



INSTRUCTIONS

CLAIM FOR LIEN – Form 10 (*Builders' Lien Act Regulations*)

Form 10 (Claim for Lien) of the *Builders' Lien Act*, which includes the Affidavit verifying claim, is used to file a Builders' Lien at the Land Titles Office in Yellowknife, Northwest Territories.

Important Notice:

- A court action must be started within a strict timeline after the lien is registered
- A lawyer may not be able to salvage a claim that was improperly drafted.
- Engaging a lawyer from the outset can help ensure your lien is valid and enforceable.

Key filing deadlines:

- File within 60 days from whatever the triggering event is under s.36 of the Act – to file your lien at the Land Titles Office.
- File within 90 days after the 60-day lien period ends or within 150 days of a triggering event – to file a Statement of Claim at the Courthouse and a Certificate of Pending Litigation (Lis Pendens) at the Land Titles Office.

General guidelines to preserve and perfect your lien:

- File the lien well before the 60-day filing period to allow for any corrections if needed to meet the 60-day deadline.
- File the Statement of Claim and obtain a Certificate of Pending Litigation (Lis Pendens) within 150 days of the triggering event.
- Land Titles Office does not guarantee if your filing meets the filing deadline – it is the responsibility of the claimant to ensure timelines are met.
- Late filings may result in the lien being discharged by the Court.

It is strongly recommended to retain a lawyer to file a builders' lien and manage any related proceedings. The *Builders' Lien Act* imposes strict timelines and missing these deadlines could render the lien invalid and prevent its registration against the property. These processes are

complex, and if not completed correctly, may result in the lien being discharged or dismissed by the Court.

Please see the Builders' Lien Act and regulations for more information.

The following is with regards to Form 10 or the Claim for Lien form under the *Builders' Lien Act*:

“Name of lien claimant,”

State the full name of the person or corporation claiming the lien. In the case of a claim on behalf of a worker by a workers' trust fund, state the name of the trustee.

“Address for Service”

State the full mailing address, including postal code, of the person or corporation claiming the lien. The Rules of the Supreme Court do apply to proceedings. The Rules of the Supreme Court say "address for service" means the street and mailing address of a residence or of an office or other place of business in the Northwest Territories;

“Name of owner”

State the full name of the owner of the land on which the lien is claimed. This should match the name on title of the property at the Land Titles office.

“ Name of person to whom lien claimant supplied services or materials”

This could be a person or a Corporation. As the person filing might be a sub-contractor, it could be the contractor (it is not necessarily the owner).

“Address”

This should be the address of the person (which could be a Corporation) directly above.

“Time within services or materials were supplied:”

Enter the applicable dates. The date of most recent supply is the most important here and is also a possible s. 36 triggering event..

“Short description of services or materials that have been supplied:”

This should be the services or materials pertaining to the above.

“Amount claimed as owing in respect of services or materials that have been supplied:”

This is the total amount that is being claimed for both services and/or materials supplied (including GST and all charges)

“Description of premises sufficient for registration under the *Land Titles Act*”

This should be a legal description. If they choose to also put a physical address, that is fine, but we need the legal description at the Land Titles office.

Date: (self-explanatory– should be month, day and year)

Signature of claimant or agent: 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 or other person authorized under section 65 of the *Evidence Act*.