## **INDEX**

```
Alberta
Builders' Lien Act
   compared to Public Works Act, 44-49
   Crown not bound, 7
case law, 49-56
generally, 1
Public Works Act
   compared to Builders' Lien Act, 44-49
      case law, 55-56
   contracts and tenders, 9-15
      case law, 49-50
   Crown bound, 7
   definitions, 8
      case law, 49
   expropriation, 38-41
      case law, 54-55
   forms, 59-65
   generally, 7-8
   payment of claimants
      case law, 50-54
      claimants entitled to receive payment, 25-29
      generally, 15-17
      information needed for claim, 20-21
      s. 14(1) — protocol for becoming claimant, 17-19
      s. 14(2), (3) — time limits, 19-20
      s. 15 — payment, 23-25
      s. 15(4) — steps after funds paid into court, 30
      s. 15(5) — priority status of claimants, 30-33
      whether project falls under Act, 33-38
      whether project is highway or road, 21-23
   process for submitting claim, 7-8
   Public Works Development Areas, 41-43
      case law, 55
   ss. 31-34, 43-44
   statutes referring to Act, 56-58
British Columbia
Builders' Lien Act
   Crown bound but sale of Crown land not available, 3-4
   holdback, builder's lien as charge against, 4-6
generally, 1
Public Works Agreement Act, 6
Builders' Lien Act (Alta.), 7-8, 19, 22, 23, 24, 27, 30, 36, 46, 47-49
Builders' Lien Act (B.C.), 3-6
```

## 146 CONSTRUCTION & BUILDERS' LIENS ON CROWN LANDS

Builders' Lien Act (N.S.), 109-110 Builders' Lien Act (Yuk.), 133-134 Canadian approach, generally, 1-2 Civil Code of Québec, 99-100 claims against Crown, summary, 139-143 Construction Act (Ont.), 93-95, 98 construction hypothec, 99-103 Crown Construction Contracts Act (N.B.), 119-131 Crown Proceedings Act (P.E.I.), 112-114, 116, 117 legal hypothec, 99-103 Manitoba generally, 1 The Builders' Lien Act Crown bound, 83 The Infrastructure Contracts Disbursement Act generally, 88-92 text of legislation, 83-88 The Public Works Act, 92 Mechanics' Lien Act (N.B.), 119 Mechanics' Lien Act (Nfld. & Lab.), 105-106 Mechanics Lien Act (N.W.T.), 135-136 Mechanics Lien Act (Nun.), 137 Mechanics' Lien Act (P.E.I.), 111-118 Ministry of Transportation and Communications Creditors Payment Act (Ont.), 96-98 New Brunswick Crown Construction Contracts Act application to project, 129-131 claimant rights, 127-129

application to project, 129-131 claimant rights, 127-129 General Regulation, 124-126 purpose, 119, 127 text of legislation, 119-124

generally, 1, 126

Mechanics' Lien Act
Crown not bound, 119

Newfoundland and Labrador

generally, 1, 108

Mechanics' Lien Act case law, 106-108 INDEX 147

```
Crown not bound, 105
   s. 12 - holdback required, 105-106
   s. 22(5) — notice of claim, 106
Works, Services and Transportation Act, 108
Northwest Territories
generally, 1
Mechanics Lien Act, 133-134
   Crown not bound, 133
Nova Scotia
Builders' Lien Act
   case law, 110
   Crown bound, 109
   s. 3 — notice of lien against Crown, 109
   s. 6 — requirements for valid lien claim, 109
generally, 1
Nunavut
generally, 1
Mechanics Lien Act, 137
   Crown not bound, 137
Ontario
Construction Act
   Crown bound, 93
   General regulation, where claim to be given, 94
   s. 16 — lien as charge against holdback, 93
   s. 34 — notice of lien, 93-94, 95
   s. 87 — documents given, 94
generally, 1
Ministry of Transportation and Communications Creditors Payment Act, 96-98
Public Works Creditors Payment Act, 95-96
Prince Edward Island
case law, 113-118
Crown Proceedings Act, 112-113
generally, 1
Mechanics' Lien Act
   Crown bound, 111
   Crown lands and forced sale, 111, 117
   holdback, 116, 117
Public Works Act, 111, 118
Public Works Act (Alta.)
compared to Builders' Lien Act, 44-49
```

## 148 CONSTRUCTION & BUILDERS' LIENS ON CROWN LANDS

```
generally, 7-44
Public Works Act (P.E.I.), 111, 118
Public Works Agreement Act (B.C.), 6
Public Works Creditors Payment Act (Ont.), 95-96
Quebec
Civil Code of Québec
   case law, 100-103
   construction hypothec, 99-100
generally, 2
Saskatchewan
generally, 1
The Builders' Lien Act
   Crown bound, 67
   s. 5, 67-72
   s. 26 — liens do not attach to lands, 72-73
   s. 33 — lien as charge against holdback, 73
   s. 59 — discharge of erroneously registered lien, 73-74
The Public Works and Services Act, 74
The Public Works Creditors' Payment Act, 74-82
The Builders' Lien Act (Man.), 83-85, 91, 92
The Builders' Lien Act (Sask.), 67-74, 77
The Infrastructure Contracts Disbursement Act (Man.), 83-92
The Public Works Act (Man.), 92
The Public Works and Services Act (Sask.), 74
The Public Works Creditors' Payment Act (Sask.), 74-82
Works, Services and Transportation Act (Nfld. & Lab.), 108
Yukon
Builders Lien Act, 133-134
Crown corporations bound, 134
Crown not bound, 134
generally, 1
```