

General contractor bankruptcy recovery guide

General information to help you organise your paperwork. Not legal advice.

Start here

Use this kit when the general contractor (or another customer) that owes you money may be insolvent: bankrupt, in a proposal, in receivership or under CCAA protection.

Do these three things today

1. Confirm the proceeding. Search the official federal Bankruptcy and Insolvency Records Search with the exact legal name on your contract, and keep the result.
2. Keep your lien time limit in view. An insolvency does not automatically extend it, and a stay of proceedings can limit what you may do, so get advice quickly. The "Key time limits" table shows each province's registration period.
3. Contact the Licensed Insolvency Trustee named in the official notice, using contact details you have checked yourself, and prepare your claim on the official Form 31 from the Government of Canada website.

A proof of claim in the bankruptcy and a construction lien are separate steps with separate deadlines. Filing one does not protect the other.

What is in this kit

Document	Use it to
General contractor bankruptcy recovery guide	Start here: confirm the proceeding, protect your position, key time limits.
Bankruptcy status verification checklist	Check that the right company is really in an insolvency proceeding.
Creditor claim preparation worksheet	Prepare the information for your proof of claim (the official form is Form 31).
Proof of claim document checklist	Check your claim package is complete before you send it to the trustee.
Unpaid Construction Invoice Register	List unpaid invoices before and after the proceeding date.
Trust funds and holdback review	Trace holdback and project money, and list the questions for your lawyer.
Construction lien rights review checklist	Collect the facts for a lien review while the contractor is insolvent.
Lien and Claim Deadline Tracker	Track lien and claim dates once they are confirmed.
Trustee Communication Log	Log every contact with the trustee, receiver or monitor.
Bankruptcy recovery evidence pack	One indexed record of the debt and the project for the trustee and your adviser.
Creditor recovery action plan	Assign each step of your creditor response to a person and a date.
Official sources by province and territory	Official federal insolvency sources and provincial lien laws.

Key time limits: construction liens

A lien (in Quebec, a legal hypothec) is a claim against the property you improved. It is lost if it is not registered in time, and a registered lien is lost if the next step is not taken in time. The periods below are quoted from each statute as checked on 2026-10-24. The event that starts the clock depends on your contract and role, and some Acts count "clear" days, so read the section for your situation and act well before the last day.

Province	Register the lien within	Then, to keep it
Alberta Prompt Payment and Construction Lien Act	60 days (90 days for concrete work or materials and for oil or gas well sites), counted from the last day you supplied work or materials, or from abandonment (s. 41)	Start a court action and register a certificate of lis pendens within 180 days after the lien is registered (s. 43(1))
British Columbia Builders Lien Act	45 days after a certificate of completion is issued, or otherwise 45 days after the head contract (or the improvement) is completed, abandoned or terminated (s. 20)	Start a court action and register a certificate of pending litigation within 1 year after filing; an owner (or another claimant who has sued) can shorten this to 21 days by serving a notice (s. 33(1) and (2))
Manitoba The Builders' Liens Act	60 days after substantial performance or abandonment (materials: 60 days after the last materials, whichever comes first) (s. 43)	The lien ends 2 years after registration unless an action is started first; this can be shortened to 30 days by a notice to start an action (ss. 49(2) and 50)
New Brunswick Construction Remedies Act	60 days after the earliest of substantial performance being certified or declared, or the contract being completed, abandoned or terminated (ss. 59 to 61)	The lien ends 90 days after registration unless an action to enforce it is started first (s. 64(2))
Newfoundland and Labrador Mechanics' Lien Act	30 days after the contract or subcontract is completed or abandoned (materials: 30 days after the last delivery; services: 30 days after completion) (s. 22)	A registered lien stops existing 90 days after the work is completed or the materials are provided, unless an action is started first (s. 24(1))
Ontario Construction Act	60 days after the earlier of publication of the certificate or declaration of substantial performance, or the contract being completed, abandoned or terminated (s. 31)	Perfect the preserved lien (start the action and register a certificate of action) within 90 days after the last day it could have been preserved (s. 36(2))
Quebec Civil Code of Québec (legal hypothec of persons who took part in construction)	The hypothec lasts 30 days after the work is completed; to keep it, register a notice describing the property and the amount before those 30 days end, and serve it on the owner. A subcontractor or supplier without a contract with the owner is protected only for work supplied after written notice of its contract to the owner (arts. 2726 to 2728)	It is extinguished 6 months after the work is completed unless an action is published against the owner or a prior notice of exercise of a hypothecary right is registered (art. 2727)
Saskatchewan The Builders' Lien Act	40 clear days after the triggering event (a copy of the certificate of substantial performance being given, or completion or abandonment of the contract) (s. 49)	Only a registered lien can be enforced by action; the action must be set down for trial within 2 years after it is started (ss. 54 and 55(1))

Time limits not included in this edition: Nova Scotia, Northwest Territories, Nunavut, Prince Edward Island, Yukon. Read the Act on the government website.

Verify the event and preserve the account

Use this guide when a general contractor may have entered an insolvency proceeding. The first task is to identify the exact debtor and process, not to assume that a missed payment means bankruptcy. Bankruptcy, a proposal, receivership and CCAA proceedings need different document and procedural checks.

- ☐ Preserve the notice, envelope, email headers and attachments exactly as received.
- ☐ Match the debtor legal name, business address and registration details to your contract; distinguish related companies.
- ☐ Record the estate or court file number, proceeding type, effective date and named trustee, receiver or monitor.
- ☐ Independently verify the contact through official sources before sending financial records or changing payment instructions.
- ☐ Keep a dated ledger snapshot and separate work, invoices and payments before and after the identified proceeding date.

If status is uncertain

Record the information as unconfirmed. Search the official service using the correct legal entity, retain the result and ask the named professional for confirmation. An unsuccessful search is not proof that no proceeding exists.

Prepare a creditor file

Assemble the contract, amendments, invoices, credits, receipts, change authorizations and performance records. Reconcile the balance using the invoice register. A ledger total is not automatically the amount of an admitted proof of claim.

Fictional example

Gross invoices of CAD 18,000, credits of CAD 600 and receipts of CAD 7,400 produce a ledger balance of CAD 10,000. If CAD 1,500 is retained holdback, it is already inside that balance. Whether a claim against the estate, a trust claim, a lien or another route exists must be reviewed separately; do not add the holdback again.

- ☐ Use the preparation worksheet to organize information; use the official applicable form for any formal filing.
- ☐ Ask the Licensed Insolvency Trustee which documents, recipient and submission method apply to this estate.
- ☐ Record disputed items, security documents, guarantees, releases and potential set-offs for review.
- ☐ Log every request, submission, acknowledgement and response. Keep a copy of exactly what was sent.

Its official link is retained in the directory; obtain the applicable form from the Licensed Insolvency Trustee or official guidance, not from an unofficial replacement.

Review construction rights separately

Do not assume an insolvency claim preserves a construction lien or that a lien filing is permitted despite a proceeding. Ask a qualified adviser to review any stay, court order, trust issue, holdback or security question and the interaction between federal insolvency and local construction law.

Earliest uncertain event or notice date: _____

Adviser and jurisdiction: _____

Confirmed filing or response steps: _____

Source, court order or estate instruction: _____

Person responsible and next review date: _____

- ☐ Record separately confirmed lien, claim, service and enforcement dates in the deadline tracker.
- ☐ Do not promise a recovery percentage or treat the remaining contract price as a debt automatically admitted by the estate.
- ☐ Do not remove materials, dispose of site property, stop work or sign a release without checking authority and consequences.
- ☐ Update the account after receipts or claim adjustments while preserving the original snapshot.

This operational guide is not a filing instruction, legal opinion or prediction of distribution.

Before you act: this document is general information prepared by ArtBuild to help you organise facts and paperwork. It is not legal advice and has not been reviewed by a lawyer for your situation. Rules differ by province and territory and change over time. Check the official source for your project, and for deadlines, liens, court or insolvency steps, speak with a lawyer licensed where the project is located.