

Statutory Declaration

Accompanying Certificate No.: _____



STATUTORY DECLARATION

Standard Construction Document

To be declared by the Contractor as prerequisite to payment for either (apply check mark (✓) below as appropriate):

- first Contract progress payment (declaration of paragraph 2. below only)
- second and subsequent Contract progress payments; or
- release of retained hold-back monies pursuant to the *Nova Scotia Builders' Lien Act*

The Contractor understands that the making of a false or fraudulent declaration is a contravention of the Criminal Code of Canada, and carries, upon conviction, penalties including fines, or imprisonment, or both.

Upon the latest Certificate for Payment number _____, the Contractor acknowledges receipt of a payment in the amount of \$ _____ on the ___ day of _____, in the year 20 _____.

IN THE MATTER OF THE CONTRACT

Between His Majesty the King, in Right of His Province of Nova Scotia, and _____
(Name of Contracting Authority) (Name of Contractor)
 for the Contract titled _____, and Tender numbered _____ situate
(Contract Name)
 in the City¹⁾/Town¹⁾/Village¹⁾ of _____, in the County of _____, Nova Scotia.

I, _____ of the City¹⁾/Town¹⁾/Village¹⁾ of _____ in the County of _____
(Declarant's Name)
 in the Province of _____,

DO SOLEMNLY DECLARE THAT:

I am _____²⁾ of _____, the Contractor named in the abovementioned Contract, and as such
(Declarant's Title) (Contractor's Name)

have authority to bind the Contractor, and have personal knowledge of the facts declared herein including that: all financial accounts for labour, Sub-contracts, Products, material supplies, equipment, construction machinery, taxes, duties, tariffs and all other indebtedness³⁾ which may have been incurred by the Contractor in the performance of the Work, and for which the Contracting Authority might in any way be held responsible or liable, have been paid in full as required by the Contract up to and including the latest progress payment received, as identified above except:

- hold-back monies properly retained in the amount of \$ _____,
- payments deferred by mutual agreement in the amount of \$ _____, or
- monies withheld by reason of legitimate dispute in the amount of \$ _____, where such disputes have been identified to the party, or parties in dispute by way of formal written notice of claim. (if nil above, state "Nil") A detailed explanatory statement of all amounts owing, but unpaid, including any amounts in dispute is attached hereto and forms part of this Statutory Declaration.

I make this **SOLEMN DECLARATION** conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

 (Signature of Declarant)

 (Print Name of Declarant)

DECLARED before me in the City¹⁾/Town¹⁾/Village¹⁾ of _____ in the County of _____, Nova Scotia, this day of _____, 20____.

_____⁴⁾
 (Signature of Person Before Whom the Declaration Is Made)

 (Print Name of Person Before Whom the Declaration Is Made)

NOTICE: IF THIS DECLARATION IS NOT COMPLETE IN EVERY DETAIL, IT WILL BE RETURNED FOR COMPLETION AND PAYMENT WILL BE DELAYED.

END NOTES

1. *Strike out the term that does not apply.*
2. *This declaration is made by the sole proprietor where the Contractor is a sole proprietorship. Where the Contractor is a partnership, this declaration is made by one of the registered partners. Where the Contractor is a corporation, this declaration is made by either the President, a Vice President, the Secretary, the Treasurer, a Director, or such other authorized individual of the incorporated company, provided that two copies of the By-Laws which confirm the individual's authority to execute documents is issued under the Corporation seal, and accompanies the first Statutory Declaration for this Contract.*
3. *Other indebtedness shall mean only such debts incurred by the Contractor to persons in privity of contract with him, debts arising out of a statutory requirement, and in the case of the Contractor's workers any debt arising out of a collective bargaining agreements, legislation applying to workers' compensation, unemployment insurance, and minimum wage standards where applicable.*
4. *The person before whom the declaration is made shall be a Commissioner for Oaths, Notary Public, Justice of the Peace, or other person authorized to certify oaths. Provide authority for receiving Declarations and affix Seal, expiration dates, etc.)*