



## THE NUNAVUT COURT OF JUSTICE

### PRACTICE DIRECTIVE # 46

#### *Mechanics' Lien Act* Certificate of Proceedings

The *Mechanics' Lien Act* says that unregistered and registered liens “cease to exist” unless, “proceedings are commenced” in the Nunavut Court of Justice to realize on the lien and a “certificate of proceedings” is registered at the Land Titles Office within 45 days of the last day wages are paid or materials are supplied, or of the day the contract is completed, terminated, or abandoned.<sup>1</sup>

Neither the *Act* nor its *Regulations* provide a form of certificate of proceedings to register with the Land Titles Office.<sup>2</sup>

The attached Form 46A may be used as a Certificate of Proceedings for this purpose under subsections 23(b) and 24(1)(d) of the *Mechanics' Lien Act*.<sup>3</sup>

Issued this 18<sup>th</sup> day of December 2013, by direction of the Judges of the Nunavut Court of Justice.

**Mr. Justice R. Kilpatrick**  
**Mr. Justice E. Johnson**  
**Mr. Justice N. Sharkey**  
**Madame Justice S. Cooper**  
**Madame Justice B. Tulloch**  
**Mr. Justice A. Mahar**

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<sup>1</sup> *Mechanics' Lien Act*, RSNWT 1988, c.M-7, ss. 23-25, as duplicated for Nunavut by the *Nunavut Act*, SC 1993, c. 28 [Act],

<sup>2</sup> *Mechanics' Lien Forms Regulations*, NWT Reg 051-91, as duplicated for Nunavut by the *Nunavut Act*, SC 1993, c.28 [Regulations]. *Ibid* s.33.

<sup>3</sup> *Rules of the Supreme Court of the Northwest Territories*, R-010-96, Rule 480 as duplicated for Nunavut by the *Nunavut Act*, SC 1993, c. 28, proscribes the use of a Certificate in this type of action under the *Act*