

# Did you know?

July 2005

## BUILDERS LIENS

Under the Provincial Builders Lien Act, a lien is a claim for payment for work done or materials supplied. It is a charge that is registered against the title of the house or property where work was done.

Builders liens offer help to those who have worked on a construction project and have not been paid. That help is in the form of a charge filed against the title to the property for payment of the amount owing.

### Is there a time limit for filing a lien?

Yes. There is a time limit as to when a lien can be filed. Usually, the deadline for filing a lien is 45 days after the project is completed, abandoned or ended.

### How do you file a lien against a property?

You can file a lien yourself, or seek the assistance of a lawyer. You must fill out a specific form and file it in the Land Title Office where the property is registered.

### Does a lien claim have to be proven in court?

Yes. The claim has to be proven in court within one year of being filed.

### Where does the law suit have to be filed?

The court action must be started in the Supreme Court Registry in the municipality where the property is located. A "certificate of pending litigation" must also be filed against the property in the Land Title Office. If both of these things have not been done within a year, then the lien is wiped out.

Dealing with builders' liens can be very complicated. It is a good idea to get legal advice before you decide to do anything.

For more information on liens, you can check the following resources:

British Columbia Law Institute website at: [www.bcli.org/pages/projects/builderslien](http://www.bcli.org/pages/projects/builderslien)

**Dial-A-Law.** This is a library of pre-recorded tape messages prepared by lawyers to provide legal information on topics of the law. You can access them at: [bccba.org](http://bccba.org) or call them at: **604-687-4680** (Lower Mainland) or **1-800-565-5297** (outside the Lower Mainland)

**Lawyer Referral Service:** You can get legal advice for 30 minutes for \$25 when you call: **604-687-3221** (Lower Mainland). Other places in BC: **1-800-663-1919**