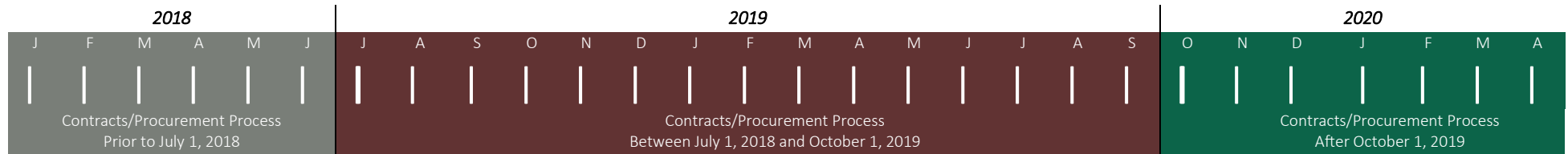


# CHANGES TO THE CONSTRUCTION ACT

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## When was the “prime” contract entered into or procurement process started?

Before July 1, 2018, between July 1, 2018, or after October 1, 2019



## What provisions apply?

Deadline for preserving liens (registration)	45 days	60 days	60 days
Deadline for perfecting liens (commencement of Action)	45 days	90 days	90 days
Liensing a leasehold improvement	Lien attaches to the lease	Lien attaches to 10% of the payment/ inducement by the Landlord for the fit ups	Lien attaches to 10% of the payment/ inducement by the Landlord for the fit ups
Written notice of lien	Served in any Manner in any Form	Served personally (or alternative to personal service) in prescribed form	Served personally (or alternative to personal service) in prescribed form
Substantial performance financial threshold	\$500,000	\$1,000,000	\$1,000,000
Security for costs to be posted when vacating a lien	Maximum \$50,000	Maximum \$250,000	Maximum \$250,000
Release of holdback	Not mandatory	Mandatory	Mandatory
Notice of non-payment of holdback	N/A	Notice in prescribed form to be sent and published	Notice in prescribed form to be sent and published
Optional timing of release of holdback	N/A	Annual or phased basis if agreed in the contract, which contract is in excess of \$10M	Annual or phased basis if agreed in the contract, which contract is in excess of \$10M
Labour and material payment bonds	Optional	Mandatory on all public contracts over \$500k	Mandatory on all public contracts over \$500k
Performance bonds	Optional	Mandatory on all public contracts over \$500k	Mandatory on all public contracts over \$500k
Payment deadline – owner to contractor	N/A	N/A	28 days after receipt of “proper invoice”*
Payment deadline – paid contractor to subcontractor	N/A	N/A	7 days after receipt of payment from Owner*
Payment deadline – paid subcontractor to sub-subcontractor	N/A	N/A	7 days after receipt of payment from Contractor*
Deadline for Notice of Non-Payment – owner to contractor	N/A	N/A	14 days after receipt of “proper invoice”*
Deadline for Notice of Non-Payment – contractor to subcontractor	N/A	N/A	7 days after receipt of Notice of Non-Payment from Owner*
Adjudication	N/A	N/A	Available*

# Prompt Payment and Adjudication Timeline

