

Note: On July 1, 2018, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 24, s. 24 (1))

Non-payment of holdback

27.1 An owner may refuse to pay some or all of the amount the owner is required to pay to a contractor under section 26 or 27, as the case may be, if,

(a) no later than 40 days after publication of the applicable certification or declaration of substantial performance under section 32, the owner publishes, in the manner set out in the regulations, a notice in the prescribed form, specifying the amount of the holdback that the owner refuses to pay; and

(b) the owner notifies, in accordance with the regulations if any, the contractor of the publication of the notice. 2017, c. 24, s. 24 (1).

Note: On October 1, 2019, the day named by proclamation of the Lieutenant Governor, section 27.1 of the Act is amended by adding the following subsections: (See: 2017, c. 24, s. 24 (2))

Adjudication

(2) A contractor may refuse to pay some or all of the amount the contractor is required to pay to a subcontractor under section 26 or 27, as the case may be, if,

(a) the owner refuses to pay some or all of the amount the owner is required to pay to the contractor under that section;

(b) the contractor refers the matter to adjudication under Part II.1; and

(c) the contractor notifies, in accordance with the regulations if any, every subcontractor to whom the contractor is required to pay the amount that the amount is not being paid and that the matter is being referred to adjudication. 2017, c. 24, s. 24 (2).

Same

(3) A subcontractor may refuse to pay some or all of the amount the subcontractor is required to pay to another subcontractor under section 26 or 27, as the case may be, if,

(a) the contractor refuses to pay some or all of the amount the contractor is required to pay to the subcontractor under that section;

(b) the subcontractor refers the matter to adjudication under Part II.1; and

(c) the subcontractor notifies, in accordance with the regulations if any, every subcontractor to whom the subcontractor is required to pay the amount that the amount is not being paid and that the matter is being referred to adjudication. 2017, c. 24, s. 24 (2).

Same

(4) Subsection (3) applies, with necessary modifications, with respect to a subcontractor who receives notice under that subsection. 2017, c. 24, s. 24 (2).