

1990

c 17 Construction Lien Amendment Act, 1990

Ontario

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Bibliographic Citation

Construction Lien Amendment Act, 1990, SO 1990, c 17

Repository Citation

Ontario (1990) "c 17 Construction Lien Amendment Act, 1990," *Ontario: Annual Statutes*: Vol. 1990, Article 19.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1990/iss1/19

CHAPTER 17

An Act to amend the Construction Lien Act, 1983*Assented to June 28th, 1990*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of the *Construction Lien Act, 1983* is repealed and the following substituted: 1983, c. 6

23.—(1) Subject to subsections (2), (3) and (4), an owner is personally liable for holdbacks that the owner is required to retain under this Part to those lien claimants who have valid liens against the owner's interest in the premises. Personal liability of owner

(2) Where the defaulting payer is the contractor, the owner's personal liability to a lien claimant or to a class of lien claimants as defined by section 81 does not exceed the holdbacks the owner is required to retain. Limitation

(3) Where the defaulting payer is a subcontractor, the owner's personal liability to a lien claimant or to a class of lien claimants as defined by section 81 does not exceed the lesser of, Idem

(a) the holdbacks the owner is required to retain; and

(b) the holdbacks required to be retained by the contractor or a subcontractor from the lien claimant's defaulting payer.

(4) The personal liability of an owner under this section may only be determined by an action under this Act. How determined

2. Section 1 does not affect the rights acquired by any person from a judgment or order of any court before this Act receives Royal Assent. Saving

Commence-
ment

3. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

4. The short title of this Act is the *Construction Lien Amendment Act, 1990*.