

May 13, 2021

The Honourable David Eby
Attorney General of British Columbia
Office of the Attorney General
AG.Minister@gov.bc.ca

cc: Premier John Horgan
cc: Hon. Selina Robinson, Minister of Finance

Dear Mr. Attorney General,

RE: PROMPT PAYMENT IN BRITISH COLUMBIA'S CONSTRUCTION SECTOR

In July of 2018 we wrote to you expressing our unity as industry stakeholders on the need for prompt payment legislation in BC.

We called for the creation of a BC-centric plan “based on the foundations of the Ontario experience but tailored for BC”, offering our services to work in partnership with government to develop the legislation and adjudication process. We’ve followed up repeatedly, continuing to offer our services and restating the need for urgency.

The united associations calling for prompt payment appreciate the engagement with government staff to date on this issue. However, there has been no visible progress.

We understand that your team continues to diligently monitor, research, report and discuss the issue. Two years of research and discussion is more than sufficient to get it right: it is time for the B.C. government to act and provide our businesses, and our workers, with the same protections available in most jurisdictions in the world. Ontario’s prompt payment regime, enshrined in their *Construction Act*, has been fully in force for a year and a half, and Alberta’s legislation is expected to be in place in the coming months.

Since 2018 the issue has grown more urgent. During the pandemic, BC’s construction industry continued to operate as an essential service. Now, with post-pandemic infrastructure investment on the horizon as the key to rebuilding the economy, the construction industry is called upon again. British Columbia continues to expect contractors and consultants to do this essential work without providing them the tools necessary – and available - to help ensure they are paid in a timely way.

Due to concerns about timely payments and cash flow, British Columbian owners – including government and taxpayers -- are paying an estimated \$4 billion in risk premiums on construction services. Payment risk also constrains our ability to hire, invest, and innovate. In this time of economic distress, when every dollar counts, prompt payment legislation must come off the back burner.

Industry would like to see prompt payment legislation on BC's 2021 fall legislative calendar. We are asking you to create a working group this Spring for the purpose of coordinating the drafting of legislation and the crafting of an effective adjudication process for BC.

We are your partners in bringing this solution to BC, and we are, as always, ready to get to work.

Sincerely,



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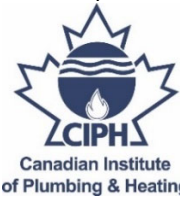
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