

**FORM 21**  
**REPORT UNDER SECTION 62 OF THE ACT**  
**WHERE LIEN ATTACHES TO PREMISES**

*Construction Lien Act*

\_\_\_\_\_  
Court File No.

**SUPERIOR COURT OF JUSTICE**

\_\_\_\_\_  
(name of master)

\_\_\_\_\_  
(day and date)

**BETWEEN**

\_\_\_\_\_  
Plaintiff(s)

**and**

(court seal)

\_\_\_\_\_  
Defendant(s)

**REPORT**

In accordance with a judgment of reference dated \_\_\_\_\_, trial of this action was heard on \_\_\_\_\_, at \_\_\_\_\_, (date) (place),

in the presence of all parties (or the solicitors for identified parties, \_\_\_\_\_ appearing in person, no one appearing for \_\_\_\_\_, or as the case may be).

ON READING THE PLEADINGS AND HEARING THE EVIDENCE and the submissions of the solicitors for the parties (or as the case may be),

(Use the appropriate paragraphs)

1. I FIND AND DECLARE THAT the persons named in Column 1 of Schedule A to this report are respectively entitled to a lien under the *Construction Lien Act*, upon the interest of the owner, \_\_\_\_\_, in the premises described in Schedule B to this (name of owner)

report for the amounts set opposite their respective names in Column 5 in Schedule A, and the primary debtors of those persons respectively are as set out in Column 6 in Schedule A.

2. I FIND AND DECLARE THAT the persons mentioned in Column 1 of Schedule C to this report are entitled to some charge or encumbrance other than a lien under this Act on the interest of the owner in the premises for the amounts set opposite their respective names in Column 4 of Schedule C.

3. AND I FIND AND DECLARE AND DIRECT THAT the personal liability of the owner \_\_\_\_\_ to the persons named in Column 1 of Schedule E to this report in respect of the holdbacks the owner was required to retain is \$ \_\_\_\_\_, and writs of execution may be issued forthwith after confirmation of this order for the amounts set opposite their respective names in Column 2 of Schedule E.

4. AND I DIRECT that upon the defendant \_\_\_\_\_ (the owner) paying into court to the credit of this action the amount of \$ \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the liens mentioned in Schedule A are discharged and the registration of those liens and the certificates of action in relation to those liens are vacated and the money paid into court is to be paid in payment of the persons entitled to a lien.

5. AND I DIRECT that if the defendant \_\_\_\_\_  
(owner)  
makes default in payment of the money into court that the owner's interest in the premises be sold under the supervision of the master of this court and that the purchase money be paid into court to the credit of this action.
6. AND I DIRECT that the purchase money be applied in or towards payment of the claims mentioned in Schedule(s) A (and C) as the master directs, with subsequent interest and subsequent costs to be computed and taxed by the master.
7. AND I DIRECT that if the purchase money paid into court is insufficient to pay in full the proven claims of the persons mentioned in Column 1 of Schedule A, the primary debtor of each of those persons, as set out in Column 6 of Schedule A, shall pay the amount remaining due to those persons forthwith after the amount has been ascertained by the master.
8. AND I FIND AND DECLARE THAT the persons named in Column 1 of Schedule F to this report have not proved any lien under the *Construction Lien Act*, and I direct that the claims for lien registered by them and the certificates of action related to those claims as set out in Column 2 of Schedule F be vacated against the premises described in Schedule B.
9. AND I FIND AND DECLARE THAT the persons whose names are set out in Column 1 of Schedule D to this report, although they have not proven their claims for lien, are entitled to personal judgment for the amounts set opposite their respective names in Column 4 of Schedule D against their respective debtors as set out in Column 5 opposite their names and the respective debtors shall forthwith after confirmation of this report pay to their respective judgment creditors the amount found due.
10. AND I DIRECT that since the owner's interest in the premises has been sold by \_\_\_\_\_, a mortgagee, and it has been determined by this court that the lien claimants were entitled to priority over the mortgagee under subsection 78 (2) [or subsection 78 (5) as the case may be] of the Act, therefore the mortgagee shall pay to the persons named in Schedule E the amount set opposite each of their respective names on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(signature of master)

### SCHEDULE A

| COLUMN 1                                       | COLUMN 2   | COLUMN 3                             | COLUMN 4 | COLUMN 5 | COLUMN 6                 |
|--|--|--------------------------------------|----------|----------|--------------------------|
| Names of persons entitled to construction lien | Registration numbers of claims for lien and certificates of action | Amount of debt and interest (if any) | Costs    | Total    | Names of primary debtors |
|  |  | \$                                   | \$       | \$       |                          |
|  |  | \$                                   | \$       | \$       |                          |
|  |  | \$                                   | \$       | \$       |                          |

\_\_\_\_\_  
(signature of master)

## SCHEDULE B

The premises in respect of which this action is brought is as follows:

\_\_\_\_\_  
(set out a description sufficient for registration purposes)

\_\_\_\_\_  
(signature of master)

## SCHEDULE C

| COLUMN 1  | COLUMN 2                             | COLUMN 3 | COLUMN 4 |
|---|--------------------------------------|----------|----------|
| Names of persons entitled to encumbrances other than construction liens | Amount of debt and interest (if any) | Costs    | Total    |
|   | \$                                   | \$       | \$       |
|   | \$                                   | \$       | \$       |
|   | \$                                   | \$       | \$       |

\_\_\_\_\_  
(signature of master)

## SCHEDULE D

| COLUMN 1                                 | COLUMN 2                             | COLUMN 3 | COLUMN 4 | COLUMN 5         |
|--|--------------------------------------|----------|----------|------------------|
| Judgment creditors not entitled to liens | Amount of debt and interest (if any) | Costs    | Total    | Names of debtors |
|  | \$                                   | \$       | \$       |                  |
|  | \$                                   | \$       | \$       |                  |
|  | \$                                   | \$       | \$       |                  |

\_\_\_\_\_  
(signature of master)

## SCHEDULE E

| COLUMN 1                                       | COLUMN 2          |
|--|-------------------|
| Names of persons entitled to share in holdback | Amount to be paid |
|  | \$                |
|  | \$                |
|  | \$                |

\_\_\_\_\_  
(signature of master)

**SCHEDULE F**

| COLUMN 1                              | COLUMN 2   |
|---------------------------------------|--|
| Names of persons not entitled to lien | Registration numbers of claims for lien and certificates of action |
|                                       |  |
|                                       |  |
|                                       |  |

\_\_\_\_\_

(signature of master)