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| **FORM 1.2** |
| CONTRACTOR NOTICE OF NON-PAYMENT WHERE OWNER DOES NOT PAY (SUBSECTION 6.5(5) OF THE ACT) |
|  |  | *Construction Act* |  |  |
| Name of contractor: |       |
| Address: |       |
| Description of the premises: |
|       |
| Name of subcontractor: |       |
| Address: |       |
| Address for service, if known: |       |
| The contractor submitted a proper invoice to the owner in respect of the improvement on |       | , 20 |    | . |
| The contractor has not received payment from the owner and will not pay the subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in subsection 6.5(1) of the *Construction Act*. |
| Amount that will not be paid: |
| *(Use A or B, whichever is applicable)* |
| A. | The full amount of the services or materials supplied by the subcontractor, being $ |       | . |
| B. | A portion of the amount of the services or materials supplied by the subcontractor, being $ |       | . |
| The contractor hereby undertakes to refer the matter to adjudication under Part II.1 of the *Construction Act*, no later than 21 days after giving this notice of non-payment to the subcontractor. |
| A copy of the Notice of Non-Payment under Subsection 6.4(2) of the Act is enclosed. |
| Date: |       |  |  |
|  |  |  | (Contractor) |