- Once it expires, homeowners can contact the Land Titles Office to have the lien removed from the title.
- Claimants must swear under oath to file a lien. Filing a false lien can be considered perjury under the Criminal Code.

BACKGROUND:

- Julie Matthews, Global Edmonton's Troubleshooter, has interviewed some homeowners and contractors about the Builders' Lien Act and the lien process. They say the legislation needs provisions to discourage vexatious liens and punish those who file them.
- The *Builders' Lien Act* was created to allow for unpaid construction contractors who supply goods or services to obtain a charge against the land on which the goods or services were supplied.
- The Act seeks to strike a balance between competing interests.
    - Contractors, subcontractors and suppliers can file a lien if they have not been paid.
    - Homeowners are able to hold back part of the payment in the contract and create lien funds under the Act; these funds can be used to settle claims and/or discharge liens.
    - In some situations where a dispute over payment arises the amount in question can be paid into Court to avoid the need for a lien.
- The problem with amending the Builders' Lien Act is that it is a zero sum game between these competing interests. Any efforts by one group to make amendments that are viewed as helpful are typically met with strong opposition by another affected group. Accordingly, the Act is very difficult to amend.
- Various stakeholders in the construction industry have from time to time sought to have amendments made to the Builders' Lien Act. These efforts have included contacting MLAs to explain their position.
- The fee for registering a lien is $15; the fee to lapse a lien is $10. There is no cost to employees filing a lien for unpaid wages.
- Service Alberta's Special Investigations Unit has investigated a few cases of suspected invalid liens. In each case, the claimant withdrew the lien.

Julie asked several questions as background in preparation for an interview with Service Alberta:

Q. Where are liens filed?

A. At the Land Titles Office in Edmonton or Calgary