 Security, posting, **44**
 Where general lien, **44(4)**
 Where lien does not attach to premises, **44(3), § 44:6**

VENDOR’S TRUST

Generally, **9(1)**
 General security interest, **9(1)**
 Leasehold interest, **9(1)**
 lien claimants and, **9(1)**
 Owner’s assets, **9(1)**
 court approval, **9(1)**
 Sale proceeds, **9(1)**
 definition, **9(1)(a)**
 gross, **9(1)**
 net, **9(1)**
 Secured creditors, **9(1)**
 consent to sell, **9(1)**
 Trust fund, **9(1)**
 defined, **9(1)**

WAGES

Defined, **1(1), § 1:22**

WAIVER OF RIGHTS UNDER ACT

Generally, **4**
 Holdback, **4**

**WAIVER OF RIGHTS UNDER
ACT—Cont'd**

Holdback liability, **4**
estoppel and, **4**

WORKER

Defined, **1(1)**
Device to defeat priority, **81(3)**
Priority of lien, **81(1)**
 registration of, **81**
 timely preservation, **81**
Supply of services, **81**
 preparation for the work day as,
 81

WORKER—Cont'd

Supply of services, **81—Cont'd**
 site closure and, **81**
 work done, **81**

WORKERS' TRUST FUND

Defined, **1(1)**
Subrogation to rights of worker,
 81(2)

“WRITTEN NOTICE OF A LIEN”

Defined, **1(1), § 1:23**
Written Notice of Lien under s.
 1(1), **Form 1**