

# Guide for Registration of Encumbrances

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**Note:** Alberta Energy acts as a registry agent and is not responsible to validate whether the substance of the information within a document submitted for registration is accurate. Alberta Energy's decision to register is based on section 2(2) of the *Builders' Lien* forms Regulation; "A statement of lien registered under section 36 of the *Builders' Lien Act* with the Minister of Energy is to be in Form 2." Any information incorrectly entered into the Electronic Transfer System (ETS), or any documents submitted on the incorrect form attached for submission of registration, will be rejected by Alberta Energy for correction. **Alberta Energy is not responsible for any late registration submissions that occur due to delays caused by a submitter's error or oversight. Late submissions may not be eligible for registration.**

## Builders' Lien

Further to Section 36 of the *Builders' Lien Act*, a builder's lien relating to minerals is a claim for payment registered against a Crown mineral agreement for work done or materials furnished by a contractor.

A builders' lien must be submitted through [ETS](#), please see Information Bulletin 2018-01.

A builders' lien can be filed by an individual, corporation, extra provincial corporation or partnership. An Agent can sign for a lienholder by using the Affidavit verifying a claim on the document produced in ETS.

A builders' lien on mineral agreements must be registered within 45 or 90 days from the last day the work was completed as per below:

- work done or materials furnished in respect of improvements, other than improvements to an oil or gas well or to an oil or gas well site, in which case this lien is to be registered not later than 45 days from the last day that the work was last done or the materials were last furnished.
- work done or materials furnished in respect of improvements to an oil and gas well or to an oil or gas well site in which case this lien is to be registered not later than 90 days from the last day that the work was done or the materials were last furnished.

Once your builders' lien is registered in ETS, an email notification quoting the relevant ETS account and request number will be sent to notify users that the encumbrance request has either been completed or department rejected. You must log into ETS to retrieve your documents which will include the registration advice letter and a copy of the registered builders' lien.

**NOTE:** The builders' lien will expire 180 days after the registration date. If a Certificate of Lis Pendens has not been registered, Alberta Energy will cancel the builders' lien upon expiry and it will be removed from Alberta Energy's records.

## Certificate of Lis Pendens

A Certificate of Lis Pendens is a notice of pending litigation in respect to a builders' lien and is granted by the Clerk of the Court of Queen's Bench.

Pursuant to Section 43(1) of the *Builders' Lien Act*, a lien expires within 180 days from the date it is registered.

The Certificate of Lis Pendens must be registered with Alberta Energy on or before the expiry date of the builders' lien, through the ETS. The document attached to the ETS request, must be a scanned copy of an original with the seal of the Clerk of the Court or be a court certified copy.

## Discharge of Builders' Lien

A discharge of builders lien form must be generated and submitted through the Electronic Transfer System (ETS).

The discharge of builders' lien form must be signed by the lienholder or the Agent of the lienholder who signed the lien.

**Note: a discharge of lien will simultaneously cancel or partially cancel the Certificate of Lis Pendens. Therefore, there is no need to also submit a Withdrawal of Certificate of Lis Pendens.**

## Security Notice, Assignment of Security Interest & Discharge of Security Notice

Financial lending institutions register security notices against Crown mineral agreements to record their interest. The agreement is used as collateral to secure a debt or loan, pursuant to Section 96 of the *Mines and Minerals Act*.

A security notice, assignment of security interest and/or a discharge of security interest form must be generated and submitted for registration through ETS.

There is no maximum number of agreements that can be listed on a registration or discharge of security notice. A security notice must be signed by the secured party or agent with the Affidavit of Execution sworn or declared before a Commissioner for Oaths or Notary Public. The notice of discharge must be signed by the secured party, assignee or agent.

Once your request is registered in ETS, an email notification quoting the relevant ETS account and request number will be sent to notify the submitter that the encumbrance request has either been completed or department rejected. You must log into ETS to retrieve your documents which will include the registration advice letter and a copy of the registered security notice.

If the secured party in an inactive corporation is unable to execute the discharge of security notice, the security notice can be cancelled by way of a Statutory Declaration or a Court Order in accordance with Sections 98 and 99 of the Mines and Minerals Act.

## Certified Copy of Encumbrances

Certified copies of encumbrances are available through ETS.

### Registrations Online

Learning: [Online Learning](#)

### Forms and Contact information:

If you require a Change of Address for Service for a Builders' Lien or Security Notice, forms are found:

#### Online Learning under Forms

Forms can be mailed, couriered or emailed to our offices for registration at:

Registrations – Tenure Branch

9945 – 108 Street NW

Edmonton AB T5K 2G6

OR

Email: [Transfers.Energy@gov.ab.ca](mailto:Transfers.Energy@gov.ab.ca)

Builders' Lien	\$50/Agreement
Certificate of Lis Pendens	\$50/Agreement
Discharge of Builders' Lien	No Fee
Security Notice	\$50/Agreement
Assignment	\$50/Agreement
Discharge of Security Notice	No Fee
Change of Address for Services	No Fee
Withdrawal of Lis Pendens	No Fee
Certified Copy	\$30/Document

Invoices will be mailed out monthly to the submitter of the request.