

**Note: On July 1, 2018, the day named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections: (See: 2017, c. 24, s. 22)**

Payment of holdback on **annual basis**

**26.1** (1) If the conditions in subsection (2) are met, a payer may make payment of the accrued holdback he or she is required to retain under subsection 22 (1) on an annual basis, in relation to the services or materials supplied during the applicable annual period. 2017, c. 24, s. 22.

Conditions

(2) Subsection (1) applies if,

- (a) the contract provides for a completion schedule that is longer than one year;
- (b) the contract provides for the payment of accrued holdback on an annual basis;
- (c) the contract price at the time the contract is entered into exceeds the prescribed amount **\*\*\*\***; and
- (d) as of the applicable payment date,
  - (i) there are no preserved or perfected liens in respect of the contract, or
  - (ii) all liens in respect of the contract have been satisfied, discharged or otherwise provided for under this Act. 2017, c. 24, s. 22.

#### **Section Amendments with date in force (d/m/y)**

Payment of holdback on **phased basis**

**26.2** (1) If the conditions in subsection (2) are met, a payer may make payment of the accrued holdback he or she is required to retain under subsection 22 (1) on the completion of phases of an improvement, in relation to the services or materials supplied during each phase. 2017, c. 24, s. 22.

Conditions

(2) Subsection (1) applies if,

- (a) the contract provides for the payment of accrued holdback on a phased basis and identifies each phase;
- (b) the contract price at the time the contract is entered into exceeds the prescribed amount; and
- (c) as of the applicable payment date,
  - (i) there are no preserved or perfected liens in respect of the contract, or
  - (ii) all liens in respect of the contract have been satisfied, discharged or otherwise provided for under this Act. 2017, c. 24, s. 22.

## GENERAL REGULATION

### Holdbacks

#### **Payment of holdback on annual basis**

5. For the purposes of clause 26.1 (2) (c) of the Act, the contract price must be **\$10,000,000 or more.**

#### **Payment of holdback on phased basis**

6. For the purposes of clause 26.2 (2) (b) of the Act, the contract price must be \$10,000,000 or more.