Guide for Registration of Encumbrances

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 Prompt Payment and Construction Lien (PPCL) forms Regulation; "A statement of lien registered under section 36 of the *Prompt Payment and Construction Lien Act (PPLCA)* with the Minister of Energy is to be in Form 7." 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.**

Prompt Payment and Construction Lien

Further to Section 36 of the *PPCLA*, a PPCL relating to minerals is a claim for payment registered against a Crown mineral agreement for work done or materials furnished by a contractor.

A PPCL must be submitted through ETS, please see Information Bulletin 2018-01.

A PPCL 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 PPCL on mineral agreements must be registered within 60 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 60 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.
- work done or materials furnished with respect to the manufacture and supply of ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time, in which case this lien is to be registered with the Minister of Energy not later than 90 days from the last day that the work was done or the materials were last furnished.

Once your PPLC is successfully submitted 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 PPCL.

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

Classification: Public

Certificate of Lis Pendens

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

Pursuant to Section 43(1) of the PPCLA, 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 PPCL, through 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 Prompt Payment and Construction Lien

A discharge of PPCL form must also be submitted through the Electronic Transfer System (ETS).

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

Note: A discharge of PPCL 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 may 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.

Response Times

The standard response times are:

- Registration of PPCL and Lis Pendens within 2 days of receipt
- Discharge of PPCL and Lis Pendens within 2-3 days of receipt
- Registration and discharge of Security Notices within 5 days of receipt

Note: Response times may be periodically extended as required by Alberta Energy.

Certified Copy of Encumbrances

Certified copies of encumbrances are available through ETS.

Registrations: Alberta Online Learning

Forms and Contact information: If you require a Change of Address for Service for a Prompt Payment and Construction Lien or Security Notice, forms are on Alberta 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

PPCL	$50/Agreement
Certificate of Lis Pendens	$50/Agreement
Discharge of PPCL	No Fee
Security Notice	$50/Agreement
Assignment	$50/Agreement
Discharge of Security Notice	No Fee
Change of Address for Service	No Fee
Withdrawal of Lis Pendens	No Fee
Certified Copy	$30/Agreement or Encumbrance

Invoices will be mailed out monthly to the submitter of the request. Please ensure that all invoices are paid promptly. Failure to pay may result in the loss of a companies' future ability to register encumbrances and may result in a collection action by the department.

Notification Emails

ETS sends notification emails to the ETS request contact as a courtesy to notify your company that documents are available for review and/or action. Ensure contact information is current so all notification emails are sent to the appropriate person. The email includes information on where to locate the ETS Request (e.g., Work in Progress, Authorization or Request Status).

Note: Email notifications should not be relied on to track requests in ETS. Best practise is for clients to monitor their requests on a regular basis. Users can search the status of a request any time in the Work in Progress screen by ETS Request number or agreement. Requests can also be searched and sorted by the status of the request.