



Province of Alberta

PROMPT PAYMENT AND  
CONSTRUCTION LIEN ACT

**PROMPT PAYMENT AND  
CONSTRUCTION LIEN  
FORMS REGULATION**

**Alberta Regulation 51/2002**

With amendments up to and including Alberta Regulation 22/2022

Current as of August 29, 2022

Office Consolidation

© Published by Alberta King's Printer

Alberta King's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952

E-mail: [kings-printer@gov.ab.ca](mailto:kings-printer@gov.ab.ca)  
Shop on-line at [kings-printer.alberta.ca](http://kings-printer.alberta.ca)

### **Copyright and Permission Statement**

The Government of Alberta, through the Alberta King's Printer, holds copyright for all Alberta legislation. Alberta King's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and copyright is acknowledged in the following format:

© Alberta King's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 22/2022)

**ALBERTA REGULATION 51/2002**

**Prompt Payment and Construction Lien Act**

**PROMPT PAYMENT AND CONSTRUCTION  
LIEN FORMS REGULATION**

*Table of Contents*

<b>1</b>	Definitions
<b>1.1</b>	Notice of dispute
<b>1.2</b>	Notice of non-payment
<b>2</b>	Registration
<b>3</b>	Affidavit
<b>4</b>	Notice of change of address
<b>5</b>	Certificate of lis pendens
<b>6</b>	Discharge of lien
<b>7</b>	Notice to prove lien
<b>9</b>	Expiry
<b>10</b>	Coming into force

Schedule

**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Prompt Payment and Construction Lien Act*;
- (b) a reference to a Form is to a form in the Schedule to this Regulation.

AR 51/2002 s1;22/2022

**Notice of dispute**

**1.1** A notice of dispute under section 32.2(2) of the Act is to be in Form 1.

AR 22/2022 s4

**Notice of non-payment**

**1.2(1)** A notice of non-payment under section 32.3(5)(a) of the Act is to be in Form 2.

(2) A notice of non-payment under section 32.3(6) of the Act is to be in Form 3.

(3) A notice of non-payment under section 32.5(6)(a) of the Act is to be in Form 4.

(4) A notice of non-payment under section 32.5(7) of the Act is to be in Form 5.

AR 22/2022 s4

### **Registration**

**2(1)** Subject to subsection (2), a statement of lien registered under section 34 of the Act is to be in Form 6.

(2) A statement of lien registered under section 36 of the Act with the Minister of Energy is to be in Form 7.

AR 51/2002 s2;46/2021;22/2022

### **Affidavit**

**3** An affidavit verifying the statement of lien and referred to in section 34(6) and (7) of the Act is to be in

- (a) Form 8 or Form 9, when the affidavit is personally made by the lienholder, or
- (b) Form 10 or Form 11, when the affidavit is made by a person other than the lienholder.

AR 51/2002 s3;46/2021;22/2022

### **Notice of change of address**

**4** A notice of change of address for service referred to in section 39 of the Act is to be in Form 12.

AR 51/2002 s4;22/2022

### **Certificate of lis pendens**

**5** A certificate of lis pendens referred to in section 43 of the Act is to be in Form 13.

AR 51/2002 s5;22/2022

### **Discharge of lien**

**6** A notification referred to in section 47(1) and (2) of the Act that a lien has been satisfied in whole or in part is to be in Form 14.

AR 51/2002 s6;22/2022

**Notice to prove lien**

**7** A notice to prove lien referred to in section 52(3) of the Act is to be in Form 15.

AR 51/2002 s7;22/2022

**7.1** Repealed AR 46/2021 s3.

**8** Repealed AR 22/2022 s11.

**Expiry**

**9** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2025.

AR 51/2002 s9;217/2009;130/2012;  
124/2015

**Coming into force**

**10** This Regulation comes into force on April 1, 2002.

**Schedule****Form 1****Owner's Notice of Dispute**

(Section 32.2(2) of the Act)

Name of Owner:

\_\_\_\_\_

Owner address:

\_\_\_\_\_

Work site legal land description: \_\_\_\_\_

\_\_\_\_\_

Name of Contractor:

\_\_\_\_\_

Contractor address:

\_\_\_\_\_

Contractor address for service, if known:

\_\_\_\_\_

The Owner disputes the proper invoice dated \_\_\_\_\_,  
submitted to the Owner by the Contractor in respect to the work

done or material furnished. The Owner will not pay the indicated amount payable under the invoice:

(Please check the appropriate box)

- ☐ The full amount of the proper invoice, being  
\$ \_\_\_\_\_
- ☐ A portion of the amount of the proper invoice, being  
\$ \_\_\_\_\_

Reason(s) for non-payment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Owner)

## Form 2

### Contractor's Notice of Non-payment

(Section 32.3(5)(a) of the Act)

Name of Contractor:

\_\_\_\_\_

Contractor address:

\_\_\_\_\_

Work site legal land description: \_\_\_\_\_

\_\_\_\_\_

Name of Subcontractor:

\_\_\_\_\_

Subcontractor address:

\_\_\_\_\_

Subcontractor address for service, if known:

\_\_\_\_\_

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

\_\_\_\_\_

The Contractor has not received payment from the Owner and will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in section 32.3(1) of the *Prompt Payment and Construction Lien Act*.

Amount that will not be paid:  
(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being  
\$ \_\_\_\_\_
- ☐ A portion of the amount of the work provided or material supplied by the subcontractor, being  
\$ \_\_\_\_\_

The Contractor hereby undertakes to refer the matter to adjudication under Part 5 of the *Prompt Payment and Construction Lien Act*, no later than 21 days after giving notice of the non-payment to the Subcontractor.

A copy of the Notice of Dispute under section 32.2(2) of the Act is enclosed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Contractor)

### Form 3

#### **Contractor's Notice of Non-payment Dispute** (Section 32.3(6) of the Act)

Name of Contractor:

\_\_\_\_\_

Contractor address:

\_\_\_\_\_

Work site legal land description: \_\_\_\_\_

\_\_\_\_\_

Name of Subcontractor:

\_\_\_\_\_

Subcontractor address:

\_\_\_\_\_

Subcontractor address for service, if known:

\_\_\_\_\_

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

\_\_\_\_\_

The Contractor disputes the entitlement of the Subcontractor to payment of an amount under the subcontract that was included in the proper invoice. The Contractor will not pay the indicated amount:

(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being  
\$ \_\_\_\_\_
- ☐ A portion of the amount of the work provided or material supplied by the subcontractor, being  
\$ \_\_\_\_\_

Reason(s) for non-payment:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Contractor)

#### Form 4

### Subcontractor's Notice of Non-payment Where Contractor Does Not Pay (Section 32.5(6)(a) of the Act)

Name of Subcontractor:

\_\_\_\_\_

Subcontractor address:

\_\_\_\_\_

Work site legal land description: \_\_\_\_\_

\_\_\_\_\_

Name of Contractor:

\_\_\_\_\_

Contractor address:

\_\_\_\_\_

Contractor address for service, if known:

\_\_\_\_\_

*(Complete for the Subcontractor who provided work or supplied materials in relation to the proper invoice.)*

Name of Subcontractor:

\_\_\_\_\_

Subcontractor address:

\_\_\_\_\_

Subcontractor address for service, if known:

\_\_\_\_\_



The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

---

(Please check the appropriate box)

- ☐ The Subcontractor has not received payment from the Contractor and will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in subsection 32.5(1) of the *Prompt Payment and Construction Lien Act*.
- ☐ [Non-payment to a Subcontractor who is entitled to payment from a Subcontractor in accordance with section 32.5(11) of the *Prompt Payment and Construction Lien Act*] The Subcontractor has not received payment from the Owner and will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in subsection 32.5(1) of the *Prompt Payment and Construction Lien Act*.

Amount that will not be paid:

(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being  
\$ \_\_\_\_\_
- ☐ A portion of the amount of the work provided or material supplied by the Subcontractor, being  
\$ \_\_\_\_\_

The Subcontractor hereby undertakes to refer the matter to adjudication under Part 5 of the *Prompt Payment and Construction Lien Act*, no later than 21 days after giving notice of the non-payment to the Subcontractor.

A copy of any Notice of Non-payment received by the Subcontractor is enclosed.

---

Date

---

Signature (Subcontractor)

### Form 5

#### Subcontractor's Notice of Non-payment Dispute (Section 32.5(7) of the Act)

Name of Subcontractor:

---

Subcontractor address:

\_\_\_\_\_

Work site legal land description: \_\_\_\_\_

\_\_\_\_\_

Name of Contractor:

\_\_\_\_\_

Contractor address:

\_\_\_\_\_

*(Complete for the Subcontractor who provided work or supplied materials in relation to the proper invoice.)*

Name of Subcontractor:

\_\_\_\_\_

Subcontractor address:

\_\_\_\_\_

Subcontractor address for service, if known:

\_\_\_\_\_

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

\_\_\_\_\_

The Subcontractor disputes the entitlement of another Subcontractor to payment of an amount under the subcontract that was included in the proper invoice in accordance with section 32.5(7) of the *Prompt Payment and Construction Lien Act*, or section 32.5(11) of the *Prompt Payment and Construction Lien Act*. The subcontractor will not pay the indicated amount:

(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being  
\$ \_\_\_\_\_
- ☐ A portion of the amount of the work provided or material supplied by the subcontractor, being  
\$ \_\_\_\_\_

Reason(s) for non-payment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

Signature (Subcontractor)

**Form 6****Statement of Lien**

(Section 34 of the Act)

( Name of lienholder ) of ( residence of lienholder ) ( if claimant is the assignee of the original lienholder, state the facts ) claims a lien under the *Prompt Payment and Construction Lien Act* on the estate of ( name and residence of the owner of the land on which the lien is claimed ) in the following land: ( set out concise legal description )

- ☐ (NOTE: If this lien is with respect to an improvement to an oil or gas well or to an oil or gas well site for which the lien may be registered in the Land Titles Office not later than 90 days from the last day that the work was done or the materials were last furnished, please check.

OR

- ☐ If this lien is with respect to the manufacture and supply of ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time, for which the lien may be registered in the Land Titles Office not later than 90 days from the last day that the work was done or the materials were last furnished, please check.)

The lien is claimed with respect to the following work or materials, that is to say:

( give a short description of the nature of the work done or the materials furnished or to be furnished )

which work was or is to be done for or which materials were or are to be furnished for ( name and residence of person for whom the work was or is being done or the materials were or are being furnished ):

(please check the appropriate box):

- ☐ The work was completed or the materials were last furnished on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
☐ The work is not yet completed or the materials have not yet all been furnished.

The sum claimed as due or to become due is \$\_\_\_\_\_.

The address for service of the lienholder hereunder is \_\_\_\_\_, in the Province of Alberta.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Signature

---

(Status of signatory, e.g., lienholder; agent of lienholder;  
or where the lienholder or agent is a corporation, the  
signatory's position with the corporation)

NOTE: This form is for use only where the statement of lien is to be registered with the Minister of Energy.

### Form 7

#### Statement of Lien on Interest in Crown Minerals (Section 36 of the Act)

This statement of lien applies with respect to the following (check the appropriate box):

- ☐ To work done or materials furnished with respect to improvements, other than improvements to an oil or gas well or to an oil or gas well site, in which case this lien is to be registered with the Minister of Energy not later than 60 days from the last day that the work was last done or the materials were last furnished.
- ☐ To work done or materials furnished with respect to improvements to an oil and gas well or to an oil or gas well site, in which case this lien is to be registered with the Minister of Energy not later than 90 days from the last day that the work was done or the materials were last furnished.
- ☐ To work done or materials furnished with respect to the manufacture and supply of ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time, in which case this lien is to be registered with the Minister of Energy not later than 90 days from the last day that the work was done or the materials were last furnished.

( Name of lienholder ) of ( residence of lienholder ) ( if claimant is the assignee of the original lienholder, state the facts ) claims a lien under the *Prompt Payment and Construction Lien Act* on the interest in minerals of ( name and residence of the owner of the interest in minerals on which the lien is claimed ) in the following land: ( set out concise legal description ).

The mineral is ( set out mineral concerned ).

The lien is claimed with respect to the following work or materials,  
that is to say:

( \_\_\_\_\_  
\_\_\_\_\_ )  
done or the materials furnished or to be furnished

which work was or is to be done for or which materials were or are  
to be furnished for ( name and residence of person for whom the  
work was or is being done or the materials were or are being  
furnished ):

(check the appropriate box)

- ☐ The work was completed or the materials were last  
furnished on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.
- ☐ The work is not yet completed or the materials have not  
yet all been furnished.

The sum claimed as due or to become due is \$ \_\_\_\_\_.

The address for service of the lienholder hereunder is  
\_\_\_\_\_, in the Province of Alberta.

Dated at \_\_\_\_\_ this \_\_\_\_ day of, \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature

### Form 8

#### Affidavit Verifying Claim (Section 34(6) of the Act)

( Name of lienholder ) of \_\_\_\_\_ in the Province  
of \_\_\_\_\_, ( occupation ), named in the above (or annexed)  
statement make oath and say that the said claim is true.

SWORN BEFORE ME at the \_\_\_\_\_ of )  
\_\_\_\_\_, in the Province of \_\_\_\_\_, )  
this \_\_\_\_\_ day of \_\_\_\_\_, )  
\_\_\_\_\_. )  
\_\_\_\_\_) (Lienholder)  
\_\_\_\_\_)  
A Commissioner for Oaths )

**Form 9****Affidavit Verifying Claim**  
(Section 34(6) of the Act)**(by two-way videoconferencing)**

( Name of lienholder ) of \_\_\_\_\_ in the Province  
of \_\_\_\_\_, named in the above (or annexed) statement  
make oath and say that the said claim is true, and that I am  
executing this document by two-way videoconferencing separate  
and apart from any other person.

SWORN BEFORE ME, \_\_\_\_\_ )  
a lawyer in and for the Province of Alberta )  
at the \_\_\_\_\_ in the \_\_\_\_\_ )  
of \_\_\_\_\_ by two-way videoconferencing )  
with the deponent who was at the \_\_\_\_\_ )  
in the Province of Alberta this \_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_, \_\_\_\_\_ on the basis of evidence ) \_\_\_\_\_  
provided to me that enabled me to verify the ) (Lienholder)  
deponent's identity and confirm the contents )  
of the document being executed. )

\_\_\_\_\_  
(Lawyer)

**Form 10****Affidavit Verifying Claim  
by Other Than Lienholder**  
(Section 34(6) and (7) of the Act)

( Name of deponent ) of \_\_\_\_\_ in the Province of \_\_\_\_\_,  
(occupation), make oath and say:

- (1) That I am the agent (or assignee) of \_\_\_\_\_ named in  
the above (or annexed) statement and have full knowledge of  
the facts set forth in the above (or annexed) statement [or I  
am informed by (state source of information) and believe that  
the facts are as set forth in the above (or annexed) statement].
- (2) That the said claim is true [or when deponent has been  
informed, that I believe that the said claim is true].

SWORN BEFORE ME at the \_\_\_\_\_ of \_\_\_\_\_ )  
\_\_\_\_\_, in the Province of \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_, )  
\_\_\_\_\_. ) \_\_\_\_\_  
 ) (Deponent)  
 )  
\_\_\_\_\_  
A Commissioner for Oaths )

**Form 11****Affidavit Verifying Claim  
by Other Than Lienholder**  
(Section 34(6) and (7) of the Act)**(by two-way videoconferencing)**

( Name of deponent ) of \_\_\_\_\_ in the Province of  
\_\_\_\_\_, ( occupation ), make oath and say:

- (1) I am the agent (or assignee) of \_\_\_\_\_ named in the above (or annexed) statement and have full knowledge of the facts set forth in the above (or annexed) statement [or I am informed by ( state source of information ) and believe that the facts are as set forth in the above (or annexed) statement].
- (2) The said claim is true [or when deponent has been informed, I believe that the said claim is true].
- (3) I am executing this document by two-way videoconferencing separate and apart from any other person.

SWORN BEFORE ME, \_\_\_\_\_ )  
 a lawyer in and for the Province of Alberta )  
 at the \_\_\_\_\_ in the \_\_\_\_\_ )  
 of \_\_\_\_\_ by two-way videoconferencing )  
 with the deponent who was at the \_\_\_\_\_ )  
 in the Province of Alberta this \_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, \_\_\_\_\_ on the basis of evidence ) \_\_\_\_\_  
 provided to me that enabled me to verify the ) (Deponent)  
 deponent's identity and confirm the contents )  
 of the document being executed. )

\_\_\_\_\_  
 (Lawyer)

**Form 12****Notice of Change of Address for Service**  
(Section 39 of the Act)

To: Registrar of Land Titles (or the Minister of Energy)

Take notice that I hereby change my address for service as stated in my Statement of Lien (or in my last registered notice of change of address for service) registered in the Land Titles Office (or with the Minister of Energy) on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ as No. \_\_\_\_\_ affecting the land described as follows:

(set out concise legal description)

and appoint \_\_\_\_\_ in the Province of  
Alberta as my address for service.

Dated at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature)**Form 13**

(Section 43 of the Act)

Clerk's stamp:

COURT FILE NUMBER  
COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE  
PLAINTIFF(S)  
DEFENDANT(S)  
DOCUMENT**CERTIFICATE OF  
LIS PENDENS**ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT**To: Registrar of Land Titles (or the Minister of Energy)**This is to certify that proceedings have been taken in court to enforce  
a certain lien registered by \_\_\_\_\_ against ( here describe lands ),  
which lien was registered pursuant to the *Prompt Payment and  
Construction Lien Act* in the Land Titles Office (or with the Minister of  
Energy) on \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ as No. \_\_\_\_.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Court Clerk)**Form 14****Discharge of Lien**

(Section 47 of the Act)

**To: Registrar of Land Titles (or the Minister of Energy)**I, \_\_\_\_\_ acknowledge payment of all (or \$ \_\_\_\_\_  
on account of) moneys due or to become due under the  
statement of lien made by or on behalf of (name of  
lienholder) as lienholder, on the following land:



(set out concise legal description)

the statement of lien being registered in the Land Titles  
Office (or with the Minister of Energy) on \_\_\_\_ day  
of \_\_\_\_, \_\_\_\_ as No. \_\_\_\_.

I declare that the said claim of lien has (not) been assigned or  
transferred and that I am entitled by law to receive the money.

Wherefore the said claim of lien is hereby wholly discharged (or  
wholly discharged as to the following land).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Witness: \_\_\_\_\_ (Signature) \_\_\_\_\_

**Form 15**  
(Section 52 of the Act)

Clerk's stamp:

COURT FILE NUMBER  
COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE  
PLAINTIFF(S)  
DEFENDANT(S)  
DOCUMENT

**NOTICE TO  
PROVE LIEN**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

To: (Name of lienholder)

Take notice that the undersigned hereby requires that you prove  
your lien registered pursuant to the *Prompt Payment and  
Construction Lien Act* on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ in  
the Land Titles Office (or with the Minister of Energy) as No. \_\_\_\_  
with respect to the following land:

(set out concise legal description)

And further take notice that unless within 15 days from the date of  
service of this Notice on you, you file in the office of the Court  
Clerk at \_\_\_\_\_, Alberta, an affidavit giving detailed  
particulars of your lien pursuant to section 52 of the *Prompt  
Payment and Construction Lien Act*, you will lose your lien.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Name of party giving notice)

AR 51/2022 Sched.;22/2022







Printed on Recycled Paper 