

# *The Mechanics' Lien Act*

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Chapter 206 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 206

### An Act respecting the Liens of Mechanics, Wage Earners and Others

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Mechanics' Lien Act*.

R.S.S. 1909, c.150, s.1; R.S.S. 1920, c.206, s.1.

#### INTERPRETATION

##### Interpretation

2 In this Act, unless the context otherwise requires, the expression:

##### “Clerk of the court”

1. “**Clerk of the court**” means the clerk of the district court:

##### “Contractor”

2. “**Contractor**” means a person contracting with or employed directly by the owner or his agent for the doing of work or placing or furnishing materials for any of the purposes mentioned in this Act;

##### “Court”

3. “**Court**” means the district court of the judicial district wherein the property in respect of which the lien is claimed is situated;

##### “Judge”

4. “**Judge**” means the judge of the said district court;

##### “Material”

5. “**Material**” or “materials” includes every kind of movable property;

##### “Owner”

6. “**Owner**” extends to and includes any person, firm, association, body corporate or politic having any interest or estate in the lands upon or in respect of which the work or service is done or materials are placed or furnished at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work or service is performed or materials are placed or furnished and all persons claiming under him or them whose rights are acquired after the work or service in respect of which the lien is claimed is commenced or the materials furnished have been commenced to be furnished;

##### “Person”

7. “**Person**” extends to and includes a body corporate or politic, a firm, a partnership or association;

##### “Registrar”

8. “**Registrar**” means the registrar of land titles for the land registration district within which the property in respect of which the lien is claimed, is situated;

**“Registered”**

9. **“Registered”** means registered under *The Land Titles Act* and includes “filed” when no certificate of title is issued for the land affected by the lien;

**“Subcontractor”**

10. **“Subcontractor”** means a person not contracting with or employed directly by the owner or his agent for the purposes aforesaid but contracting with or employed by a contractor or under him by another subcontractor;

**“Wages”**

11. **“Wages”** means money earned by a workman, servant, labourer, mechanic or other person mentioned in section 3, for work done whether by time or as piece work.

R.S.S. 1909, c.150, s.2 (redrawn); R.S.S. 1920, c.206, s.2.

### CREATION, EFFECT AND REGISTRATION OF LIENS

**Contracts void where rights waived**

3 Every agreement or bargain verbal or written, express or implied entered into on the part of any workman, servant, labourer, mechanic or other person employed in any kind of manual labour intended to be dealt with in this Act by which it is agreed that this Act shall not apply or that the remedies provided by it shall not be available for the benefit of any person entering into such agreement is and shall be null and void and of no effect as against any such workman, servant, labourer, mechanic or other person.

R.S.S. 1909, c.150, s.3; R.S.S. 1920, c.206, s.3.

**Nature of lien**

4 Unless he signs an express agreement to the contrary and in that case subject to the provisions of section 3, any person who performs any work or service upon or in respect of or places or furnishes any materials to be used in the making, constructing, erecting, fitting, altering, improving or repairing of any erection, building, land, wharf, pier, bulkhead, bridge, trestlework or mine or the appurtenances to any of them for any owner, contractor or subcontractor shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, wharf, pier, bulkhead, bridge, trestlework or mine or the appurtenances thereto. and the lands occupied thereby or enjoyed therewith or upon or in respect of which the said service is performed or upon which such materials are placed or furnished to be used limited however in amount to the sum justly due to the person entitled to the lien and to the sum justly owing (except, as hereinafter provided) by the owner.

R.S.S. 1909, c.150, s.4; R.S.S. 1920, c.206, s.4.

**Lands of married woman**

**5** Where work, or service is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting for himself so as to bind his own interest and also as the agent of such married woman for the purposes of this Act unless the person doing such work or service or furnishing such material had actual notice to the contrary before doing such work or furnishing such materials.

R.S.S. 1909, c.150, s.5; R.S.S. 1920, c.206, s.5.

**Third party of lien**

**6** No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act and not a party to the agreement of the benefit of the lien but the lien shall attach notwithstanding such agreement.

R.S.S. 1909, c.150, s.6; R.S.S. 1920, c.206, s.6.

**Property on which lien attaches**

**7(1)** The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, land, wharf, pier, bulkhead, bridge, trestlework or mine and the appurtenances thereto upon or in respect of which the work or service is performed or the materials placed or furnished to be used and the lands occupied thereby or enjoyed therewith.

**(2)** In cases where the estate or interest charged by the lien is leasehold the land itself may also with the consent of the owner thereof be subject to the said lien provided such consent is attested by the signature of such owner upon the claim of lien at the time of the registering thereof and duly verified.

R.S.S. 1909, c.150, s.7; 1913, c.38, s.1; R.S.S. 1920, c.206, s.7.

**Insurance when lien attaches**

**8** Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire any money received or receivable by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realised by the sale of such property in an action to enforce a lien.

R.S.S. 1909, c.150, s.8; 1915, c.43, s.27; R.S.S. 1920, c.206, s.8.

**Limit of lien**

**9** Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor.

R.S.S. 1909, c.150, s.9; R.S.S. 1920, c.206, s.9.

**Limit of lien when claimed by other than contractor**

**10** Save as herein provided where the lien is claimed by any other person than the contractor the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor or subcontractor or other person for whom the work or service has been done or the materials have been placed or furnished.

R.S.S. 1909, c.150, s.10; R.S.S. 1920, c.206, s.10.

**Percentage deducted and retained**

**11(1)** In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise under the provisions of this Act shall as the work is done or materials furnished under the contract deduct from any payments to be made by him in respect of the contract and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as mentioned in section 4 and such values shall be calculated on the basis of the price to be paid for the whole contract; and the liens created by this Act shall be a charge upon the amount directed to be retained by this section in favour of the subcontractors whose liens are derived under persons to whom such moneys so required to be retained are respectively payable.

(2) All payments up to eighty per cent. of such value made in good faith by an owner to a contractor or a contractor to a subcontractor or by one subcontractor to another subcontractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act.

(3) Payment of the percentage required to be retained under subsection (1) may be validly made so as to discharge all liens or charges under this Act in respect thereof after the expiration of the said period of thirty days mentioned in subsection (1), unless in the meantime proceedings have been commenced under this Act to enforce any lien or charge against such percentage as provided by sections 23 and 24.

R.S.S. 1909, c.150, s.11; R.S.S. 1920, c.206,  
s.11.

**Payments made direct by owner**

**12** In case an owner or contractor chooses to make payments to any person referred to in section 4 for or on account of any debts justly due to him for work or service done or for materials placed or furnished to be used as therein mentioned and forthwith gives by letter notice in writing of such payment to the contractor or his agent or to the subcontractor or his agent, as the case may be, such payments shall as between the owner and the contractor or as between the owner and the subcontractor, as the case may be, be deemed to be payments to the contractor or the subcontractor, as the case may be on his contract generally but not so as to affect the percentage to be retained by the owner as provided by section 11.

R.S.S. 1909, c.150, s.12; R.S.S. 1920, c.206,  
s.12.

**Priority of lien**

13(1) The lien created by this Act shall have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises and over all conveyances or mortgages registered after registration of such lien as in this Act provided.

(2) In case of an agreement for the purchase of land where the purchase money or part thereof is unpaid and no conveyance has been made to the purchaser, the purchaser shall for the purposes of this Act and within the meaning thereof be deemed a mortgagor and the seller a mortgagee whose mortgage was registered on the date of the execution of the agreement of sale.

(3) Excepting where it is otherwise declared by this Act no person entitled to a lien on any property or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person entitled to a lien or charge on such moneys or property under this Act and all lien-holders except where it is otherwise declared by this Act shall rank *pari passu* for their several amounts and the proceeds of any sale shall subject as aforesaid be distributed among them *pro rata*.

R.S.S. 1909, c.150, s.13; 1913, c.38, s.2(2)  
(redrawn); R.S.S. 1920, c.206, s.13.

**Priority of lien for wages**

14(1) Every mechanic or labourer whose lien is for wages shall to the extent of thirty days wages have priority over all other liens derived through the same contractor or subcontractor to the extent of and on the twenty per cent. of the contract price directed to be retained by section 11 to which the contractor or subcontractor through whom such lien is derived is entitled and all such mechanics and labourers shall rank thereon *pari passu*.

(2) Every wage earner shall be entitled to enforce a lien in respect of a contract not completely fulfilled.

(3) In case of the contract not having been completely fulfilled when the lien is claimed by wage earners the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor or subcontractor by whom such wage earners are employed.

(4) Where the contractor or subcontractor makes default in completing his contract the percentage aforesaid shall not as against a wage earner claiming a lien under this Act be applied to the completion of the contract or for any other purpose by the owner or contractor nor to the payment of damages for the noncompletion of the contract by the contractor or the subcontractor nor in payment or satisfaction of any claim of any kind against the contractor or subcontractor.

(5) Every device by any owner, contractor or subcontractor adopted to defeat the priority given to wage earners for their wages by this Act shall as respects such wage earners be null and void.

R.S.S. 1909, c.150, s.14; R.S.S. 1920, c.206,  
s.14.

**Payments to defeat lien**

**15** Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act and all such payments shall be null and void.

R.S.S. 1909, c.150, s.15; R.S.S. 1920, c.206, s.15.

**Removal of materials affected**

**16(1)** During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien and any attempt at such a removal may be restrained on application to the court or to a judge having power to try an action to realise a lien under this Act.

(2) The court or judge to whom any such application is made may make such order as to the costs of and incidental to the application and order as he deems just.

(3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 4 the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same.

R.S.S. 1909, c.150, s.16; R.S.S. 1920, c.206, s.16.

**Registration of lien**

**17(1)** A claim for lien applicable to the case may be registered in the land titles office of the land registration district in which the land is situated and shall set out:

(a) the name and residence of the person claiming the lien and of the owner of the property to be charged and of the person for whom and upon whose credit the work or service was or is to be done or materials furnished or placed and the date upon which the contract or service was completed the last material furnished or the last work done; or, where the claim is registered before the contract, service, furnishing of material or work, has been completed, the time or period within which the same was to be performed or completed;

(b) a short description of the work or service done or the materials furnished or placed or to be furnished or placed;

(c) the sum claimed as due or to become due;

(d) a description of the property to be charged;

(e) an address for service on the party claiming the lien.

(2) The claim may be in form A, B, C or D, and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge.

R.S.S. 1909, c.150, s.17; 1913, c.38, s.3; R.S.S. 1920, c.206, s.17.

**What may be included in claim**

**18** A claim for lien may include claims against any number of properties and any number of persons claiming liens upon the same property may unite therein; but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 17.

R.S.S. 1909, c.150, s.18; R.S.S. 1920, c.206, s.18.

**Claims not invalidated by informality**

**19(1)** A substantial compliance only with sections 17 and 18 shall be required and no lien shall be invalidated by reason of failure to comply with any of the requirements of the said sections unless in the opinion of the court or judge who has power to try an action under this Act the owner, contractor or subcontractor, mortgagee or other person, as the case may be, is prejudiced thereby and then only to the extent to which he is thereby prejudiced.

(2) Nothing in this section contained shall be construed as dispensing with registering of the lien required by this Act.

R.S.S. 1909, c.150, s.19; R.S.S. 1920, c.206,  
s.19.

**Lien registered an incumbrance**

**20** The registrar upon payment of the prescribed fee shall register the claim so that the same may appear as an incumbrance against the land therein described.

R.S.S. 1909, c.150, s.20; R.S.S. 1920, c.206,  
s.20.

**Lienholder a purchaser**

**21** Where a claim is so registered the person entitled to the lien shall be deemed a purchaser *pro tanto*.

R.S.S. 1909, c.150, s.21; R.S.S. 1920, c.206,  
s.21.

**Registering claims for liens**

**22(1)** A claim for lien by a contractor or subcontractor may in cases not otherwise provided for be registered before or during the performance of the contract or within thirty days after the completion thereof.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished and placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for wages may be registered at any time during the performance of the work for which such wages are claimed or within thirty days after the last day's work for which the lien is claimed.

(5) In the case of a contract which is under the supervision of an architect, engineer or other person upon whose certificate payments are to be made the claim for a lien by a contractor may be registered within the time mentioned in subsection (1) or within seven days after the said architect, engineer or other person has given his final certificate or has upon application to him by the contractor refused to give a final certificate.

R.S.S. 1909, c.150, s.22; R.S.S. 1920, c.206,  
s.22.

## DURATION OF LIEN

**When lien ceases**

**23** Every lien a claim for which is not duly registered under the provisions of this Act shall cease to exist at the expiration of the time hereinbefore limited for the registering thereof unless in the meantime an action is commenced to realise the claim or in which the claim may be realised under the provisions of this Act and a certificate thereof (form F) signed by the clerk of the court is duly registered in the land titles office of the land registration district wherein the property in respect of which the lien is claimed is situated:

Provided however that claims may be registered and actions commenced after the time hereinbefore limited for so doing, and that the failure to register such claim or to commence such action within the times mentioned in this and section 22 shall not defeat such lien except as against intervening parties becoming entitled to a lien or charge upon such land whose claim with respect to said land is registered prior to the registration of such lien or as against an owner in respect of payments made in good faith to a contractor after the expiration of said period of thirty days and before any claim of lien is registered or notice thereof given to the owner.

R.S.S. 1909, c.150, s.23; 1913, c.38, s.4; 1917, c.34, s.21; R.S.S. 1920, c.206, s.23.

**When registered lien expires**

**24** Any person claiming any right, title or interest in and to any property in respect of which any claim of lien is registered as hereinbefore provided may at any time after thirty days have expired since the registering of such lien require the registrar to notify the lienholder by notice in writing (form E) forwarded by registered mail to the address for service of the said lienholder that unless an action to realise such claim or lien in which such claim may be realised is instituted and a certificate that such action has been so instituted which certificate (form F) shall be signed by the clerk of the court in which such action is so instituted is deposited in the said land titles office within thirty days from the date of such notice, such lien shall cease to exist; and if such action is not so instituted and the certificate aforesaid so filed within thirty days from the date of the mailing of such notice such lien shall thereupon cease to exist and the registrar shall vacate the registration thereof unless prior to the expiration of the said thirty days there is registered in the said land titles office an order of a judge extending the time for instituting such action.

R.S.S. 1909, c.150, s.24; R.S.S. 1920, c.206, s.24.

## TRANSMISSION OF LIEN

**Death of lien holder—Assignment**

**25** In the event of the death of the lienholder his right of lien shall pass to his personal representatives, and the right of a lienholder may be assigned by any instrument in writing.

R.S.S. 1909, c.150, s.25; R.S.S. 1920, c.206, s.25.

## DISCHARGE AND VACATING LIEN

**Discharge of lien**

**26(1)** A lien may be discharged by a receipt signed by the claimant or his agent duly authorised in writing acknowledging payment and verified by affidavit and registered with the registrar; such receipt shall be numbered and entered by the registrar like other instruments; the fees shall be the same as for registering a claim of lien.

(2) Upon application the court or judge may receive security or payment into court in lieu of the amount of the claim and may thereupon vacate the registration of the lien.

(3) The court or such judge may vacate the said registration upon any other ground.

R.S.S. 1909, c.150, s.26; R.S.S. 1920, c.206,  
s.26.

## EFFECT OF TAKING SECURITY ON LIEN

**Certain acts not to prejudice right to enforce lien**

**27** The taking of any security for or the acceptance of any promissory note for or the taking of any other acknowledgment of the claim or the giving of time for the payment of the claim or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment therefor shall not merge, waive, pay, satisfy, prejudice or destroy any lien created by this Act unless the lienholder agrees in writing that it shall have that effect.

R.S.S. 1909, c.150, s.27; R.S.S. 1920, c.206,  
s.27.

LIENHOLDER ENTITLED TO INFORMATION AND INSPECTION OF  
CONTRACT**Information from owner**

**28** Any lienholder may at any time demand from the owner or his agent the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed and if such owner or his agent does not at the time of such demand or within a reasonable time thereafter inform the person making such demand of the terms of such contract or agreement or the amount due and unpaid upon such contract or agreement or makes any false statement or knowingly falsely states the terms of the said contract or agreement or the amount due or unpaid thereon and if the person claiming the lien sustains loss by reason of such refusal or neglect or false statement the said owner shall be liable to him in an action therefor to the amount of such loss.

R.S.S. 1909, c.150, s.28; R.S.S. 1920, c.206,  
s.28.

## POWER OF COURT TO ORDER INSPECTION

**Order for inspection of contract**

**29** The court or a judge may on a summary application at any time before or after any action is commenced for the enforcement of such lien make an order requiring, the owner or his agent to produce and allow any lienholder to inspect any such contract and may make such an order as to the costs of such application and order as is just.

R.S.S. 1909, c.150, s.29; R.S.S. 1920, c.206, s.29.

## ENFORCEMENT OF LIENS

**Mode of realising liens**

**30** Notwithstanding anything contained in *The King's Bench Act* and *The District Courts Act* all actions to realise under a lien shall irrespective of the amount involved or of the fact that the title to land is called in question be brought, tried and determined in the district court in the same manner and subject to the same right of appeal as ordinary actions in the court.

R.S.S. 1909, c.150, s.30; R.S.S. 1920, c.206, s.30.

**Parties to action**

**31** It shall not be necessary to make any lienholders parties defendant to the action, but all lienholders served with the notice of trial shall for all purposes be deemed parties to the action.

1913, c.38, s.5; R.S.S. 1920, c.206, s.31.

**Notice to lienholders**

**32** The party setting an action down for trial shall at least ten days before the opening of the sitting of the court at which the action is to be tried serve notice of trial (form G) upon all lienholders who have filed their claims as required by this Act, or who are known to him; such service shall be personal, unless otherwise directed by the judge, who may direct in what manner the notice of trial may be served.

1913, c.38, s.5; R.S.S. 1920, c.206, s.32.

**Lienholder joining in action**

**33** Any number of lienholders claiming liens on the same property may join in an action and any action brought by a lienholder shall be taken to be brought on behalf of all other lienholders on the property in question.

R.S.S. 1909, c.150, s.31; R.S.S. 1920, c.206, s.33.

**Trial procedure**

**34(1)** Upon the trial of any action to realise under a lien the judge shall decide all questions which arise therein or which are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of all parties concerned and shall take all accounts, make all inquiries and give all directions and do all other things necessary to try and otherwise finally dispose of the action and of all matters, questions and accounts arising in the action or at the trial and to adjust the rights and liabilities of and give all necessary relief to all parties concerned and shall embody all results in the judgment.

(2) The judge who tries the action may order that the estate or interest charged with the lien be sold and when by the judgment a sale is directed of the estate or interest charged with the lien the judge who tries the action may direct the sale to take place at any time after judgment allowing however a reasonable time for advertising such sale and may make all necessary orders for the completion of the sale and vesting the property in the purchaser.

(3) The judge who tries the action may also direct the sale of any materials and authorise the removal of the same.

(4) Any lienholder who has not proved his claim at the trial of an action to enforce a lien on application to the judge who tried the action on such terms as to costs and otherwise as may be just may be let in to prove his claim at any time before the amount realised in the action for the satisfaction of liens has been distributed and where such a claim is proved and allowed the judge shall amend the judgment so as to include such claim therein.

(5) When a sale is held the judge shall direct to whom the moneys in court shall be paid and may add to the claim of the person conducting the sale his actual disbursements in connection therewith and where sufficient to satisfy the judgment and costs is not realised from the sale he shall certify the amount of the deficiency and the names of the persons with their amounts who are entitled to recover the same and the persons by the judgments adjudged to pay the same; and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court.

R.S.S. 1909, c.150, s.32; R.S.S. 1920, c.206,  
s.34.

**Consolidation of actions**

**35** Where more actions than one are brought to realise liens in respect of the same property the judge may on the application of any party to any one of such actions or on the application of any other person interested consolidate all such actions into one action and may give the conduct of the consolidated action to any plaintiff he sees fit.

R.S.S. 1909, c.150, s.33; R.S.S. 1920, c.206,  
s.35.

**Carriage of proceedings**

**36** Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings and the judge may thereupon make an order giving such lienholder the carriage of the proceedings and such lienholder shall for all purposes thereafter be the plaintiff in the action.

R.S.S. 1909, c.150, s.34; R.S.S. 1920, c.206,  
s.36.

**Costs**

**37** Where a lien is discharged or vacated under section 26 or where in an action judgment is given in favour of or against a claim for a lien in addition to the costs of an action the judge may allow a reasonable amount for costs of drawing and registering the lien or for vacating the registration of the lien.

R.S.S. 1909, c.150, s.35; R.S.S. 1920, c.206, s.37.

**Cost not otherwise provided for**

**38** The costs of and incidental to all applications and orders made under this Act and not otherwise provided for shall be in the discretion of the judge to whom the application or by whom the order is made.

R.S.S. 1909, c.150, s.36; R.S.S. 1920, c.206, s.38.

**Satisfaction of judgment**

**39** All judgments in favour of lienholders shall adjudge that the person or persons personally liable for the amount of the judgment shall pay any deficiency which may remain after sale of the property adjudged to be sold and whenever on a sale of any property to realise a lien under this Act sufficient to satisfy the judgment and costs is not realised therefrom the deficiency may be recovered by execution against the property of such person or persons.

R.S.S. 1909, c.150, s.37; R.S.S. 1920, c.206, s.39.

**Personal judgment**

**40** Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien he may nevertheless recover therein a personal judgment against any party or parties to the action for such sum or sums as appear to be due to him and which he might recover in an action on contract against such party or parties.

R.S.S. 1909, c.150, s.38; R.S.S. 1920, c.206, s.40.

**Time extended**

**41** Where in this Act a time is limited for registering a document or taking a proceeding, and through accident, mistake or inadvertence the time thus limited has been allowed to expire without such document being registered or proceeding taken, the judge may nevertheless, upon such terms as seem just, extend the time so limited; such enlargement shall be subject to the rights of third persons accrued by reason of the failure or omission to register the document or take the proceeding within the time limited.

1915, c.43, s.27 (2); R.S.S. 1920, c.206, s.41.

## LIENS FOR IMPROVEMENT OF CHATTELS

**Liens for improvement of chattels**

42(1) Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement of its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or the value of the money or skill and materials bestowed shall while such lien exists but not afterwards in 6 case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid have the right in addition to all other remedies provided by law to sell the chattel or thing in respect of which the lien exists.

(2) One month's notice of the sale shall be given by advertisement in a newspaper published in the locality in which the work was done or in case there is no newspaper published in such locality or within ten miles of the place where the work was done then by posting up not less than five notices in the most public places within the locality for one month stating:

- (a) the name of the person indebted;
- (b) the amount of the debt;
- (c) a description of the chattel or thing to be sold;
- (d) the time and place of sale and the name of the auctioneer;

and leaving a like notice in writing at the residence or last known place of residence, if any, of the owner, as the case may be, or by mailing the same to him by registered letter if his address is known.

(3) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale and shall upon application pay over any surplus to the person entitled thereto.

R.S.S. 1909, c.150, s.40 (redrawn); R.S.S. 1920, c.206, s.42.

SCHEDULE

FORM A

(Section 17)

CLAIM OF LIEN FOR REGISTRATION

A.B. (name of claimant) of (here state residence of claimant) (if so, as assignee of stating name and residence of assignor) under The Mechanics' Lien Act claims a lien upon the estate of (here state the name and residence of owner of the land upon which the lien is claimed) in the undermentioned land in respect of the following work (service or materials) that is to say (here give a short description of the nature of the work done or materials furnished and for which the lien is claimed).

The contract or service was completed or the last material was furnished or the last work was done, on the \_\_\_\_ day \_\_\_\_\_ of A.D. \_\_\_\_ or the contract service is to be completed or the material is to be furnished or the work is to be done on or before the \_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_ and the name and address of the person for whom the work was done or material furnished is \_\_\_\_\_ .

The amount claimed as due (Or to become due) is the sum of \$ \_\_\_\_ .

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

.....  
*Signature of Claimant.*

.....  
*Address for Service.*

FORM B

(Section 17)

CLAIM OF LIEN FOR WAGES FOR REGISTRATION

A.B. (name of claimant) of (here state residence of claimant) (if so, as assignee of stating name and residence of assignor) under The Mechanics' Lien Act claims a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of \_\_\_\_\_ days' work performed thereon while in the employment of (here state the name and residence of the person upon whose credit the work was done) on or before the \_\_\_\_\_ day of \_\_\_\_\_ .

The amount claimed as due is the sum of \$ \_\_\_\_\_ .

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
Signature of Claimant.

.....  
Address for Service.

FORM C

(Section 18)

CLAIM FOR LIEN FOR WAGES BY SEVERAL CLAIMANTS

The following persons under The Mechanics' Lien Act claim a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of wages for labour performed thereon while in the employment of (here state name and residence or names and residences of employers of the several persons claiming the lien):

- A.B. of (residence) \$ \_\_\_\_\_ for \_\_\_\_\_ days' wages.
- C.D.       "       \$ \_\_\_\_\_ for \_\_\_\_\_ days' wages.
- E.F.       "       \$ \_\_\_\_\_ for \_\_\_\_\_ days' wages.

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
.....  
Signatures of Several Claimants.

.....  
Address for Service.

FORM D

(Section 17)

AFFIDAVIT VERIFYING CLAIM FOR REGISTRATION

I, *A. B.* named in the above (*or* annexed) claim, do make oath that the said claim is true.

(*Or, We, A. B. and C. D.,* named in the above (*or* annexed) claim, do make oath and each for himself says that the said claim so far as it relates to him is true.)

(*Where affidavit made by agent or assignee a clause must be added to the following effect: I have full knowledge of the facts set forth in the above (*or* annexed) claim.*)

Sworn before me at \_\_\_\_\_  
in the Province of Saskatchewan  
this \_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_ .

(*Or the said A. B. and C. D.*  
were severally sworn before me  
at \_\_\_\_\_, in the Province of  
Saskatchewan, this \_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_ .)

(*Or the said A. B. was sworn*  
before me at \_\_\_\_\_, in the  
Province of Saskatchewan, this  
\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .)

MECHANICS' LIEN

c. 206

FORM E  
(Section 24)

To .....

.....

Under the provisions of section 24 of *The Mechanics' Lien Act* I hereby notify you that the claim of lien filed by you on the \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ against the following property namely:

shall cease to exist unless an action to realise such claim of lien or in which such claim may be realised is instituted and a certificate that such action has been so instituted (which certificate shall be in form F of the schedule to *The Mechanics' Lien Act*, signed by the clerk of the court in which such action is instituted) is deposited in the land titles office for the registration district of \_\_\_\_\_ within thirty days from the date of this notice or within such thirty days you leave with me an order of a judge extending the time for instituting such action.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

.....  
*Registrar.*

\_\_\_\_\_

FORM F  
(Sections 23 and 24)

In the District Court of the Judicial District of \_\_\_\_\_

Between \_\_\_\_\_

\_\_\_\_\_ *Plaintiff,*

\_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ *Defendant.*

I certify that the above named plaintiff has commenced an action in the above court to enforce against the following land (*describing it*) a claim of mechanics' lien for \$ \_\_\_\_ .

Dated this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

.....  
*Clerk of the Court.*

## FORM G

*(Section 32)*

## NOTICE OF TRIAL

(Style of Court and Cause)

Take notice that this action will be tried at the sittings of this Court to be holden at \_\_\_\_\_ in the Province of Saskatchewan, on the \_\_\_\_ day of \_\_\_\_\_ and at such time and place all questions which arise in or which are necessary to be tried completely to dispose of the action, and to adjust the rights and liabilities of the persons appearing before the court, or upon whom the notice of trial has been served, will be tried, and all accounts will be taken, inquiries made, directions given, and necessary relief given to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any (*or* your defence, if any), the proceedings will be taken in your absence, and you may be deprived of all benefit of the proceedings, and your rights disposed of in your absence.

This is a mechanics' lien action, brought to enforce a mechanics' lien against the following lands (*set out description of lands*).

This notice is served. etc.