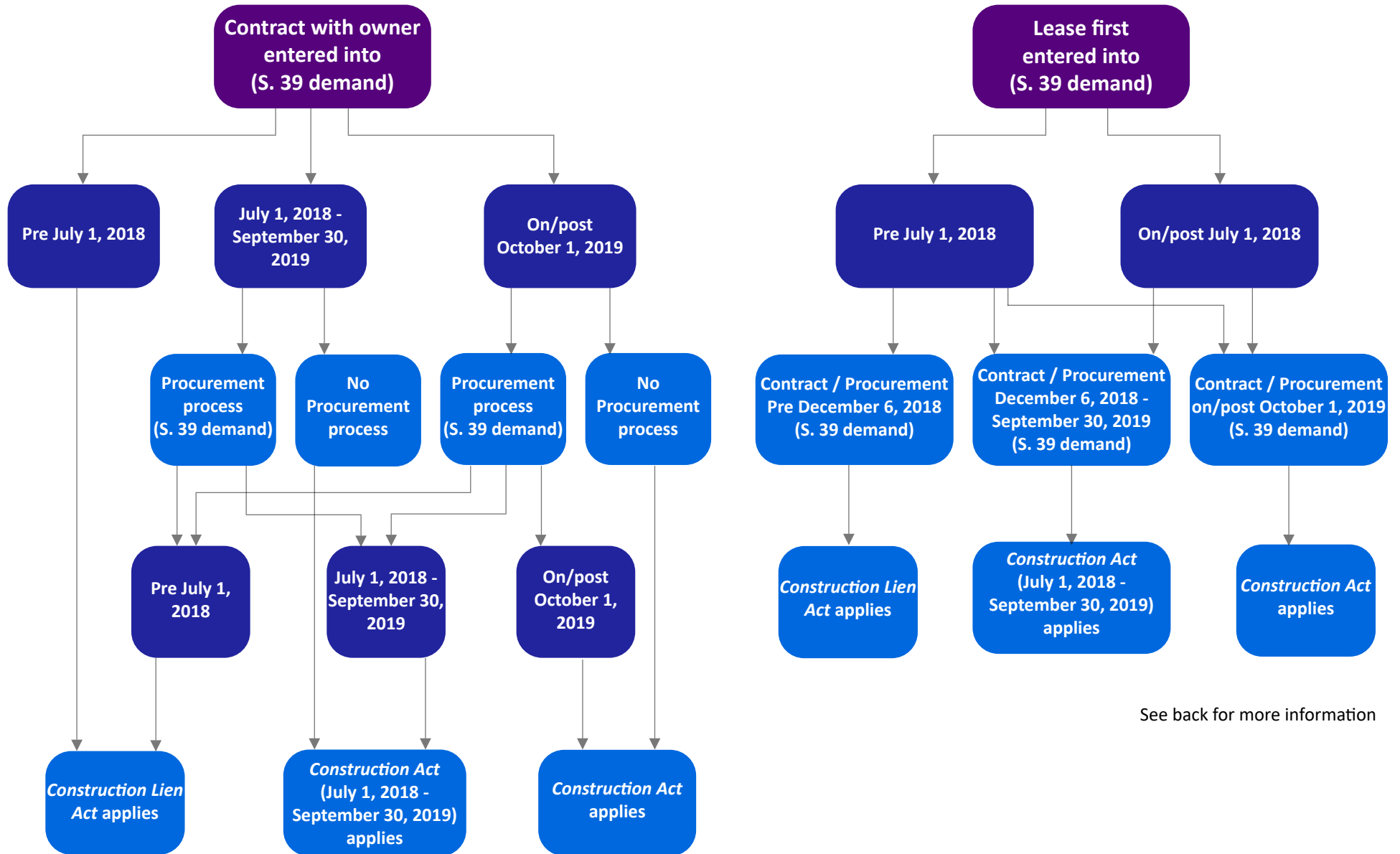


# Liensing a Project: Which Act Applies?



See back for more information

A **procurement process** is commenced on the earliest of the making of,

- (a) a request for qualifications;
- (b) a request for quotation;
- (c) a request for proposals; or
- (d) a call for tenders.

“Contract” and “procurement process” are in respect of “improvement”, which is a defined term in the Act.

Note the exception with respect to liening municipal interests in premises (s. 87.3(3)).

### ***Construction Lien Act (pre July 1, 2018)***

- Preserving contractor’s lien (s. 31): 45-day period next following the earlier of,
  - (i) the date on which the certificate or declaration of substantial performance of the contract is published, and
  - (ii) the date the contract is completed or abandoned.
- Perfecting contractor’s lien (s. 36): 45-day period next following the last day under s. 31.

### ***Construction Act (July 1, 2018 – September 30, 2019)***

- Preserving contractor’s lien (s. 31): 60-day period next following the earlier of,
  - (i) the date on which the certificate or declaration of substantial performance of the contract is published, and
  - (ii) the date the contract is completed, abandoned or terminated.
- Perfecting contractor’s lien (s. 36): 90-day period next following the last day under s. 31.

### ***Construction Act (October 1, 2019 onwards)***

- Preserving contractor’s lien (s. 31): 60-day period next following the earlier of,
  - (i) the date on which the certificate or declaration of substantial performance of the contract is published, and
  - (ii) the date the contract is completed, abandoned or terminated.
- Perfecting contractor’s lien (s. 36): 90-day period next following the last day under s. 31.
- Adjudication (s. 34(10)): If the matter that is the subject of a lien that has not expired is also a matter that is the subject of an adjudication, the lien is deemed to have expired on the later of the date on which the lien would expire under s. 31 and the conclusion of the 45-day period next following the receipt by the adjudicator of documents under s. 13.11.

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