CHAPTER 261
Mechanics' Lien Act

1.—(1) In this Act,

(a) "completion of the contract" means substantial performance, not necessarily total performance, of the contract;

(b) "contractor" means a person contracting with or employed directly by the owner or his agent for the doing of work or the placing or furnishing of materials for any of the purposes mentioned in this Act;

(c) "Crown" includes Crown agencies to which the Crown Agency Act applies; R.S.O. 1980, c. 106

(d) "estate or interest in land" includes a statutory right given or reserved to the Crown to enter any lands or premises of any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any such lands or premises;

(e) "materials" includes every kind of movable property;

(f) "owner" includes any person and corporation, including the Crown, a municipal corporation and a railway company, having any estate or interest in the land upon which or in respect of which work is done or materials are placed or furnished, at whose request, and

(i) upon whose credit, or

(ii) on whose behalf, or

(iii) with whose privity or consent, or

(iv) for whose direct benefit,

work is done or materials are placed or furnished and all persons claiming under him or it whose rights are acquired after the work in respect of which the lien is claimed is commenced or the materials placed
or furnished have been commenced to be placed or furnished;

(g) "public work" means the property of the Crown and includes land in which the Crown has an estate or interest, and also includes all works and properties acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of the Crown, or for the acquisition, construction, repairing, equipping, extending, enlarging or improving of which any public money is appropriated by the Legislature, but not any work for which money is appropriated as a subsidy only;

(h) "subcontractor" means a person not contracting with or employed directly by the owner or his agent for any of the purposes mentioned in this Act, but contracting with or employed by a contractor or, under him, by another subcontractor;

(i) "wages" means the money earned by a workman for work done by time or as piece work, and includes all monetary supplementary benefits, whether by statute, contract or collective bargaining agreement;

(j) "workman" means a person employed for wages in any kind of labour, whether employed under a contract of service or not. R.S.O. 1970, c. 267, s. 1 (1); 1975, c. 43, s. 1, revised.

(2) In this Act, the expression "the doing of work" includes the performance of a service, and corresponding expressions have corresponding meanings.

(3) For the purposes of this Act, a contract shall be deemed to be substantially performed,

(a) when the work or a substantial part thereof is ready for use or is being used for the purpose intended; and

(b) when the work to be done under the contract is capable of completion or correction at a cost of not more than,
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(i) 3 per cent of the first $250,000 of the contract price,

(ii) 2 per cent of the next $250,000 of the contract price, and

(iii) 1 per cent of the balance of the contract price.

(4) For the purpose of this Act, where the work or a substantial part thereof is ready for use or is being used for the purpose intended and where the work cannot be completed expeditiously for reasons beyond the control of the contractor, the value of the work to be completed shall be deducted from the contract price in determining substantial performance. R.S.O. 1970, c. 267, s. 1 (2-4).

2.—(1) Subject to subsection 6 (2), this Act binds the Crown but does not apply in respect of work under a contract as defined in the Ministry of Transportation and Communications Creditors Payment Act and to which that Act applies.

(2) Section 7 of the Proceedings Against the Crown Act does not apply in respect of proceedings against the Crown under this Act. 1975, c. 43, s. 2.

GENERAL

3.—(1) All sums received by a builder, contractor or subcontractor on account of the contract price constitute a trust fund in his hands for the benefit of the owner, builder, contractor, subcontractor, Workmen's Compensation Board, workmen, and persons who have supplied materials on account of the contract or who have rented equipment to be used on the contract site, and the builder, contractor or subcontractor, as the case may be, is the trustee of all such sums so received by him and he shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust until all workmen and all persons who have supplied materials on the contract or who have rented equipment to be used on the contract site and all subcontractors are paid for work done or materials supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto.

(2) Notwithstanding subsection (1), where a builder, contractor or subcontractor has paid in whole or in part for any materials supplied on account of the contract or for any rented equipment or has paid any workman who has performed any work or any subcontractor who has placed or
furnished any materials in respect of the contract, the retention by such builder, contractor or subcontractor of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust.

(3) Where a sum becomes payable under a contract to a contractor by an owner on the certificate of a person authorized under the contract to make such a certificate, an amount equal to the sum so certified that is in the owner’s hands or received by him at any time thereafter shall, until paid to the contractor, constitute a trust fund in the owner’s hands for the benefit of the contractor, subcontractor, Workmen’s Compensation Board, workmen, and persons who have supplied materials on account of the contract or who have rented equipment to be used on the contract site, and the owner shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust until all workmen and all persons who have supplied materials on the contract or who have rented equipment to be used on the contract site and all contractors and subcontractors are paid for work done or materials supplied on the contract and the Workmen’s Compensation Board is paid any assessment with respect thereto. R.S.O. 1970, c. 267, s. 2 (1-3).

(4) All sums received by an owner, other than the Crown, a municipality as defined in the Municipal Affairs Act or a metropolitan or regional municipality or a local board thereof, which are to be used in the financing, including the purchase price of the land and the payment of prior encumbrances, of a building, structure or work, constitute, subject to the payment of the purchase price of the land and prior encumbrances, a trust fund in the hands of the owner for the benefit of the persons mentioned in subsection (1), and, until the claims of all such persons have been paid, the owner shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust. R.S.O. 1970, c. 267, s. 2 (4); 1972, c. 1, s. 104 (5); 1975, c. 43, s. 3.

(5) Notwithstanding subsection (4), where an owner has himself paid in whole or in part for any work done, for any materials placed or furnished or for any rented equipment, the retention by him from any moneys received from the lender under subsection (4) of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust.

(6) Notwithstanding anything in this section, where money is lent to a person upon whom a trust is imposed by this
section and is used by him to pay in whole or in part for any work done, for any materials placed or furnished or for any rented equipment, trust moneys may be applied to discharge the loan to the extent that the lender's money was so used by the trustee, and any sum so applied shall be deemed not to be an appropriation or conversion to the trustee's own use or to any use not authorized by the trust.

(7) Every person upon whom a trust is imposed by this section who knowingly appropriates or converts any part of any trust moneys referred to in subsection (1), (3) or (4) to his own use or to any use not authorized by the trust is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than two years, or to both, and every director or officer of a corporation who knowingly assents to or acquiesces in any such offence by the corporation is guilty of such offence, in addition to the corporation, and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 267, s. 2 (5-7).

4. No action to assert any claim to trust moneys referred to in section 3 shall be commenced against a lender of money to a person upon whom a trust is imposed by that section except,

(a) in the case of a claim by a contractor or subcontractor in cases not provided for in clauses (b), (c) and (d), within nine months after the completion or abandonment of the contract or subcontract;

(b) in the case of a claim for materials, within nine months after the placing or furnishing of the last material;

(c) in the case of a claim for services, within nine months after the completion of the service; or

(d) in the case of a claim for wages, within nine months after the last work was done for which the claim is made. R.S.O. 1970, c. 267, s. 3.

5.—(1) Every agreement, oral or written, express or implied, on the part of any workman that this Act does not apply to him or that the remedies provided by it are not available for his benefit is void.

(2) Subsection (1) does not apply.
(a) to a manager, officer or foreman; or

(b) to any person whose wages are more than $50 a day.

(3) No agreement deprives any person otherwise entitled to a lien under this Act, who is not a party to the agreement, of the benefit of the lien, but it attaches, notwithstanding such agreement. R.S.O. 1970, c. 267, s. 4.

CREATION OF LIENS

6.—(1) Unless he signs an express agreement to the contrary and in that case subject to section 5, any person who does any work upon or in respect of, or places or furnishes any materials to be used in, the making, constructing, erecting, fitting, altering, improving or repairing of any land, building, structure or works or the appurtenances to any of them for any owner, contractor or subcontractor by virtue thereof has a lien for the price of the work or materials upon the estate or interest of the owner in the land, building, structure or works and appurtenances and the land occupied thereby or enjoyed therewith, or upon or in respect of which the work is done, or upon which the materials are placed or furnished to be used, limited, however, in amount to the sum justly due to the person entitled to the lien and to the sum justly owing, except as herein provided, by the owner, and the placing or furnishing of the materials to be used upon the land or such other place in the immediate vicinity of the land designated by the owner or his agent is good and sufficient delivery for the purpose of this Act, but delivery on the designated land does not make such land subject to a lien. R.S.O. 1970, c. 267, s. 5 (1).

(2) Where the land or premises upon or in respect of which any work is done or materials are placed or furnished is,

(a) a public street or highway owned by a municipality; or

(b) a public work,

the lien given by subsection (1) does not in any event attach to such land or premises but shall instead constitute a charge on amounts directed to be retained by section 12, and the provisions of this Act shall be construed, with necessary modifications, to have effect without requiring the registration or enforcement of a lien or a claim for lien against such land or premises. 1975, c. 43, s. 4.

(3) The lien given by subsection (1) attaches as therein set out where the materials delivered to be used are incor-
porated into the land, building, structure or works, notwithstanding that the materials may not have been delivered in strict accordance with subsection (1).

(4) In subsection (1), “agent” includes the contractor or subcontractor for whom the materials are placed or furnished, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary.

(5) A person who rents equipment to an owner, contractor or subcontractor for use on a contract site shall be deemed for the purposes of this Act to have performed a service for which he has a lien for the price of the rental of the equipment used on the contract site, limited, however, in amount to the sum justly owed and due to the person entitled to the lien from the owner, builder, contractor or subcontractor in respect of the rental of the equipment. R.S.O. 1970, c. 267, s. 5 (3-5).

7. Where work is done or materials are placed or furnished to be used upon or in respect of the land of a married woman, or in which she has an interest, with the privity or consent of her husband, he shall be presumed conclusively to be acting as her agent as well as for himself for the purposes of this Act unless before doing the work or placing or furnishing the materials the person doing the work or placing or furnishing the materials has had actual notice to the contrary. R.S.O. 1970, c. 267, s. 6, revised.

8.—(1) Where the estate or interest upon which the lien attaches is leasehold, the fee simple is also subject to the lien if the person doing the work or placing or furnishing the materials gives notice in writing, by personal service, to the owner in fee simple or his agent of the work to be done or materials to be placed or furnished unless the owner in fee simple or his agent within fifteen days thereafter gives notice in writing, by personal service, to such person that he will not be responsible therefor.

(2) No forfeiture or attempted forfeiture of the lease on the part of the landlord, or cancellation or attempted cancellation of the lease except for non-payment of rent, deprives any person otherwise entitled to a lien of the benefit of the lien, but the person entitled to the lien may pay any rent accruing after he becomes so entitled, and the amount so paid may be added to his claim.

(3) Where the land and premises upon or in respect of which any work is done or materials are placed or furnished are encumbered by a mortgage or other charge that was
registered in the proper land registry office before any lien under this Act arose, the mortgage or other charge has priority over all liens under this Act to the extent of the actual value of the land and premises at the time the first lien arose, such value to be ascertained by the judge or officer having jurisdiction to try an action under this Act.

(4) The time at which the first lien arose shall be deemed to be the time at which the first work was done or the first materials placed or furnished, irrespective of whether a claim for lien in respect thereof is registered or enforced and whether or not such lien is before the court.

(5) Any mortgage existing as a valid security, notwithstanding that it is a prior mortgage within the meaning of subsection (3), may also secure future advances, subject to subsection 15 (1).

(6) A registered agreement for the sale and purchase of land and any moneys bona fide secured or payable thereunder has the same priority over a lien as is provided for a mortgage and mortgage moneys in subsections (3) and (5), and for the purposes of this Act the seller shall be deemed to be a mortgagee, and any moneys bona fide secured and payable under such agreement shall be deemed to be mortgage moneys bona fide secured or advanced. R.S.O. 1970, c. 267, s. 7.

9. Where any of the property upon which a lien attaches is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed and is, after satisfying any prior mortgage or charge in the manner and to the extent set out in subsection 8 (3), subject to the claims of all persons for liens to the same extent as if the money had been realized by a sale of the property in an action to enforce the lien. R.S.O. 1970, c. 267, s. 8.

10. Save as herein otherwise provided, the lien does not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R.S.O. 1970, c. 267, s. 9.

11. Save as herein otherwise provided, where the lien is claimed by any person other than the contractor, the amount that may be claimed in respect thereof is limited to the amount owing to the contractor or subcontractor or other person for whom the work has been done or the materials were placed or furnished. R.S.O. 1970, c. 267, s. 10.
12.—(1) In all cases, the person primarily liable upon a contract under or by virtue of which a lien may arise shall, as the work is done or the materials are furnished under the contract, retain for a period of thirty-seven days after the completion or abandonment of the work done or to be done under the contract 15 per cent of the value of the work and materials actually done, placed or furnished, as mentioned in section 6, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work, and the value shall be calculated upon evidence given in that regard on the basis of the contract price or, if there is no specific contract price, on the basis of the actual value of the work or materials.

(2) Where a contract is under the supervision of an architect, engineer or other person upon whose certificate payments are to be made and thirty-seven days have elapsed after a certificate issued by that architect, engineer or other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent of the subcontract price or, if there is no specific subcontract price, by 15 per cent of the actual value of the work done or materials placed or furnished under that subcontract, but this subsection does not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act. R.S.O. 1970, c. 267, s. 11 (1, 2).

(3) Where a certificate issued by an architect, engineer or other person to the effect that a subcontract by which a subcontractor became a subcontractor has been completed to the satisfaction of that architect, engineer or other person has been given to that subcontractor, then, for the purposes of subsections 22 (1), (2) and (3), section 26 and section 27, that subcontract and any materials placed or furnished or to be placed or furnished thereunder and any work done or to be done thereunder shall, so far as concerns any lien thereunder of that subcontractor, be deemed to have been completed or placed or furnished not later than the time at which the certificate was so given. R.S.O. 1970, c. 267, s. 11 (3); 1975, c. 43, s. 5 (1).

(4) Where an architect, engineer or other person neglects or refuses to issue and deliver a certificate upon which payments are to be made under a contract or subcontract,
the judge or officer having jurisdiction to try an action under this Act, upon application and upon being satisfied that the certificate should have been issued and delivered may, upon such terms and conditions as to costs and otherwise as he deems just, make an order that the work or materials to which the certificate would have related has been done or placed or furnished, as the case may be, and any such order has the same force and effect as if the certificate had been issued and delivered by the architect, engineer or other person. R.S.O. 1970, c. 267, s. 11 (4).

(5) The lien is a charge upon the amount directed to be retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable.

(6) Where the lien does not attach to the land by virtue of subsection 6 (2), and a person claiming a lien gives to the owner, or a contractor or subcontractor notice in writing of the lien, the owner, contractor or subcontractor so notified shall retain out of amounts payable to the contractor or subcontractor under whom the lien is derived an amount equal to the amount claimed in the notice. 1975, c. 43, s. 5 (2).

(7) All payments up to 85 per cent as fixed by subsection (1) and payments permitted as a result of the operation of subsections (2) and (3) made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, operate as a discharge pro tanto of the lien. R.S.O. 1970, c. 267, s. 11 (6).

(8) Payment of the percentage required to be retained under this section may be validly made so as to discharge all claims in respect of such percentage after the expiration of the period of thirty-seven days mentioned in subsection (1) unless in the meantime the appropriate steps have been taken to preserve the lien as provided by sections 24 and 26, or 25 and 27, as the case may be, in which case the owner may pay the percentage into court in the proceedings, and such payment constitutes valid payment in discharge of the owner to the amount thereof. R.S.O. 1970, c. 267, s. 11 (7); 1975, c. 43, s. 5 (3).

(9) Every contract shall be deemed to be amended in so far as is necessary to be in conformity with this section.
(10) Where the contractor or subcontractor makes default in completing his contract, the percentage required to be retained shall not, as against any lien claimant who by virtue of subsection (5) has a charge thereupon, be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor. R.S.O. 1970, c. 267, s. 11 (8, 9).

13. If an owner, contractor or subcontractor makes a payment to any person entitled to a lien under section 6 for or on account of any debt, justly due to him for work done or for materials placed or furnished to be used as therein mentioned, for which he is not primarily liable, and within three days afterwards gives written notice of the payment to the person primarily liable, or his agent, the payment shall be deemed to be a payment on his contract generally to the contractor or subcontractor primarily liable but not so as to affect the percentage to be retained by the owner as provided by section 12. R.S.O. 1970, c. 267, s. 12; 1975, c. 43, s. 6.

14. Every subcontractor is entitled to enforce his lien notwithstanding the non-completion or abandonment of the contract by any contractor or subcontractor under whom he claims. R.S.O. 1970, c. 267, s. 13.

15.—(1) The lien has priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien has been given to the person making such payments or after registration of a claim for the lien as hereinafter provided, and, in the absence of such notice in writing or the registration of a claim for lien, all such payments or advances have priority over any such lien.

(2) Except where it is otherwise provided by this Act, no person entitled to a lien on any property or money is entitled to any priority or preference over another person of the same class entitled to a lien on such property or money, and each class of lienholders ranks pari passu for their several amounts, and the proceeds of any sale shall be distributed among them pro rata according to their several classes and rights.

(3) Any conveyance, mortgage or charge of or on land given to any person entitled to a lien thereon under
this Act in payment of or as security for any such claim, whether given before or after such lien claim has arisen, shall, as against other parties entitled to liens under this Act, on any such land be deemed to be fraudulent and void. R.S.O. 1970, c. 267, s. 14.

PRIORITY OF WAGES

16.—(1) Every workman whose lien is for wages has priority to the extent of thirty days wages over all other liens derived through the same contractor or subcontractor to the extent of and on the 15 per cent directed to be retained by section 12 to which the contractor or subcontractor through whom the lien is derived is entitled, and all such workmen rank thereon pari passu.

(2) Every workman is entitled to enforce a lien in respect of any contract or subcontract that has not been completed and, notwithstanding anything to the contrary in this Act, may serve a notice of motion on the proper persons, returnable in four days after service thereof before the judge or officer having jurisdiction to try an action under this Act, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit.

(3) If the contract has not been completed when the lien is claimed by a workman, the percentage shall be calculated on the value of the work done or materials placed or furnished by the contractor or subcontractor by whom the workman is employed, having regard to the contract price, if any.

(4) Every device by an owner, contractor or subcontractor to defeat the priority given to a workman for his wages and every payment made for the purpose of defeating or impairing a lien are void. R.S.O. 1970, c. 267, s. 15.

REGISTRATION

17.—(1) A claim for a lien may be registered in the proper land registry office and shall set out,

(a) the name and an address for service of the person claiming the lien and of the owner or of the person whom the person claiming the lien, or his agent, believes to be the owner of the land, and of the person for whom the work was or is to be done, or the materials were or are
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to be placed or furnished, and the time within which the same was or was to be done or placed or furnished;

(b) a short description of the work done or to be done, or the materials placed or furnished or to be placed or furnished;

(c) the sum claimed as due or to become due;

(d) a description of the land as required by the Land Titles Act or the Registry Act and the regulations thereunder, as the case may be; and

(e) the date of expiry of the period of credit if credit has been given.

(2) The claim shall be verified in duplicate by the affidavit of the person claiming the lien, or of his agent or assignee who has a personal knowledge of the matters required to be verified, and the affidavit of the agent or assignee shall state that he has such knowledge.

(3) When it is desired to register a claim for lien against a railway, it is sufficient description of the land of the railway company to describe it as the land of the railway company, and every such claim shall be registered in the general register in the land registry office for the land registry division within which the lien is claimed to have arisen. R.S.O. 1970, c. 267, s. 16.

18.—(1) A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but, where more than one lien is included in one claim, each claim for lien shall be verified by affidavit as provided in section 17.

(2) The judge or officer trying the action has jurisdiction equitably to apportion against the respective properties the amounts included in any claim or claims under subsection (1). R.S.O. 1970, c. 267, s. 17.

19.—(1) Substantial compliance with sections 17, 18, 23 and 33 is sufficient and no claim for lien is invalidated by reason of failure to comply with any of the requirements of such sections unless, in the opinion of the judge or officer trying the action, the owner, contractor or subcontractor, mortgagee or other person is prejudiced thereby, and then only to the extent to which he is
thereby prejudiced. R.S.O. 1970, c. 267, s. 18 (1); 1975, c. 43, s. 7.

(2) Nothing in this section dispenses with the requirement of registration of the claim for lien. R.S.O. 1970, c. 267, s. 18 (2).

20. A duplicate of the claim for lien, bearing the registrar's certificate of registration, shall be filed on or before the trial of the action, where the action is to be tried in the Judicial District of York, in the office of the master of the Supreme Court, or, where the action is to be tried elsewhere, in the office of the clerk of the county or district court of the county or district in which the action is to be tried. R.S.O. 1970, c. 267, s. 19.

21. Where a claim is so registered, the person entitled to a lien shall be deemed to be a purchaser pro tanto and a purchaser within the provisions of the Registry Act and the Land Titles Act, but, except as herein otherwise provided, those Acts do not apply to any lien arising under this Act. R.S.O. 1970, c. 267, s. 20.

22.—(1) A claim for lien by a contractor or subcontractor in cases not otherwise provided for may be registered before or during the performance of the contract or of the subcontract or within thirty-seven days after the completion or abandonment of the contract or of the subcontract, as the case may be.

(2) A claim for lien for materials may be registered before or during the placing or furnishing thereof, or within thirty-seven days after the placing or furnishing of the last material so placed or furnished.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty-seven days after the completion of the service.

(4) A claim for lien for wages may be registered at any time during the doing of the work for which the wages are claimed or within thirty-seven days after the last work was done for which the lien is claimed. R.S.O. 1970, c. 267, s. 21 (1-4).

23.—(1) Without limiting the generality of subsection 6 (2), where the lien does not attach to the land by virtue of subsection 6 (2), sections 17, 18, 20 and 21 do not apply.

(2) Where the lien does not attach to the land by virtue of subsection 6 (2), any person who is claiming a lien shall give notice thereof in writing to the owner in the manner hereafter provided.
(3) Where the claim is in respect of a public street or highway owned by a municipality, the notice required to be given to the owner by subsection (2) shall be given to the clerk of the municipality.

(4) Where the claim is in respect of a public work, the notice required by subsection (2) to be given to the owner shall be given to the Ministry or Crown agency for whom the work is done or the materials are placed or furnished, or to such office as is prescribed by the regulations.

(5) The notice required by subsection (2) shall be given within the time allowed for registration under section 22.

(6) The notice required by subsection (2) may be served personally, or it may be sent by registered mail, in which case the date of mailing shall be deemed to be the date on which the notice was given.

(7) The notice required shall set out,

(a) the name and address of the person making the claim and of the person for whom the work was done or the materials were placed or furnished, and the time within which the same was done or placed or furnished;

(b) a short description of the work done or the materials placed or furnished;

(c) the sum claimed as due;

(d) the address or a description of the location of the land;

(e) the date of expiry of the period of credit if credit has been given.

(8) The matters set out in the notice shall be verified by the affidavit of the person claiming the lien, or his agent or assignee who has a personal knowledge of the matters, and the affidavit of the agent or assignee shall state that he has such knowledge. 1975, c. 43, s. 9.

EXPIRY AND DISCHARGE

24.—(1) Every lien for which a claim is not registered ceases to exist on the expiration of the time limited in section 22 for the registration thereof.
(2) Upon an action under this Act being commenced, a certificate thereof shall be registered in the land registry office in which the claim for lien is registered.

(3) Where a certificate of action has been registered for two years or more in the land registry office and no appointment has been taken out for the trial of the action, the judge or, in the Judicial District of York, the master, may, upon the application ex parte of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon. R.S.O. 1970, c. 267, s. 22.

(4) This section does not apply to liens which, by virtue of subsection 6 (2), do not attach to the land. 1975, c. 43, s. 10.

25. Where the lien does not attach to the land by virtue of subsection 6 (2), every lien for which notice has not been given as required by section 23 ceases to exist at the expiration of the time limited in section 23 for giving notice of claim thereof. 1975, c. 43, s. 11.

26. Every lien for which a claim is registered ceases to exist on the expiration of ninety days after the work has been completed or the materials have been placed or furnished, or after the expiry of the period of credit, where such period is mentioned in the registered claim for lien, unless in the meantime an action is commenced to realize the claim or in which a subsisting claim may be realized, and a certificate is registered as provided by section 24. R.S.O. 1970, c. 267, s. 23 (1).

27. Every lien which by virtue of subsection 6 (2) does not attach to the land ceases to exist on the expiration of ninety days after,

(a) the work has been completed or abandoned;

(b) the materials have been placed or furnished; or

(c) the expiry of the period of credit, where such period is mentioned in the notice referred to in section 23,

unless in the meantime an action under this Act is commenced to realize the claim or in which a subsisting claim may be realized. 1975, c. 43, s. 13.

28. The rights of a lien claimant may be assigned by an instrument in writing and, if not assigned, upon
his death pass to his personal representative. R.S.O. 1970, c. 267, s. 24.

29.—(1) A claim for lien may be discharged by the registration of a receipt acknowledging payment,

(a) where made by a lien claimant that is not a corporation, signed by the lien claimant or his agent duly authorized in writing and verified by affidavit; or

(b) where made by a lien claimant that is a corporation sealed with its corporate seal.

(2) Upon application, the judge or, in the Judicial District of York, the master, may, at any time,

(a) allow security for or payment into court of the amount of the claim of the lien claimant and the amount of the claims of any other subsisting lien claimants together with such costs as he may fix, and thereupon order that the registration of the claim for lien or liens and the registration of the certificate of action, if any, be vacated;

(b) upon any other proper ground, order that the registration of the claim for lien or liens and the registration of the certificate of action, if any, be vacated; or

(c) upon proper grounds, dismiss the action.

(3) Notwithstanding sections 24 and 26, where an order to vacate the registration of a lien is made under clause (2) (a) or (b), the lien does not cease to exist for the reason that no certificate of action is registered.

(4) Any money so paid into court, or any bond or other security for securing the like amount and satisfactory to the judge or officer, takes the place of the property discharged and is subject to the claims of every person who has at the time of the application a subsisting claim for lien or given notice of the claim under subsection 12 (7) or section 15 to the same extent as if the money, bond or other security was realized by a sale of the property in an action to enforce the lien, but such amount as the judge or officer finds to be owing to the person whose lien has been so vacated is a first charge upon the money, bond or other security.
(5) Where the certificate required by section 24 or 26 has not been registered within the prescribed time and an application is made to vacate the registration of a claim for lien after the time for registration of the certificate, the order vacating the lien may be made *ex parte* upon production of a certificate of search under the *Land Titles Act* or of a registrar's abstract under the *Registry Act*, as the case may be, together with a certified copy of the registered claim for lien.

(6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection (2), the judge or, in the Judicial District of York, the master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

(7) An order discharging a claim for lien or vacating a certificate of action shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a description of the land as required by the *Land Titles Act* or the *Registry Act* and the regulations thereunder, as the case may be, and a reference to the registration number of every registered claim for lien and certificate of action affected thereby. R.S.O. 1970, c. 267, s. 25.

**EFFECT OF TAKING SECURITY OR EXTENDING TIME**

30.—(1) The taking of any security for, or the acceptance of any promissory note or bill of exchange for, or the taking of any acknowledgment of the claim, or the giving of time for the payment thereof, or the taking of any proceedings for the recovery, or the recovery of a personal judgment for the claim, does not merge, waive, pay, satisfy, prejudice or destroy the lien unless the lien claimant agrees in writing that it has that effect.

(2) Where any such promissory note or bill of exchange has been negotiated, the lien claimant does not thereby lose his right to claim for lien if, at the time of bringing his action to enforce it or where an action is brought by another lien claimant, he is, at the time of proving his claim in the action, the holder of such promissory note or bill of exchange.
(3) Nothing in subsection (2) extends the time limited by this Act for bringing an action to enforce a claim for lien.

(4) A person who has extended the time for payment of a claim for which he has a claim for lien in order to obtain the benefit of this section shall commence an action to enforce the claim within the time prescribed by this Act and shall register a certificate as required by sections 24 and 26, but no further proceedings shall be taken in the action until the expiration of such extension of time. R.S.O. 1970, c. 267, s. 26.

31. Where the period of credit in respect of a claim has not expired or there has been an extension of time for payment of the claim, the lien claimant may nevertheless, if an action is commenced by any other person to enforce a claim for lien against the same property, prove and obtain payment of his claim in the action as if the period of credit or the extended time had expired. R.S.O. 1970, c. 267, s. 27.

LIEN CLAIMANT’S RIGHTS TO INFORMATION

32.—(1) Any lien claimant may in writing at any time demand of the owner or his agent the production, for inspection, of the contract or agreement with the contractor for or in respect of which the work was or is to be done or the materials were or are to be placed or furnished, if the contract or agreement is in writing or, if not in writing, the terms of the contract or agreement and the state of the accounts between the owner and the contractor, and, if the owner or his agent does not, at the time of the demand or within a reasonable time thereafter, produce the contract or agreement if in writing or, if not in writing, does not inform the person making the demand of the terms of the contract or agreement and the amount due and unpaid upon the contract or agreement or if he knowingly falsely states the terms of the contract or agreement or the amount due or unpaid thereon and if the person claiming the lien sustains loss by reason of the refusal or neglect or false statement, the owner is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 42 (4) applies.
Statement of mortgagee or unpaid vendor

(2) Any lien claimant may in writing at any time demand of a mortgagee or unpaid vendor or his agent the terms of any mortgage on the land or of any agreement for the purchase of the land in respect of which the work was or is to be done or the materials were or are to be placed or furnished and a statement showing the amount advanced on the mortgage or the amount owing on the agreement, as the case may be, and, if the mortgagee or vendor or his agent fails to inform the lien claimant at the time of the demand or within a reasonable time thereafter of the terms of the mortgage or agreement and the amount advanced or owing thereon or if he knowingly falsely states the terms of the mortgage or agreement and the amount owing thereon and the lien claimant sustains loss by the refusal or neglect or misstatement, the mortgagee or vendor is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 42 (4) applies.

Production of contract or agreement

(3) The judge or, in the Judicial District of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master considers just. R.S.O. 1970, c. 267, s. 28.

ACTIONS

33.-(1) A claim for lien is enforceable in an action in the Supreme Court.

Statement of claim, filing of

(2) An action under this section shall be commenced by filing a statement of claim in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate.

Idem, service

(3) The statement of claim shall be served within thirty days after it is filed, but the judge having jurisdiction to try the action or, in the Judicial District of York, the master, may extend the time for service.

Statement of defence

(4) The time for delivering the statement of defence in the action shall be the same as for entering an appearance in an action in the Supreme Court.
(5) It is not necessary to make any lien claimants parties defendant to the action, but all lien claimants served with the notice of trial shall for all purposes be deemed to be parties to the action.

(6) After the commencement of the action, any lien claimant or other person interested may apply to the judge having jurisdiction to try the action or, in the Judicial District of York, a judge of the Supreme Court, to speed the trial of the action. R.S.O. 1970, c. 267, s. 29.

34. Any number of lien claimants claiming liens on the same land may join in an action, and an action brought by a lien claimant shall be deemed to be brought on behalf of himself and all other lien claimants. R.S.O. 1970, c. 267, s. 30.

35.—(1) Except in the Judicial District of York, the action shall be tried by the local judge of the Supreme Court in the county or district in which the action was commenced, but, upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, the court may direct that the action be tried by a judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the action was commenced.

(2) In the Judicial District of York, the action shall be tried by a judge of the Supreme Court, but,

(a) on motion after defence or defence to counterclaim, if any, has been delivered or the time for such delivery has expired, a judge of the Supreme Court may refer the whole action to the master for trial pursuant to section 71 of the Judicature Act; or

(b) at the trial, a judge of the Supreme Court may direct a reference to the master pursuant to section 70 or 71 of the Judicature Act.

(3) Where on motion the whole action is referred to the master for trial, any person brought into the proceedings subsequent thereto and served with a notice of trial may apply to a judge of the Supreme Court to set aside the judgment directing the reference within seven days after service of notice of trial and, if such person fails to make such application, he is bound by such judgment as if he were originally a party thereto.
(4) Where the action is referred to the master for trial, he may grant leave to amend any pleading. R.S.O. 1970, c. 267, s. 31.

36. The local judges of the Supreme Court and the master to whom a reference for trial has been directed, in addition to their ordinary powers, have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein and all questions of set-off and counterclaim arising under the building contract or out of the work done or materials furnished to the property in question. R.S.O. 1970, c. 267, s. 32.

37. Where an owner enters into an entire contract for the supply of materials to be used in several buildings, the person supplying the materials may ask to have his lien follow the form of the contract and that it be for an entire sum upon all the buildings, but, in case the owner has sold one or more of the buildings, the judge or officer trying the action has jurisdiction equitably to apportion against the respective buildings the amount included in the claim for lien under the entire contract. R.S.O. 1970, c. 267, s. 33.

38.—(1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the Judicial District of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered upon such terms and upon the giving of such security or without security as the judge considers just.

(2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the Judicial District of York, a judge of the Supreme Court, at any time before or after judgment, who may hear 
viva voce or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge considers just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event that mortgage moneys are advanced to
the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

(3) Any property directed to be sold under subsection (2) may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs.

(4) The proceeds of any sale made by a trustee or trustees under subsection (2) shall be paid into court and are subject to the claims of all lien claimants, mortgagees or other persons interested in the property so sold as their respective rights are determined, and, in so far as applicable, section 43 applies.

(5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection (2).

(6) Any vesting order made of property sold by a trustee or trustees appointed under subsection (2) vests the title of the property free from all claims for liens, encumbrances and interests of any kind, except in cases where sale is made subject to any mortgage, charge, encumbrance or interest as hereinbefore provided. R.S.O. 1970, c. 267, s. 34, revised.

39. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the Judicial District of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. R.S.O. 1970, c. 267, s. 35.

40. Where more actions than one are brought to realize liens in respect of the same land, the judge or officer having jurisdiction to try the action may, on the application of any party to any one of the actions or on the application of any other person interested, consolidate all such actions into one action and award the conduct of the consolidated action to any plaintiff as the judge or officer considers just. R.S.O. 1970, c. 267, s. 36.
41. Any lien claimant entitled to the benefit of an action may at any time apply to the judge or officer having jurisdiction to try the action for the carriage of the proceedings, and the judge or officer may make an order awarding such lien claimant the carriage of the proceedings. R.S.O. 1970, c. 267, s. 37.

42.—(1) After the delivery of the statement of defence where the plaintiff’s claim is disputed, or after the time for delivery of defence in all other cases, either party may apply ex parte to a judge or officer having jurisdiction to try the action to fix a day for the trial thereof, and the judge or officer shall appoint the time and place of trial, and the order, signed by the judge or officer, shall form part of the record of the proceedings.

(2) The party obtaining an appointment for the trial shall, at least ten clear days before the day appointed, serve notice of trial upon the solicitors for the defendants who appear by solicitors and upon the defendants who appear in person, and upon all the lienholders who have registered their claims as required by this Act or of whose claims he has notice, and upon all other persons having any charge, encumbrance or claim on the land subsequent in priority to the lien, who are not parties, and such service shall be personal unless otherwise directed by the judge or officer who may direct in what manner the notice of trial is to be served.

(3) Where any person interested in the land has been served with a statement of claim and makes default in delivering a statement of defence, he shall nevertheless be served with notice of trial and is entitled to defend on such terms as to costs and otherwise as the judge or officer having jurisdiction to try the action considers just.

(4) The judge, or where a reference for trial is directed, the master,

(a) shall try the action, including any set-off and counterclaim, and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;
(b) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(c) shall embody the results of the trial,

(i) in the case of a judge, in a judgment, and

(ii) in the case of a master, in a report,

which judgment or report may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment or report, and execution may be issued therefor forthwith in the case of a judgment and after confirmation thereof, in the case of a report.

(5) The form of the judgment or report may be varied by the judge or officer in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he may be entitled.

(6) The judge or officer may order that the estate or interest charged with the lien be sold, and may direct the sale to take place at any time after judgment or confirmation of the report, allowing, however, a reasonable time for advertising the sale.

(7) A lien claimant who did not prove his claim at the trial, on application to the judge or officer before whom the action or reference was tried, may be let in to prove his claim, on such terms as to costs and otherwise as are deemed just, at any time before the amount realized in the action for the satisfaction of liens has been distributed, and, where his claim is allowed, the judgment or report shall be amended so as to include his claim.

(8) Any lien claimant for an amount not exceeding $200 may be represented by an agent who is not a barrister and solicitor.
(9) An action or reference under this Act may be tried by any judge or officer having jurisdiction to try the action or reference notwithstanding that the time and place for the trial or reference thereof were appointed and fixed by another judge or officer.

(10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the Judicial District of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. R.S.O. 1970, c. 267, s. 38.

43.—(1) Where a sale is had, the moneys arising therefrom shall be paid into court to the credit of the action, and the judge or officer before whom the action was tried shall direct to whom the moneys in court shall be paid and may add to the claim of the person conducting the action his fees and actual disbursements incurred in connection with the sale, and, where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons who are entitled to recover the same, showing the amount that each is entitled to recover and the persons adjudged to pay the same, giving credit for payments made, if any, under subsection 42 (4), and the persons so entitled may enforce payment of the amounts so found to be due by execution or otherwise.

(2) The judge or officer before whom the action was tried may make all necessary orders for the completion of the sale and for vesting the property in the purchaser. R.S.O. 1970, c. 267, s. 39.

44. Where a lien claimant fails to establish a lien, he may nevertheless recover a personal judgment against any party to the action for such sum as may appear to be due to him and which he might recover in an action against such party. R.S.O. 1970, c. 267, s. 40.

45. Where property subject to a lien is sold in an action to enforce a lien, every lienholder is entitled to share in the proceeds of the sale in respect of the amount then owing to him, although the same or part thereof was not payable at the time of the commencement of the action or is not then presently payable. R.S.O. 1970, c. 267, s. 41.
STATED CASE

46.—(1) If in the course of proceedings to enforce a lien a question of law arises, the judge or officer trying the case may, at the request of any party, state the question in the form of a stated case for the opinion of the Divisional Court, and the stated case shall thereupon be set down to be heard before the Divisional Court and notice of hearing shall be served by the party setting down upon all parties concerned.

(2) The stated case shall set forth the facts material for the determination of the question raised, and all papers necessary for the hearing of the stated case by the Divisional Court shall be transmitted to the registrar of the Supreme Court. R.S.O. 1970, c. 267, s. 42.

APPEAL

47.—(1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is $200 or less, an appeal lies from any judgment or report under this Act to the Divisional Court.

(2) Where a question is referred to the master for inquiry and report under subsection 35 (2), an appeal lies in the manner prescribed by the rules of court.

(3) Where an action is referred to the master for trial under subsection 35 (2), the report shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

(4) The costs of an appeal shall not be governed by subsections 49 (2) and (3) but, subject to any order of the Divisional Court, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale. R.S.O. 1970, c. 267, s. 43, revised.

FEES AND COSTS

48. The fee payable by every plaintiff, every plaintiff by counterclaim and every lien claimant, including every person
recovering a personal judgment, in any action to realize a
lien under this Act is,

(a) $5 on a claim or counterclaim not exceeding $500;
(b) $10 on a claim or counterclaim exceeding $500 but
not exceeding $1,000;
(c) $10 on a claim or counterclaim exceeding $1,000,
plus $1 for every $1,000 or fraction thereof in
excess of $1,000,

but no fee is payable on a claim for wages only, and in no case
shall the fee on a claim exceed $75 or on a counterclaim exceed $25.  R.S.O. 1970, c. 267, s. 44.

49.—(1) Subject to subsections (2), (3), (4) and (5), any order as
to costs in an action under this Act is in the discretion of the judge
or officer who tries the action.

(2) The costs of the action, exclusive of actual disburse-
ments, awarded to the plaintiffs and successful lienholders,
shall not exceed in the aggregate 25 per cent of the total
amount found to have been actually due on the liens at the
time of the registration thereof, and shall be apportioned
and borne in such proportion as the judge or officer who
tries the action may direct, but in making the apportion-
ment he shall have regard to the actual services rendered by or
on behalf of the parties respectively, provided that, where a
counterclaim is set up by a defendant, the amount and
apportionment of the costs in respect thereof are in the
discretion of the judge or officer who tries the action.

(3) Where costs are awarded against the plaintiff or other
persons claiming liens, they shall not exceed, except in the
case of a counterclaim, 25 per cent of the claim of the plaintiff
and the other claimants, besides actual disbursements, and
shall be apportioned and borne as the judge or officer who
tries the action may direct.

(4) Where the least expensive course is not taken by a
plaintiff, the costs allowed to him shall in no case exceed
what would have been incurred if the least expensive course
had been taken.

(5) Where a lien is discharged or vacated under section 29
or where judgment is given in favour of or against a claim for a
lien, in addition to the costs of the action, the judge or officer
who tries the action may allow a reasonable amount for the
costs of drawing and registering the claim for lien or of
vacating the registration thereof, but this does not apply where the claimant fails to establish a valid lien. R.S.O. 1970, c. 267, s. 45.

RULES OF PRACTICE

50.—(1) The object of this Act being to enforce liens at the least expense, the procedure shall be as far as possible of a summary character, having regard to the amount and nature of the liens in question.

(2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the Judicial District of York, the master, and then only upon proper proof that such proceedings are necessary.

(3) The judge or officer having jurisdiction to try the action may obtain the assistance of any merchant, accountant, actuary, building contractor, architect, engineer or person in such way as he deems fit, the better to enable him to determine any matter of fact in question, and may fix the remuneration of any such person and direct payment thereof by any of the parties.

(4) Unless otherwise provided in this Act, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act. R.S.O. 1970, c. 267, s. 46.

SERVICE OF DOCUMENTS

51. Except where otherwise directed by the judge having jurisdiction to try the action or, in the Judicial District of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service. R.S.O. 1970, c. 267, s. 47.

LIENS ON CHATELLES

52.—(1) Every person who has bestowed money, skill or materials upon any chattel or thing in the alteration or improvement of its properties or for the purpose of imparting an additional value to it, so as thereby to be entitled to a lien upon the chattel or thing for the amount or value of the money or skill and material bestowed, has, while the lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after it ought to have been paid, the right, in addition to any other remedy to which
he may be entitled, to sell by auction the chattel or thing on
giving one week’s notice by advertisement in a newspaper
having general circulation in the municipality in which the
work was done, setting forth the name of the person indebted,
the amount of the debt, a description of the chattel or thing
to be sold, the time and place of sale, and the name of the
auctioneer, and leaving a like notice in writing at the last
known place of residence, if any, of the owner, if he is a
resident of the municipality.

(2) Such person shall apply the proceeds of the sale in
payment of the amount due to him and the costs of advertising
and sale and shall upon application pay over any surplus to
the person entitled thereto. R.S.O. 1970, c. 267, s. 48.

REGULATIONS

53. The Lieutenant Governor in Council may make
regulations,

(a) prescribing forms and providing for their use;

(b) providing for and requiring the posting of notices
on building sites;

(c) prescribing the appropriate offices of the Crown to
which notice of a claim for lien must be sent.
1975, c. 43, s. 14.