



MEMBER BULLETIN

January 30, 2018

Implementation Timeline for Construction Lien Act Updates

Anticipated Proclamation Dates

Bill 142, *Construction Lien Amendment Act, 2017* (Act), received Royal Assent on December 12, 2017, but most of the amendments are not yet in force. The substantive amendments, including the amendments to modernize the construction lien and holdback rules and introduce new prompt payment and adjudication processes, have not yet taken effect, and will come into force on dates to be named by proclamation of the Lieutenant Governor.

The government is currently contemplating the following effective dates:

Substantive Amendments	Anticipated Effective Date
Amendments to modernize the construction lien and holdback rules	Summer 2018
Amendments related to prompt payment, adjudication and liens against municipalities	Late 2019

We anticipate that the final proclamation dates will be announced in early February 2018.

Posting of Proposed Regulations for Comment

The Ministry of the Attorney General (MAG) is currently drafting regulations to support the amendments to the Act. The draft regulations will be posted for comment for 30-days in February 2018. Following the 30-day posting period, the proposed regulations will be finalized, submitted for approval and filed.

Consolidated Version of the Act

The MAG has prepared a document setting out the Act as it will appear when all amendments are in force (anticipated to be late 2019, as noted above). Two documents to this bulletin:



1. A clean consolidation reflecting the Construction Act* as it will be when all amendments are in force (also available at: <https://www.ontario.ca/laws/statute/90c30>); and
2. A comparison between the clean consolidation and the “old” (pre-Bill 142) Construction Lien Act in track changes.

It is important to emphasize that many of the sections in the attached documents are not in force and will not take effect until they are proclaimed into force by the Lieutenant Governor. In other words, this document has been prepared for your convenience only, and does not reflect the current Act.

If you have any questions about the new Act or would like to provide input into the regulatory process, please contact Patrick McManus (905-629-7766 ext. 222 or patrick.mcmanus@oswca.org).