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 *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

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