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Legislative Assembly of British Columbia

BILL 20

CONSTRUCTION PROMPT PAYMENT ACT

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Attorney General and Deputy Premier

Explanatory Note

This Bill establishes a scheme for prompt payment and timely, accessible adjudication in the construction industry.

BILL 20 – 2025

CONSTRUCTION PROMPT PAYMENT ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

Division 1 – Interpretation

Definitions

1 In this Act:

“**adjudication**” means an adjudication under Part 4 [*Interim Adjudication*];

“**adjudication authority**” means an adjudication authority designated under section 41 [*adjudication authority*];

“**adjudicator**” means a person registered as an adjudicator by an adjudication authority;

“**arbitral tribunal**” means an arbitral tribunal within the meaning of the *Arbitration Act* or the *International Commercial Arbitration Act*;

“**arbitration**” means an arbitration to which the *Arbitration Act* or the *International Commercial Arbitration Act* applies;

“**calculated payment date**” has the meaning given to it in section 9 (2) [*prompt payment*];

“**contract**” includes a subcontract;

“**contract position**” has the meaning given to it in section 2 [*contract position*];

“**contractor**” means a person who supplies services or materials for an improvement under contract with the owner for the improvement;

“**court**” means

(a) the Provincial Court, or

(b) the Supreme Court;

“**determination**”, in relation to a dispute, means, except in section 31 (1) (a), a determination under section 30 [*determination by adjudicator*];

“**improvement**” includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under land, and attached to it or intended to become a part of it, and also includes any demolition or removal of any of those things and any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under land;

“**invoice**” means a bill or other written request for payment;

“**invoice date**”, in relation to a proper invoice, means the date a contractor gives the invoice to an owner;

“**material**” means movable property that is intended to become part of an improvement, either directly or in a transformed state, or is consumed or used in the making of an improvement, including, without limitation, equipment rented without an operator;

“**notice of adjudication**” means a notice under section 18 [*notice of adjudication*];

“**notice of non-payment**” means a notice under section 11 [*notice of non-payment*];

“**owner**”, in relation to an improvement, means, except in section 27 (3) (a) and subject to section 3 [*substituted owners*], a person who retains a contractor to supply services or materials for the improvement under contract with the person;

“**payment certifier**” has the same meaning as in section 7 [*certificate of completion*] of the *Builders Lien Act*;

“**proper invoice**” has the meaning given to it in section 7 [*proper invoices*];

“**services**” has the same meaning as in the *Builders Lien Act*;

“**subcontractor**” means a person who supplies services or materials for an improvement under contract with a contractor or another subcontractor.

Contract position

- 2 The contract position of a person in a chain of contracts is the following:
- (a) the position of the owner is zero;
 - (b) the position of a contractor is one;
 - (c) the position of a subcontractor is the number of persons before the subcontractor in the chain.

Substituted owners

- 3 Subject to the regulations, if a person who would otherwise be the owner for an improvement enters into an agreement for another person to serve as the owner, this Act applies as though the other person were the owner.

Division 2 – Application

Application

- 4 (1) Subject to subsection (2), this Act applies in relation to the supply of services or materials for an improvement under a contract.
- (2) This Act does not apply in relation to a prescribed improvement, contract, service or material.

PART 2 – REGULAR INVOICING

Division 1 – Regular Invoicing

Regular invoicing

- 5 (1) A contractor must give a proper invoice to the owner monthly, unless the contract
- (a) specifies a different period of time, or
 - (b) provides for a proper invoice to be given on the achievement of a milestone or on another basis.
- (2) A proper invoice must be given in the prescribed form and manner, if any.

Approval and testing

- 6 (1) A provision in a contract that makes the giving of a proper invoice conditional on the certification of a payment certifier or the approval of the owner is void.
- (2) For certainty, subsection (1) does not apply to a provision that provides for
- (a) certification or approval after a proper invoice is given, or
 - (b) testing or commissioning of
 - (i) the improvement, or
 - (ii) services or materials supplied under the contract.

Division 2 – Proper Invoices

Proper invoices

- 7 (1) An invoice for the supply of services or materials under a contract is a proper invoice for the purposes of this Act if the invoice
- (a) includes the following information:
 - (i) the name and address of the contractor;
 - (ii) the date of the invoice;
 - (iii) the period of time, milestone or other basis referred to in section 5 (1) [*regular invoicing*] to which the invoice relates;
 - (iv) information identifying the contract or other authorization under which the services or materials were supplied, such as a contract number, contract line item number or purchase order number;
 - (v) a description, including quantity if appropriate, of the services or materials that were supplied;
 - (vi) the amount payable for the services or materials that were supplied and the payment terms;

- (vii) the information specified in the contract relating to how payment is to be made or, if none is specified, the name of the person or office to which payment is to be sent;
 - (viii) any prescribed information, and
- (b) subject to section 6 (1) [*approval and testing*], meets any requirements set out in the contract.
- (2) An invoice that is given as a proper invoice is deemed to be a proper invoice unless, within 7 days after the invoice date, the owner gives the contractor a written notice stating
 - (a) that the invoice does not meet the requirements under subsection (1) (a) or (b), and
 - (b) what is required to bring the invoice into conformance with those requirements.

Revisions to invoices

- 8 (1) A contractor may revise a proper invoice given to the owner if
 - (a) the owner agrees in advance to the revision, and
 - (b) the date of the invoice is not changed.
- (2) Section 7 (2) [*deemed propriety*] applies in relation to a revised invoice.

PART 3 – PROMPT PAYMENT

Division 1 – Prompt Payment

Prompt payment

- 9 (1) Subject to this Part, if a contractor gives a proper invoice to the owner, the persons in the chain of contracts must pay the amounts payable as follows:
 - (a) the owner must pay the contractor within 28 days after the invoice date;
 - (b) another person in the chain of contracts must pay, by the earlier of the following dates, the subcontractors, if any, who supplied under contract with the person services or materials that were included in the invoice:
 - (i) 7 days after the person receives payment in relation to the invoice;
 - (ii) the person's calculated payment date for the invoice.
- (2) A person's calculated payment date for a proper invoice is the number of days after the invoice date that is equal to the sum of
 - (a) 28, and
 - (b) the product of 7 and the person's contract position.

Prompt payment – partial payment

- 10** (1) If a person receives partial payment in relation to a proper invoice more than 7 days before the person's calculated payment date for the invoice,
- (a) section 9 (1) (b) (i) applies in relation to the partial payment, and
 - (b) the subcontractors, if any, referred to in that section must be paid rateably from the amount of the partial payment.
- (2) If an unpaid amount is specific to services or materials supplied by a subcontractor, the amount payable to that subcontractor is to be reduced by the unpaid amount for the purposes of calculating the rateable payments under subsection (1) (b).

Notice of non-payment

- 11** (1) A person is not required to pay an amount under section 9 [*prompt payment*] to another person if the person gives to the other person a written notice that
- (a) specifies the amount and the reasons for non-payment, and
 - (b) if the amount is not being paid because of prior non-payment in the chain of contracts, includes
 - (i) a copy of any notice of non-payment given to the person, and
 - (ii) an undertaking to refer the prior non-payment to adjudication within 21 days after the notice is given.
- (2) A notice of non-payment must be given
- (a) in the prescribed form and manner, if any, and
 - (b) by the following date:
 - (i) in the case of an owner, 14 days after the invoice date;
 - (ii) in the case of a contractor or subcontractor, by the earlier of the following dates:
 - (A) 7 days after the person receives a notice of non-payment;
 - (B) the person's calculated payment date for the invoice.
- (3) If an amount that is the subject of a notice of non-payment is paid, section 9 or 10, as applicable, applies in relation to the amount and is to be read as requiring payment within 7 days after the amount is paid.

Division 2 – General

Right to information

- 12** (1) A contractor in relation to an improvement must, on written request or as required by the regulations, provide the following information to a subcontractor who has supplied services or materials for the improvement:
- (a) the period of time, milestone or other basis for giving proper invoices under section 5 (1) [*regular invoicing*];

- (b) the invoice date for each proper invoice for the improvement and which of those services and materials are included in the invoice;
 - (c) any prescribed information.
- (2) A subcontractor in relation to an improvement must, on written request or as required by the regulations, provide the prescribed information to another subcontractor who has supplied services or materials for the improvement under subcontract with the subcontractor.
- (3) A contractor or subcontractor to whom a request is made under this section must provide the requested information in writing within 10 days after receiving the request.
- (4) A contractor or subcontractor who fails to comply with subsection (3), or who knowingly or negligently misstates the information requested, is liable to the subcontractor requesting the information for any resulting loss or damage.

Holdbacks under *Builders Lien Act*

- 13
 - (1) A requirement under this Part to pay an amount is subject to a required holdback under the *Builders Lien Act*.
 - (2) For the purposes of section 11 [*notice of non-payment*], reasons for non-payment may include the retention of a required holdback under the *Builders Lien Act*.

No effect on employment or wages

- 14
 - (1) In this section, “**wages**” has the same meaning as in the *Builders Lien Act*.
 - (2) This Act does not
 - (a) apply in relation to a contract of employment or collective agreement, or
 - (b) otherwise affect an obligation to pay wages.

Interest on late payments

- 15 Interest begins to accrue on an amount that is not paid when it is due to be paid under this Part at the higher of
 - (a) the prescribed interest rate, and
 - (b) the rate, if any, specified in the applicable contract.

PART 4 – INTERIM ADJUDICATION

Division 1 – Interim Adjudication

Interim adjudication

- 16** A party to a contract may refer a dispute with another party to the contract for adjudication if the dispute relates to one or more of the following matters:
- (a) a failure to give a proper invoice;
 - (b) whether an invoice is a proper invoice;
 - (c) a failure to make a payment required under Part 3 [*Prompt Payment*];
 - (d) a notice of non-payment, including, without limitation, whether section 13 [*holdbacks under Builders Lien Act*] applies in relation to an amount retained as a holdback;
 - (e) the valuation of services or materials supplied under the contract;
 - (f) whether a payment is required under the contract, including, without limitation, in relation to a change order, whether approved or not, or a proposed change order;
 - (g) a matter agreed to by the parties;
 - (h) a prescribed matter.

Adjudication procedures

- 17** (1) An adjudication must be conducted in accordance with
- (a) this Part and the regulations, and
 - (b) any procedures set out in the contract.
- (2) A procedure referred to in subsection (1) (b) is subject to
- (a) subsection (1) (a), and
 - (b) the exercise of a power under section 27 [*powers of adjudicator*].

Division 2 – Referral to Adjudication

Notice of adjudication

- 18** (1) Subject to the regulations, a party to a contract may refer a dispute to adjudication by giving to the other party to the contract a written notice that includes
- (a) the names and addresses of the parties,
 - (b) a brief description of the dispute,
 - (c) the nature of the redress sought,
 - (d) the name of a proposed adjudicator, and

- (e) the date and a brief description of any previous adjudication in which the party giving the notice was involved in relation to the contract and a copy of the determination, if any.
- (2) A notice under subsection (1) must be given in the prescribed form and manner, if any.

Limitation – timely notice

- 19** (1) The definition of “completed” in section 1 (1) of the *Builders Lien Act* and section 1 (2) to (4) and (5) [*completion and abandonment*] of that Act apply in relation to this section.
- (2) An adjudication may not be commenced if the notice of adjudication is given more than 90 days after the following date:
- (a) if the notice relates to a contract between an owner and a contractor, the date the contract is completed, abandoned or terminated;
 - (b) if the notice relates to a subcontract, the earliest of the following dates:
 - (i) the date the contract between the owner and the contractor is completed, abandoned or terminated;
 - (ii) the date the subcontract is certified under section 7 (3) [*certificate of completion*] of the *Builders Lien Act* as completed;
 - (iii) the date the subcontractor last supplies services or materials for the improvement under the subcontract.

Limitation – number of disputes

- 20** An adjudication may only address a single dispute unless
- (a) the parties to the adjudication and the adjudicator agree otherwise, or
 - (b) the adjudication is a consolidated adjudication.

Consolidation of adjudications

- 21** Subject to the regulations, adjudications may be consolidated if
- (a) the parties to the adjudications agree, or
 - (b) a party to any of the adjudications requests consolidation in accordance with the regulations and the adjudicators agree.

Parallel proceedings

- 22** (1) A dispute may be referred to adjudication even if the dispute is the subject of a legal proceeding or an arbitration.
- (2) Subsection (1) does not apply in relation to a dispute if section 31 (1) (a) [*determination binding until displaced – by court or in arbitration*] applies.

Division 3 – Preliminary Matters

Selection of adjudicator

- 23** (1) An adjudication may be conducted by an adjudicator who is
- (a) selected by the parties to the adjudication and consents to conduct the adjudication, or
 - (b) appointed by the adjudication authority at the request of one or more of the parties to the adjudication and consents to conduct the adjudication.
- (2) An adjudication authority who receives a request under subsection (1) (b) must, within 7 days after receiving the request, appoint an adjudicator.
- (3) The party who gave the notice of adjudication must request an appointment under subsection (1) (b) if, within 4 days after the notice was given,
- (a) the parties to the adjudication have not selected an adjudicator, or
 - (b) the adjudicator selected has not consented to conduct the adjudication.
- (4) An adjudicator is not required to consent to conduct an adjudication.
- (5) A provision in a contract that names a person to act as an adjudicator in the event of an adjudication is void.

Adjudication fees

- 24** (1) The fees for an adjudication are
- (a) the fees established under section 43 (1) (c) [*administrative fees*], and
 - (b) the adjudicator's fee, which must be a fee
 - (i) agreed to by the adjudicator and the parties to the adjudication, or
 - (ii) determined by the adjudication authority in accordance with the regulations, if any, on the request of the adjudicator.
- (2) Subject to section 32 (2) (b) [*costs*], the fees referred to in subsection (1) must be split among the parties to the adjudication equally.

Delivery of records

- 25** Within 5 days after an adjudicator consents to conduct an adjudication, the party who gave the notice of adjudication must give
- (a) the adjudicator a copy of the notice of adjudication, and
 - (b) the adjudicator and the other party to the adjudication a copy of
 - (i) the contract between the parties, and
 - (ii) any records the party intends to rely on during the adjudication.

Response to notice of adjudication

- 26** (1) A party who receives a notice of adjudication may respond in writing.
- (2) A response under subsection (1) must be
- (a) made in accordance with the regulations, if any, and
 - (b) given in the prescribed form and manner, if any.

Division 4 – Conduct of Adjudication

Powers of adjudicator

- 27** (1) Subject to this Part, an adjudicator may conduct an adjudication in the manner the adjudicator considers appropriate in the circumstances.
- (2) In conducting an adjudication, an adjudicator may exercise the following powers and any other power of an adjudicator that may be specified in the contract between the parties to the adjudication:
- (a) issuing directions in relation to the conduct of the adjudication;
 - (b) taking the initiative in ascertaining the relevant facts and law;
 - (c) drawing inferences based on the conduct of the parties to the adjudication;
 - (d) conducting an on-site inspection of the improvement that is the subject of the contract;
 - (e) obtaining the assistance of a merchant, accountant, actuary, building contractor, architect, engineer or other person in such a way as the adjudicator considers fit, as is reasonably necessary to enable the adjudicator to determine better any matter of fact in question;
 - (f) making determinations in the adjudication, which may include a determination as to whether
 - (i) a dispute may be the subject of an adjudication,
 - (ii) the adjudicator has jurisdiction to conduct the adjudication, or
 - (iii) the adjudicator has exceeded the adjudicator's jurisdiction in the conduct of the adjudication;
 - (g) a prescribed power.
- (3) The power under subsection (2) (d) may not be used to enter premises except with the consent of
- (a) the owner of the premises if
 - (i) the premises is a home in which the owner resides, or
 - (ii) the owner is not a party to the adjudication, and
 - (b) any other person who has the legal authority to exclude others from the premises.

- (4) If the adjudicator obtains the assistance of a person under subsection (2) (e), the adjudicator may
 - (a) fix the remuneration of the person as is reasonable and proportionate to the dispute, and
 - (b) direct payment of the remuneration by one or more of the parties to the adjudication.

Objections on jurisdictional grounds

- 28** (1) A party to an adjudication may not raise the following objections unless the party does so when the party first makes submissions in the adjudication:
- (a) that a dispute may not be the subject of an adjudication;
 - (b) that the adjudicator otherwise does not have jurisdiction to conduct the adjudication.
- (2) A party to an adjudication may not raise an objection that the adjudicator has exceeded the adjudicator's jurisdiction unless the party does so as soon as the matter allegedly beyond that jurisdiction is raised in the adjudication.
- (3) An adjudicator may extend the time for making an objection referred to in subsection (1) or (2) if the adjudicator considers the delay justified.

Early termination by parties

- 29** The parties to an adjudication may, before the dispute is determined, terminate the adjudication by
- (a) giving notice to the adjudicator, and
 - (b) paying any outstanding fees under sections 24 [*adjudication fees*] and 27 (4) [*powers of adjudicator – assistance*].

Determination by adjudicator

- 30** (1) A determination of a dispute by an adjudicator must be
- (a) set out in writing and include summary reasons, and
 - (b) subject to subsection (2), issued to the parties to the adjudication within 30 days after the adjudicator receives records under section 25 [*delivery of records*].
- (2) Subject to the regulations, the deadline for issuing a determination may be extended at any time before the expiry of the deadline
- (a) on the request of the adjudicator, with the written consent of the parties to the adjudication, for a period of no more than 14 days, or
 - (b) on the written agreement of the parties to the adjudication, subject to the consent of the adjudicator, for a period specified in the agreement.
- (3) A determination issued after the deadline under this section is void.

- (4) A determination is admissible in evidence without proof of the signature, if any, or authority of the adjudicator appearing to have issued the determination.

Determination binding until displaced

- 31** (1) A determination of a dispute is binding on the parties to the adjudication until
 - (a) the dispute is finally determined by a court or in an arbitration, or
 - (b) a written agreement between the parties to the adjudication provides otherwise.
- (2) Subject to Division 6 [*Judicial Review*], nothing in this Act restricts the authority of a court or an arbitral tribunal to consider the merits of a dispute that is subject to an adjudication or determined by an adjudicator.

Costs

- 32** (1) Subject to subsection (2), the parties to an adjudication must bear their own costs of the adjudication.
- (2) If an adjudicator determines that a party to an adjudication has acted in relation to the improvement or the adjudication in a manner that is frivolous, vexatious, an abuse of process or other than in good faith, the determination may require one or both of the following:
 - (a) the party is to pay some or all of the other party's costs;
 - (b) the party is to pay some or all of the fees referred to in section 24 [*adjudication fees*] that would otherwise be payable by the other party.

Corrections

- 33** (1) Within 5 days after a determination has been issued to the parties to the adjudication, the adjudicator may, on the adjudicator's own initiative or at a party's written request,
 - (a) correct typographical errors, errors of calculation or similar errors in the determination, or
 - (b) subject to the regulations, amend the determination to correct an injustice caused by an oversight on the adjudicator's part.
- (2) A correction or amendment under subsection (1) may be made without holding a hearing.

Division 5 – Enforcement of Determination

Amounts payable

- 34** A party to an adjudication who is required by a determination to pay an amount to a person must pay the amount within 15 days after the determination is issued.

Suspension of work

- 35** If a party to an adjudication who is required by a determination to pay an amount to a person fails to do so in accordance with section 34, the person
- (a) may suspend further work under the relevant contract until paid
 - (i) the amount required to be paid under the determination,
 - (ii) any interest accrued on that amount under section 38 [*interest on late payments*], and
 - (iii) any reasonable costs incurred by the person as a result of the suspension of work, and
 - (b) is entitled to payment from the party of any reasonable costs incurred by the person as a result of the resumption of work.

Enforcement by court

- 36** (1) A party to an adjudication may file a certified copy of a determination with the Supreme Court within 2 years after the later of the following dates:
- (a) the date the determination is issued to the parties to the adjudication;
 - (b) the date an application for judicial review of the determination is finally determined.
- (2) A determination filed under subsection (1) has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the Supreme Court.

Holdbacks under *Builders Lien Act*

- 37** A requirement under a determination to pay an amount is subject to a required holdback under the *Builders Lien Act*.

Interest on late payments

- 38** (1) Interest begins to accrue on an amount that is not paid when it is due to be paid under this Part at the higher of
- (a) the prescribed interest rate, and
 - (b) the rate, if any, specified in the applicable contract.
- (2) Subsection (1) does not apply in relation to an amount payable under section 15 [*interest on late payments – prompt payment*].

Division 6 – Judicial Review

Application for judicial review

- 39** An application for judicial review of a determination must be made within 35 days after the determination is issued.

Limited grounds of judicial review

- 40** A determination may be set aside on an application for judicial review only if the applicant establishes one or more of the following:
- (a) the dispute may not be the subject of an adjudication;
 - (b) the adjudicator otherwise does not have jurisdiction to conduct the adjudication;
 - (c) the adjudicator failed to observe the rules of procedural fairness.

PART 5 – ADJUDICATION AUTHORITY

Division 1 – Adjudication Authority

Adjudication authority

- 41** The minister may designate a person as an adjudication authority for the purposes of this Act.

Duties of adjudication authority

- 42** Subject to the regulations, an adjudication authority must
- (a) develop and oversee programs for the training of adjudicators,
 - (b) qualify persons who meet the prescribed requirements as adjudicators,
 - (c) establish and maintain a publicly available registry of adjudicators,
 - (d) establish a process for suspending or removing adjudicators from the registry and addressing complaints about adjudicators,
 - (e) appoint adjudicators under section 23 [*selection of adjudicator*],
 - (f) provide administrative support to adjudicators, and
 - (g) perform any prescribed duties.

Administrative fees

- 43** (1) Subject to the regulations, an adjudication authority may establish fees in relation to the administration of adjudication under this Act, including, without limitation,
- (a) fees in relation to training or qualification of adjudicators,
 - (b) fees for appointments under section 23 [*selection of adjudicator*], and
 - (c) fees for the purposes of section 24 (1) (a) [*adjudication fees*].

- (2) In establishing a fee under subsection (1), an adjudication authority may specify an amount or a method for determining an amount.
- (3) A fee under subsection (1) must be paid to the adjudication authority.

Minister may act as adjudication authority

- 44** (1) If a person is not designated under section 41 [*adjudication authority*], the minister may perform a duty or exercise a power under this Act of an adjudication authority.
- (2) Despite section 43 (3), a fee under section 43 (1) that is established by the minister acting under this section must be paid to the government.

Division 2 – Immunities

Immunity of adjudicators

- 45** (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against an adjudicator because of anything done or omitted
 - (a) in the exercise or intended exercise of a power under this Act, or
 - (b) in the performance or intended performance of a duty under this Act.
- (2) Subsection (1) does not apply to an adjudicator in relation to anything done or omitted in bad faith.

Testimonial immunity

- 46** An adjudicator may not be compelled to give evidence in any action or other proceeding in relation to a dispute that was the subject of an adjudication that the adjudicator conducted.

PART 6 – GENERAL

General

- 47** (1) Section 14 (2) of the *Interpretation Act* does not apply in relation to this Act.
- (2) A provision in a contract that provides that this Act is not to apply, or that the remedies provided by this Act are not to be available for a person's benefit, is void.

Application of *Offence Act*

- 48** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Regulations

- 49** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting any matter for which regulations are contemplated by this Act;
 - (b) respecting whether a person is an owner, contractor or subcontractor for the purposes of this Act;
 - (c) respecting agreements for the purposes of section 3 [*substituted owners*], including, without limitation,
 - (i) respecting the contents of agreements, or
 - (ii) respecting who may or may not enter into an agreement;
 - (d) respecting whether something is a service or material or whether or when a service or material is supplied for the purposes of this Act;
 - (e) respecting the calculation of days for the purposes of this Act;
 - (f) respecting when a record is given or issued or a payment is made for the purposes of this Act, including, without limitation, providing when a record or a payment sent, transmitted or delivered in a specified manner is deemed to be given, issued or made;
 - (g) respecting the preparation of proper invoices for the purposes of section 7 [*proper invoices*], including, without limitation,
 - (i) respecting whether amounts are to be included in an invoice, or
 - (ii) prescribing information for the purposes of section 7 (1) (a) (viii);
 - (h) prescribing information for the purposes of section 12 (1) (c) or (2) [*right to information*], including, without limitation,
 - (i) the amounts paid to the contractor in relation to the invoice, the dates payments were made or any information necessary to apply section 10 [*prompt payment – partial payment*], or
 - (ii) information about adjudications, including, without limitation, whether a notice of adjudication has been given or a deadline has been extended under section 30 (2) [*determination by adjudicator*];
 - (i) requiring information to be provided under section 12 (1) or (2);
 - (j) prescribing a rate of interest or the manner in which a rate of interest is to be determined for the purposes of section 15 (a) or 38 (1) (a) [*interest on late payments*];
 - (k) respecting procedures for the purposes of section 17 (1) (a) [*adjudication procedures*];

- (l) respecting notices under section 18 [*notice of adjudication*] and responses under section 26 [*response to notice of adjudication*], including, without limitation,
 - (i) limiting the length of notices or responses, or
 - (ii) respecting timelines for making a response;
- (m) respecting the consolidation of adjudications for the purposes of section 21 [*consolidation of adjudications*], including, without limitation,
 - (i) whether adjudications may be consolidated under section 21 (a) or (b), or
 - (ii) procedures for consolidation or consolidated adjudications;
- (n) respecting fees under section 24 (1) (b) (ii) [*adjudication fees*] or 43 (1) [*administrative fees*];
- (o) limiting extensions under section 30 (2) [*determination by adjudicator*];
- (p) respecting corrections that may or may not be made under section 33 (1) (b) [*corrections – oversights*];
- (q) respecting the duties of an adjudication authority for the purposes of section 42 [*duties of adjudication authority*], including, without limitation,
 - (i) establishing requirements for the purposes of section 42 (b) [*qualification of adjudicators*],
 - (ii) authorizing an adjudication authority to establish a code of conduct for adjudicators, or
 - (iii) conferring powers on an adjudication authority.
- (3) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
 - (a) delegate a matter to a person;
 - (b) confer a discretion on a person;
 - (c) make different regulations in relation to
 - (i) different improvements, contracts, services, materials, persons, things, circumstances or other matters, or
 - (ii) different classes of improvements, contracts, services, materials, persons, things, circumstances or other matters, including, without limitation, classes defined by reference to
 - (A) a sector of the construction industry, or
 - (B) public or private ownership, nature or purpose.

Transitional Provisions

Transition – existing contracts

- 50** This Act does not apply in relation to
- (a) a contract entered into before the date this section comes into force, or
 - (b) a subcontract that relates to a contract referred to in paragraph (a).

Transition – phased implementation

- 51** For certainty, a regulation under section 49 *[regulations]* for the purposes of section 4 (2) *[application]* may provide for the gradual application of this Act to
- (a) different sectors of the construction industry, or
 - (b) different classes referred to in section 49 (3) (c) (ii) (B) *[public or private ownership, nature or purpose]*.

Consequential and Related Amendments

Builders Lien Act

- 52** *Section 1 (1) of the Builders Lien Act, S.B.C. 1997, c. 45, is amended in the definition of “improvement” by adding “any demolition or removal of any of those things and” after “and also includes”.*

- 53** *Section 4 (9) is repealed and the following substituted:*

- (9) Subject to section 34, a holdback required to be retained under this section is charged with payment of all claims of lien filed by persons engaged, in connection with the improvement, by or under the person from whom the holdback is retained.

- 54** *The following section is added:*

Shimco liens abolished

- 4.1** A person does not have a lien under this Act against a required holdback.

- 55** *Section 5 (2) is amended*

- (a) by repealing paragraph (a) and substituting the following:*

- (a) are charged with payment of all claims of lien referred to in section 4 (9), , *and*

- (b) in paragraph (b) by striking out “the contractor referred to in paragraph (a)” and substituting “the contractor from whom the holdback was retained”.*

56 *Section 8 (1) and (2) is amended by striking out “55 days” and substituting “46 days”.*

57 *Section 8 (4) is repealed and the following substituted:*

- (4) After the expiry of the holdback period, payment from a required holdback may be made of the portion equal to the difference between the holdback and the total amount of any claims of lien referred to in section 4 (9).

Strata Property Act

58 *Section 88 of the Strata Property Act, S.B.C. 1998, c. 43, is amended*

(a) in subsection (2) (b) by striking out “55 days” and substituting “46 days”,

(b) by repealing subsection (3), and

(c) by repealing subsection (4) and substituting the following:

- (4) Subject to section 8 (4) of the *Builders Lien Act*, the purchaser must release the holdback to the owner developer at the end of the holdback period under subsection (2).

Commencement

59 This Act comes into force by regulation of the Lieutenant Governor in Council.