



## INSTRUCTIONS

### CLAIM OF LIEN (*Mechanics Lien Act*)

***NOTE: These instructions are provided for assistance only. They are not intended to address every type of lien, nor do they constitute legal advice. Real property (land) transactions are, by their nature, important legal transactions and should be entered into with professional advice and assistance. The lien form provided on the web site is for the most common type of lien where there is only one lien claimant (individual or corporation) and the claim is for work done, or for the supply of materials or equipment (not for wages). It should be noted that a claim of lien is valid for a limited period of time, and will expire unless proceedings are commenced under the Mechanics Lien Act to realize the claim of lien, and a certificate of those proceedings is registered in the Land Titles Office.***

**“I (We),”**

State the full name of the person or corporation claiming the lien.

**“of”**

State the full mailing address, including postal code, of the person or corporation claiming the lien.

**“(if so, an assignee of)”**

If the lien has been assigned, the name and address of the original lien holder must be provided.

**“on the estate of”**

State the full name and mailing address of the owner of the land on which the lien is claimed.

**“work done”**

Provide a short description of the work done or materials or machinery furnished, for which the lien is claimed.

**“for”**

State the full name and mailing address of the person on whose credit the work was done or for whom the materials or machinery were furnished.

**“on or before”**

Enter the applicable date. The claim of lien must be registered:

- (a) in the case of a lien in favour of a contractor, before or during the progress of the work done under the contract, or within 45 days after the day the contract is completed, terminated or abandoned;
- (b) in the case of a lien in favour of a sub-contractor, before or during the progress of the work done under the sub-contract, or within 45 days after the day the sub-contract is completed, terminated or abandoned;
- (c) in the case of a lien for materials, before or during the furnishing of the materials, or within 45 days after the day that the last of the materials is furnished or the contract to furnish the materials is terminated or abandoned; or
- (d) in the case of a lien for the supplying or placing of machinery, before or during the supplying or placing of the machinery, or within 45 days after the day that
  - (i) the last of the machinery is supplied or placed; or
  - (ii) the contract to supply or place the machinery is terminated or abandoned.

**“amount claimed”**

The amount of the lien being claimed.

**“the land to be charged”**

The complete legal description of the land against which the lien is to be registered must be provided.

**“ period of credit”**

If credit has been extended to the person against whom the lien is claimed, this statement should be inserted in the claim of lien and the date of expiration of the credit must be completed. The time after which the lien will cease to exist, unless proceedings are commenced to realize the claim of lien, may depend upon the time period for which credit has been given. If credit has not been extended, this statement should be deleted.

**Signing the claim of lien**

The claim of lien must be dated and signed by the person or corporation claiming the lien, their agent, or if the claim of lien has been assigned, by the assignee.

**Affidavit Verifying Claim**

This must be sworn by the claimant (or agent or assignee) that signed the claim of lien, and it must be sworn in front of a person authorized to take oaths for use in the Northwest Territories.