

Release Of Holdbacks F.M.04

Policy

All architects who work for the TCDSB are to be advised that the following regulations shall be complied with for payment of holdbacks to subcontractors.

Regulations:

1. The architect is the payment certifier.
2. The certificate of completion of subcontract from the architect shall be in the form prescribed by the Construction Lien Act, 1983, being Form 7, Ontario Regulation 159/83 and shall be issued in accordance with the provisions of Section 33 of the Construction Lien Act, 1983.
3. When a particular subcontract has been certified completed as aforesaid, assuming that no liens were preserved in the interim, the holdback relating to the certified subcontract may be paid out 45 days after the date of certification.
4. The Board requires a statutory declaration from the subcontractor that all its suppliers, etc. have been paid.
5. A construction lien search will be made before payment is made by the Board.
6. A copy of a letter to the general contractor enclosing the cheque representing the subcontractor's holdback is to be sent to the subcontractor to ensure that the subcontractor is fully aware that his/her holdback has been released to the general contractor.

BM p 213, 24 Nov 86; BM p 1216, Sep 71.