

# DAVID DEBENHAM EXPLAINS 10 THINGS TO DO IF YOU ARE NOT GETTING PAID ON A CONSTRUCTION PROJECT IN THE OTTAWA BUSINESS JOURNAL

Posted on March 19, 2018

Category: [News](#)

From January to November 2018, a group of McMillan LLP lawyers will be writing for the [Ottawa Business Journal](#) about issues such as workplace harassment, filing a trademark application and how to ensure you get paid for construction projects. This month, construction lawyer David Debenham, explains 10 ways you can get paid on a construction project.

If you are not getting paid on a construction project, there are a number of things you should do. They are:

1. Write the owner and general contractor to see if there is a labour and material payment bond for the project, and get a copy of that bond. Then make a claim on that bond. If you are working on a federal project this may be your only remedy, besides suing for breach of contract;
2. Register a claim for lien for amounts owed to you on the project---note that the time for doing so is being extended by amendment to the legislation;
3. If the person who owes you money has been fully paid, but you have not, consider suing that company and its directors under the trust provisions of the Construction Lien Act. You can find out how much has been paid, and is payable to, the person who owes you money by making a demand for information pursuant to s. 39 of the Construction Lien Act. You can also sue for breach of contract;
4. Getting your paperwork in order. Have you properly claimed for changes to your contract? Have you claimed for changes to the "contract time" as well as the "contract price" in those change orders? Have you followed the proper procedure for asserting "progress draws" under your contract? If not, better do so.
5. Have you given written notice of your claim under the dispute resolution provisions of your contract, confirming you want to negotiate, mediate and arbitrate your claim?

To read the full list please head to the [Ottawa Business Journal](#).