

Last month I was asked to conduct a presentation at the Edmonton Construction Association with respect to what a civil enforcement agency can do to assist with the enforcement of a Builders Lien. With the recent requirements for renovation and construction in Alberta, I thought this would be a great topic for October's Bulletin.

Seizure of building products/supplies that have been furnished to the build site - but not incorporated into the build

Section 17 of the Builders Lien act allows a civil enforcement agency to seize building products/supplies that have been delivered/furnished to a build site, but not yet incorporated into the build.

The Civil Enforcement Bailiff attends the location with a warrant, seizure documents and a detailed inventory of the supplies/products to be seized. These goods are marked with a seizure sticker, the person in charge of the site/operations is made aware that these goods are under seizure and therefore cannot be incorporated into the build. The debtor is then served seizure documents and is also made aware that these goods are under seizure and cannot be incorporated into the build. The goods remain on site until future action can be taken under the Builders Lien act, but cannot be incorporated into the build.

This widely unknown option has proven very successful in bringing the debtor's to the table to discuss payment arrangements/settlement. Having product on site that cannot be incorporated into the build costs the debtor time, money and employee productivity. This is a very valuable option for builders in Alberta.

Sale of Land under Part 7 of the Civil Enforcement Act

Once you have obtained a judgment for your Builders Lien, a civil enforcement agency can assist you with obtaining payment for the same by conducting a Sale of Land on the property where the work was actually conducted. This is usually the largest asset a debtor owns – if there is equity in the property – it can be sold under Part 7 of the Civil Enforcement Act in payment of your debt. Land cannot be moved or hidden and equity in land in Alberta is on the increase every day.

Seizure of Personal Property as per the Civil Enforcement Act

Once you have obtained your Judgment, a civil enforcement agency can seize personal property of the debtor in payment of your debt. Personal property can be vehicles, shares, equipment, tools, or any other non-exempt assets of the debtor.

If you would like some more information on how we can assist you or your client with a Builders Lien, or if I can assist you with any other civil enforcement questions/needs, please do not hesitate to drop me an email at patriciaaw@ccebailiff.ca or contact me by phone at (403) 668-8804 or (780) 448-5833 ext. 8804.



In the spirit of Halloween, I would like to introduce you the "Witchy" Civil Enforcement Staff at Consolidated.

From bottom left to top right:

Jackie Scott, Patricia Wilson, Lori Van Waes, Liz Rafuse, Sharan Grewal, Cathy Sherger, Sabrina Wilson and Amanda Medeiros.

Patricia Wilson

Director, Civil Enforcement