

Key Differences Between the *Builders' Lien Act* and the *Mechanics Lien Act*:

| Builder's Lien Act: | Mechanic's Lien Act: |
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| <p>For contractors, subcontractors, or suppliers of materials or machinery, the builders' lien must be registered within 60 days of one of the triggering events under s.36 of the Act.</p> <p>All filings must be accompanied and verified by an affidavit verifying the claim.</p> <p>Form Builders' Lien (includes Affidavit Verifying Claim)</p> | <p>For contractors, subcontractors, or suppliers of materials or machinery, the claim of lien must be registered within 45 days after completion, termination, or abandonment.</p> <p>For wage claims, a claim of lien must be filed within 45 days of the last day of labour.</p> <p>All filings must be accompanied and verified by an affidavit verifying the claim.</p> <p>Form Claim of Lien (standard) Form Claim of Lien (wages) Form Claim of Lien (wages where there are several claimants) Form Affidavit Verifying Claim</p> |
| <p>Land Titles Office does not evaluate the timeliness of preserving the claim.</p> <p>It will be for the Court to decide if the 60-day filing requirement has been met.</p> | <p>Land Titles Office evaluates the timeliness of claim to determine if the 45-day filing requirement has been met.</p> |
| <p>Register a certificate of pending litigation (if necessary) within 90 days after the 60-day lien period has expired.</p> <p>Form Certificate of Pending Litigation (Lis Pendens)</p> | <p>Register a certificate of pending litigation (if necessary) within 45-90 days or lien expires.</p> <p>Form Certificate of Pending Litigation (Lis Pendens)</p> |
| <p>Once payment is made by the owner or court, the lien may be discharged provided it has not already expired.</p> | <p>Once payment is made by the owner or court, the lien may be discharged provided it has not already expired.</p> |

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| <p>All discharges must be accompanied and verified by an affidavit confirming the discharge.</p> <p>The Court might order a discharge either through a court application or following a trial.</p> <p>Form Builders' Lien (includes Affidavit Verifying Claim)</p> | <p>All discharges must be accompanied and verified by an affidavit confirming the discharge.</p> <p>Form Discharge of Claim of Lien Form Affidavit Verifying Claim</p> |
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