

COMMENCING AN ADJUDICATION ON ODACC'S CUSTOM SYSTEM

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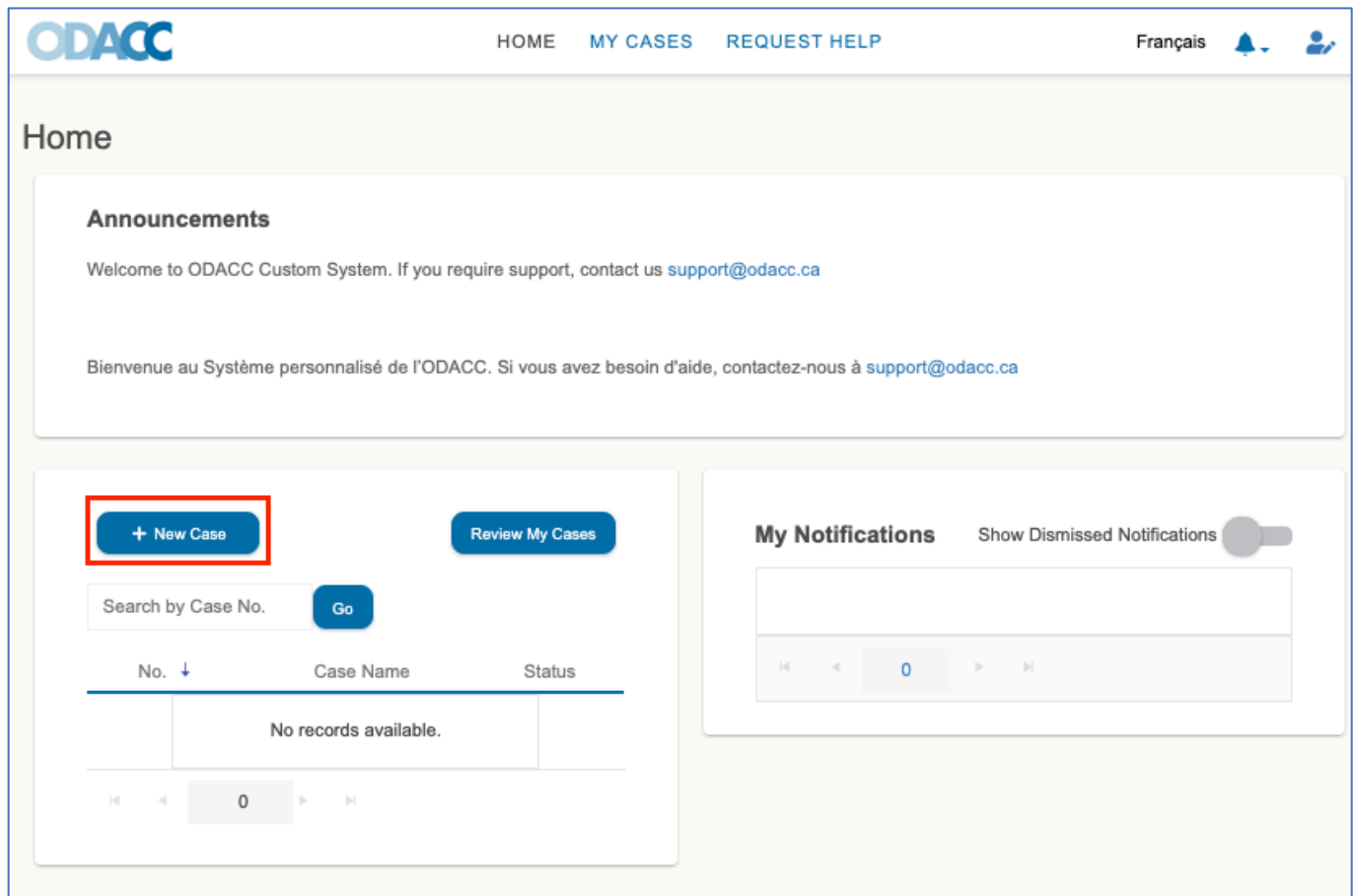
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DISCLAIMER: Please note that nothing in this document shall be considered as legal advice.
Parties to disputes are advised to consult a lawyer to clarify their legal rights.

1. Creating a Notice of Adjudication

A Claimant can initiate an adjudication by creating a Notice of Adjudication on ODACC's Custom System. To create a Notice of Adjudication, a Claimant must log in to ODACC's Custom System, as described at <https://odacc.ca/en/odacc-custom-system/> and click on the "+ New Case" button on the home page, as shown at Figure 1.

Figure 1

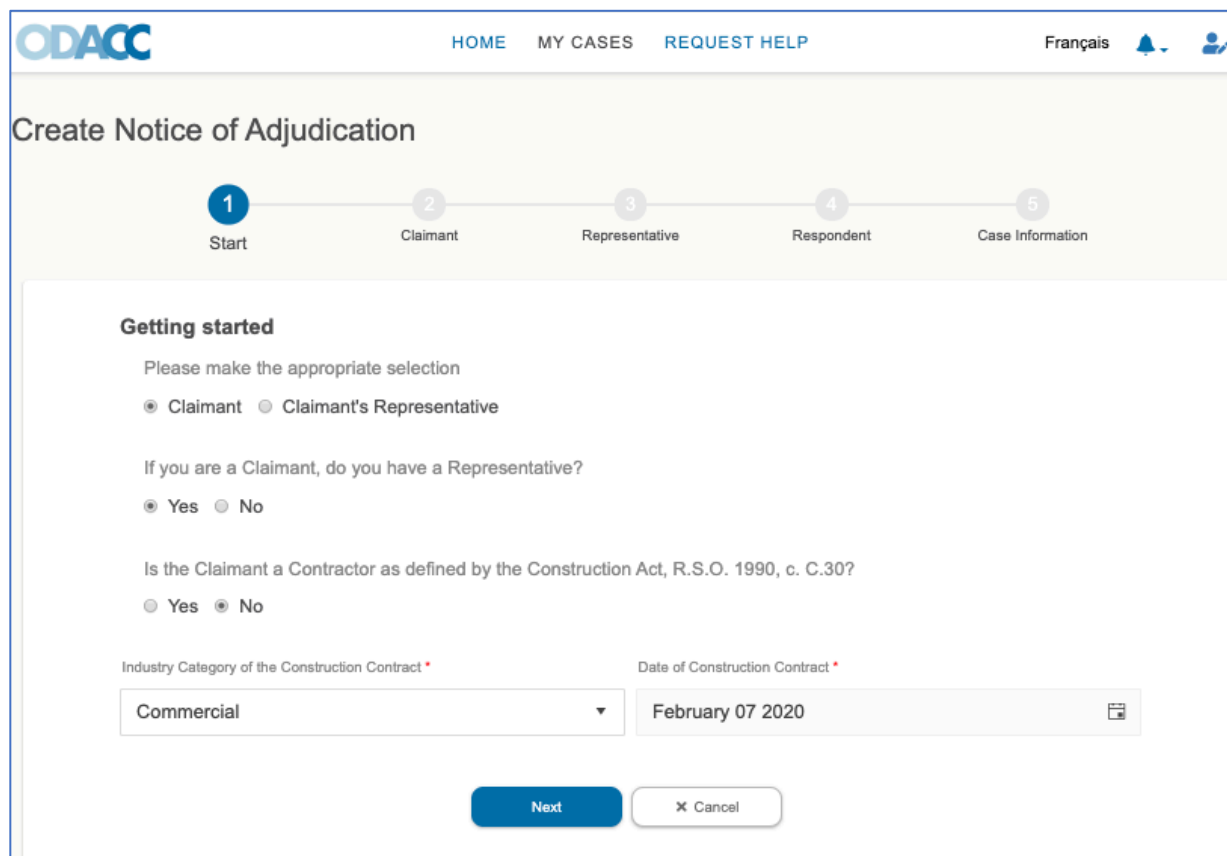


To create a Notice of Adjudication, the Claimant will be asked to complete four or five steps (if the Claimant has a representative, a fifth step is provided to enter the Representative's information).

On the first step of the Create Notice of Adjudication process (see Figure 2), a Claimant must indicate the following:

- i. Who is completing the Notice of Adjudication, the Claimant or the Claimant's Representative?
- ii. If the Claimant is completing the Notice of Adjudication, does the Claimant have a Representative?
- iii. Is the Claimant a Contractor as defined by the Construction Act, R.S.O. 1990, c. C.30?
This information is collected to identify those Contractors who may wish to consolidate multiple adjudications by completing a Notice of Consolidation, as described at <https://odacc.ca/en/claimants/procedural-matters/>
- iv. The industry category of the construction contract.
This information is collected for reporting purposes. ODACC must report this information to the Ministry of the Attorney General in its annual report.
- v. The date of the construction contract.
If the Claimant is not certain as to the date of the construction contract, the Claimant should enter the approximate date of the construction contract.

Figure 2

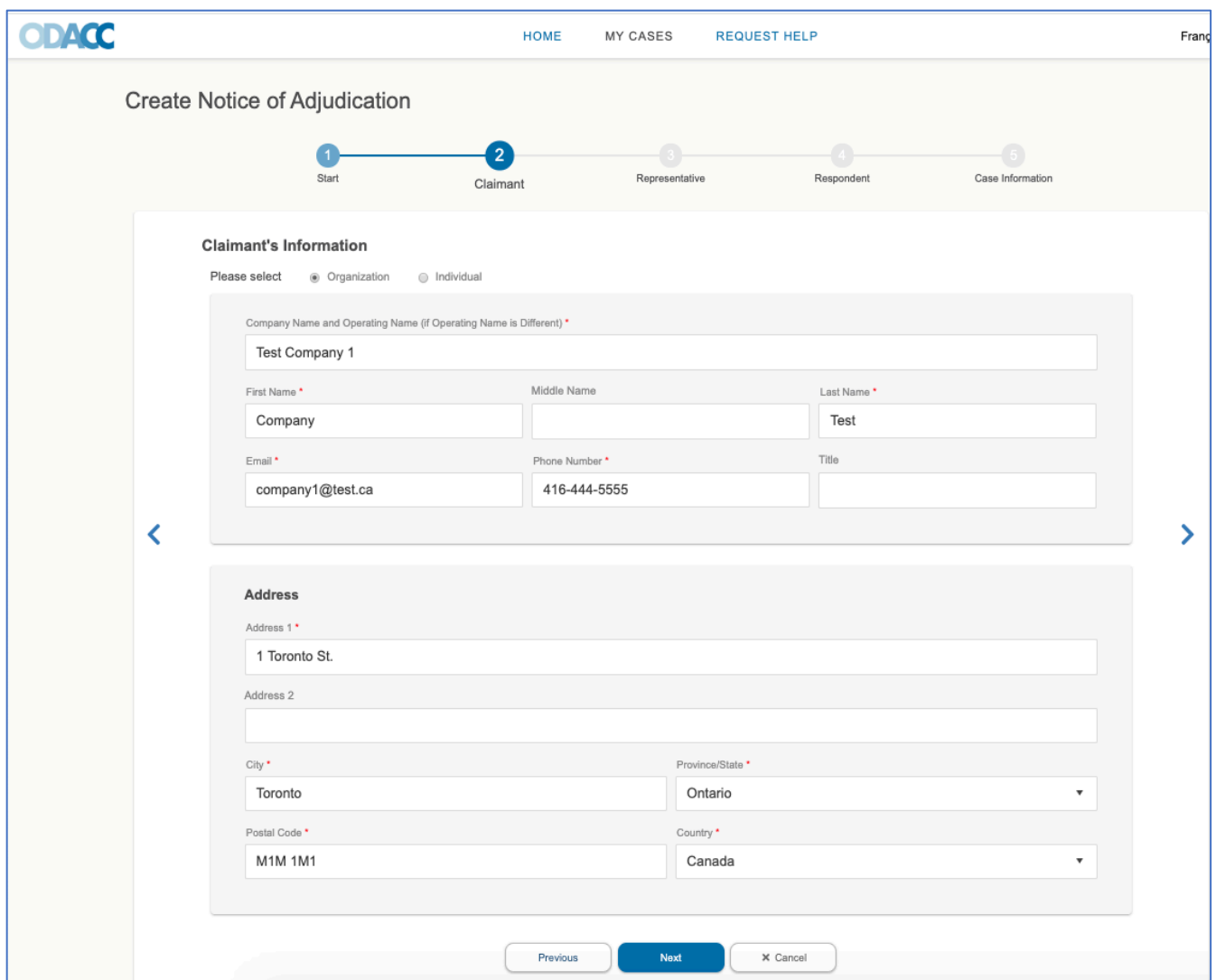


The screenshot shows the 'Create Notice of Adjudication' process on the ODACC website. The top navigation bar includes the ODACC logo, 'HOME', 'MY CASES', 'REQUEST HELP', and a language selector set to 'Français'. The main heading is 'Create Notice of Adjudication'. Below this is a progress bar with five steps: 1. Start (highlighted), 2. Claimant, 3. Representative, 4. Respondent, and 5. Case Information. The 'Getting started' section contains three questions with radio button options: 'Please make the appropriate selection' (Claimant selected), 'If you are a Claimant, do you have a Representative?' (Yes selected), and 'Is the Claimant a Contractor as defined by the Construction Act, R.S.O. 1990, c. C.30?' (No selected). At the bottom, there are two input fields: 'Industry Category of the Construction Contract' (set to 'Commercial') and 'Date of Construction Contract' (set to 'February 07 2020'). 'Next' and 'Cancel' buttons are at the bottom right.

On the second step of the Create Notice of Adjudication process, as shown at Figure 3, the Claimant can enter his or her contact information, including:

- i. Company Name and Operating Name (if applicable);
- ii. Name;
- iii. Email;
- iv. Phone Number;
- v. Title; and
- vi. Address.

Figure 3



ODACC HOME MY CASES REQUEST HELP

Create Notice of Adjudication

1 Start 2 Claimant 3 Representative 4 Respondent 5 Case Information

Claimant's Information

Please select ☒ Organization ☐ Individual

Company Name and Operating Name (if Operating Name is Different) *

Test Company 1

First Name * Middle Name Last Name *

Company [] Test

Email * Phone Number * Title

company1@test.ca 416-444-5555 []

Address

Address 1 *

1 Toronto St.

Address 2

[]

City * Province/State *

Toronto Ontario

Postal Code * Country *

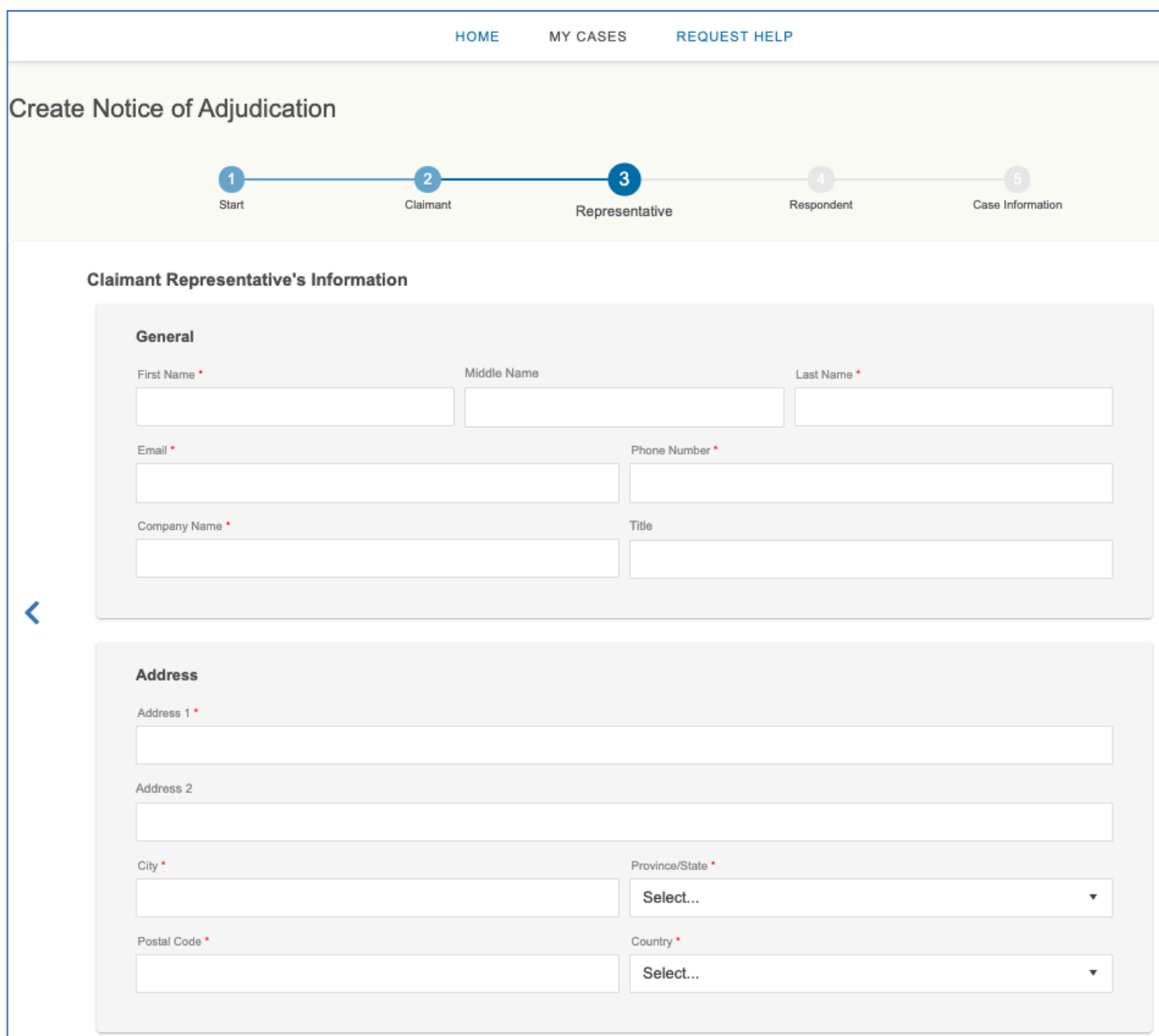
M1M 1M1 Canada

Previous Next Cancel

On the third step of the Create Notice of Adjudication process, as shown at Figure 4, the Claimant can enter his or her Representative's contact information, if any, including:

- i. Name;
- ii. Email;
- iii. Phone Number;
- iv. Company Name;
- v. Title; and
- vi. Address.

Figure 4

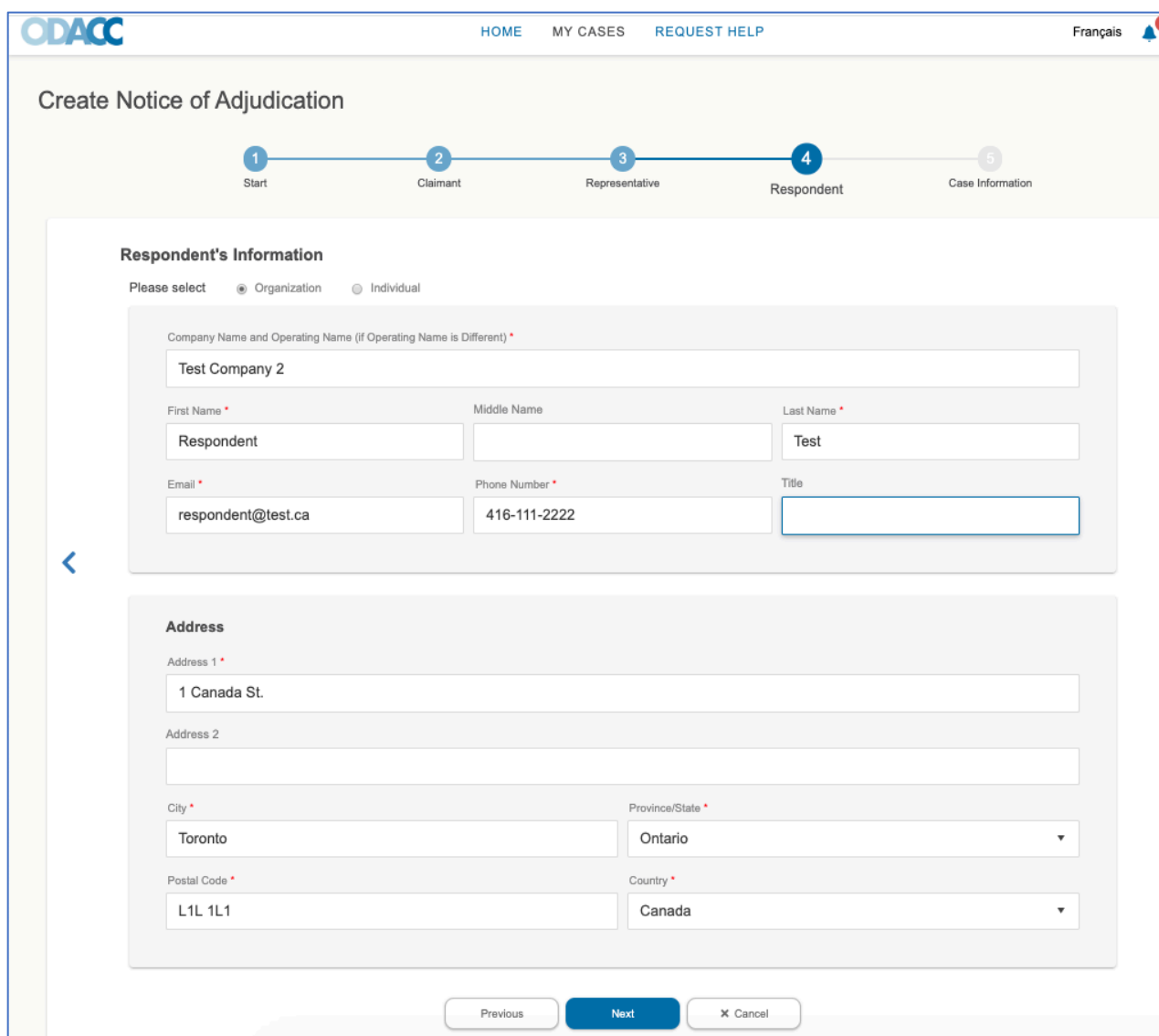


The screenshot shows the 'Create Notice of Adjudication' process at Step 3: Representative. The navigation bar at the top includes 'HOME', 'MY CASES', and 'REQUEST HELP'. The process flow is indicated by a horizontal line with five steps: 1. Start, 2. Claimant, 3. Representative (current step), 4. Respondent, and 5. Case Information. The main section is titled 'Claimant Representative's Information' and contains two sub-sections: 'General' and 'Address'. The 'General' section includes fields for First Name, Middle Name, Last Name, Email, Phone Number, Company Name, and Title. The 'Address' section includes fields for Address 1, Address 2, City, Province/State (dropdown), Postal Code, and Country (dropdown). A blue back arrow is visible on the left side of the form.

On the fourth step (third step if the Claimant does not have a Representative) of the Create Notice of Adjudication process, the Claimant can enter the Respondent's information (see Figure 5). The required information includes the Respondent's:

- vii. Company Name and Operating Name (if applicable);
- viii. Name;
- ix. Email;
- x. Phone Number;
- xi. Title; and
- xii. Address.

Figure 5




The screenshot shows the ODACC website interface for creating a Notice of Adjudication. The top navigation bar includes the ODACC logo, links for HOME, MY CASES, and REQUEST HELP, and a language selector for Français. The main heading is 'Create Notice of Adjudication'. Below this is a progress bar with five steps: 1 Start, 2 Claimant, 3 Representative, 4 Respondent (current step), and 5 Case Information. The 'Respondent's Information' section is active, showing a form for entering respondent details. The form includes a radio button to select between 'Organization' (selected) and 'Individual'. The 'Organization' section has a text field for 'Company Name and Operating Name (if Operating Name is Different)' with the value 'Test Company 2'. Below this are three text fields for 'First Name' (Respondent), 'Middle Name' (empty), and 'Last Name' (Test). There are also text fields for 'Email' (respondent@test.ca), 'Phone Number' (416-111-2222), and 'Title' (empty). The 'Address' section follows, with text fields for 'Address 1' (1 Canada St.), 'Address 2' (empty), 'City' (Toronto), 'Province/State' (Ontario), 'Postal Code' (L1L 1L1), and 'Country' (Canada). At the bottom of the form are three buttons: 'Previous', 'Next', and 'Cancel'.

The Claimant must complete the last step of the “Create Notice of Adjudication” process, as shown at Figures 6 and 7. The information to be entered on the last step includes:

- i. Case Name: a case name is automatically generated based on the names of the Claimant and Respondent. The Claimant may modify the case name;
- ii. Dispute Amount;
- iii. A brief description of the dispute, including details regarding how and when it arose. In order for the Adjudicator to check for potential conflicts of interest, please include owners, officers and directors of the company (if any), and the names of potential witnesses in the text box;
- iv. The nature of the redress sought (what the Claimant would like the Adjudicators to order);
- v. The Claimant’s suggested ODACC Pre-Designed Adjudication Process. For information on the suggested processes, please visit <https://odacc.ca/en/claimants/adjudication-process-2/>
- vi. The name of the Adjudicator suggested by the Claimant. To select an Adjudicator, please visit ODACC’s Adjudicator Registry, available at: <https://odacc.ca/en/adjudicator-registry/>
- vii. Consent to statements about (a) sharing confidential information with adjudicators, (b) paying the retainer, and (c) confidentiality (refer to Figure 7 for the statements).

Once all information has been entered on the Create Notice of Adjudication screens, the Claimant must click on the “Create Case” button, as shown at Figure 7.

Figure 6



[HOME](#)
[MY CASES](#)
[REQUEST HELP](#)

Français

Create Notice of Adjudication

1

Start

2

Claimant

3

Representative

4

Respondent

5

Case Information

Case Information

Case Name *

Test Company 1 v. Test Company 2

Dispute Amount *

\$40,000.00

Please provide a brief description of the dispute, including details respecting how and when it arose. In order for the Adjudicator to check for potential conflicts of interest, please include owners, officers and directors of the company (if any) and the names of potential witnesses in the text box below *

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Potential Witnesses:

- John Smith, CEO of Test Company 1

Nature of the redress sought (what you would like the Adjudicator to order) *

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo. Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos qui ratione voluptatem sequi nesciunt. Neque porro quisquam est, qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit, sed quia non numquam eius modi temp

Figure 7

Nature of the redress sought (what you would like the Adjudicator to order) *

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo. Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos qui ratione voluptatem sequi nesciunt. Neque porro quisquam est, qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit, sed quia non numquam eius modi temp

Suggested ODACC Adjudication Process

Pre-Designed Process 1

[Please click here for more information about the ODACC Adjudication Processes](#)

Adjudicator Suggested by the Claimant

Adjudicator Test3

[Adjudicator Registry](#)

☒ I consent to potential adjudicators be given the information in the Notice of Adjudication to allow them to determine whether they have a conflict of interest and whether they are prepared to adjudicate the dispute. I confirm that there is no confidential information in the Notice of Adjudication that cannot be seen by potential adjudicators.

☒ I agree to pay the retainer within seven days of receiving the retainer through ODACC's Custom System and any additional fees and costs related to the adjudication (beyond the amount paid as a retainer) within fourteen days from the date the Determination is issued to the Parties. Please click here for more information:
[Adjudication Fees and Retainer](#)

☒ I agree that communications, documents and the Determination (the "Information") shared or disclosed in the adjudication shall not be disclosed to anyone who is not a Party to the adjudication, except in the following limited specified circumstances:

- where the Information is required in a subsequent adjudication respecting the same Improvement;
- where a Party applies to a court or to an arbitral tribunal to consider matters dealt with in the adjudication;
- pursuant to an order of a court of competent jurisdiction or where the disclosure is required by law;
- where the Information is otherwise in the public domain;
- where the person to whom the Information is disclosed is a legal or financial advisor to a Party to the adjudication;
- where the person to whom the Information is disclosed is involved in the adjudication (such as a contract administrator, an expert or a witness in a hearing);
- with the consent of all of the Parties to the adjudication; and
- where the Information suggests that there will be actual or potential threat to human life or safety or where the disclosure is required in order to prevent the commission of a crime.

Previous Create Case Cancel

After pressing the “Create Case” button, the Claimant will see the following message:
 “Your Notice of Adjudication was successfully created. The Respondent has been sent an email notification from ODACC’s Custom System advising him or her that you filed a Notice of Adjudication and named him or her as the Respondent.”

2. What Happens After the Notice of Adjudication is Created?

2.1 An Email is Sent to the Respondent

After the Notice of Adjudication is created on ODACC's Custom System, the Respondent will receive an email from communications@odacc.ca, stating:

A Claimant has filed a Notice of Adjudication with Ontario Dispute Adjudication for Construction Contracts ('ODACC') naming you (or your client, if you are a Representative) as the Respondent. IF YOU DO NOT FILE A RESPONSE with ODACC, the adjudication may proceed without you and a Determination may be obtained against you. Information about ODACC and the adjudication process is available at the following link: www.odacc.ca.

To view and respond to the Notice of Adjudication, you must log in to ODACC's Custom System. Please click on the link below that applies to you.

You do not have an account and are not a Representative

If you do not have an account on ODACC's Custom System, please create an account by clicking on the following link: Create an Account. You will be able to view and respond to the Notice of Adjudication in ODACC's Custom System after your account is confirmed.

You do not have an account and are a Representative

If you are a Representative and do not have an account on ODACC's Custom System, please create an account by clicking on the following link: Create an Account. You will be able to view and respond to the Notice of Adjudication in ODACC's Custom System after your account is confirmed.

You already have an account

If you already have an account on ODACC's Custom System, please click on the following link to log in to ODACC's Custom System and view and respond to the Notice of Adjudication: View Notice of Adjudication.

If you require technical support, please contact us at support@odacc.ca.

Regards,

The ODACC TEAM

Ontario Dispute Adjudication for Construction Contracts

www.odacc.ca | support@odacc.ca

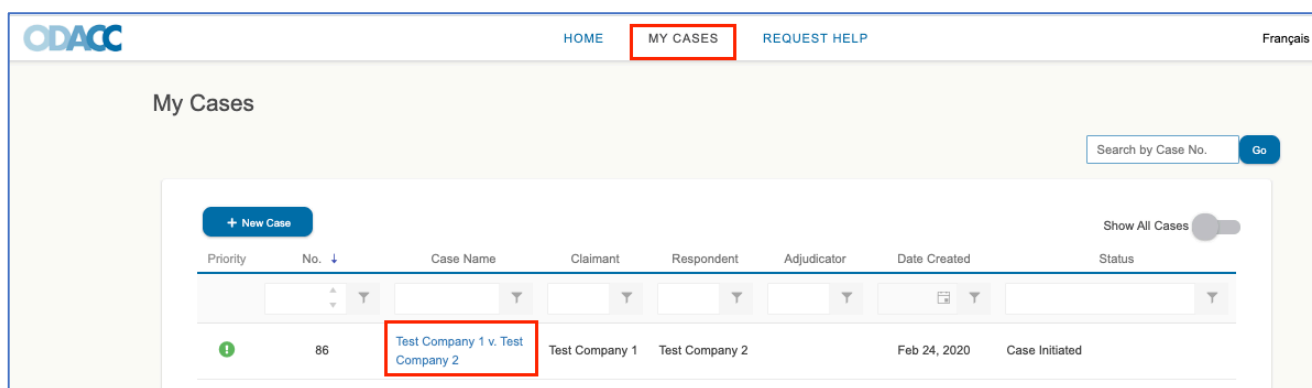
Tel: 416-307-0008 | Toll-free Tel: 1-888-221-3721 | Fax: 416-362-8825 | Toll-free Fax: 1-877-862-

2.2 Resending the email to the Respondent

A Claimant will be able to resend the Respondent the email with the link to the Notice of Adjudication. To resend the email to the Respondent, a Claimant should:

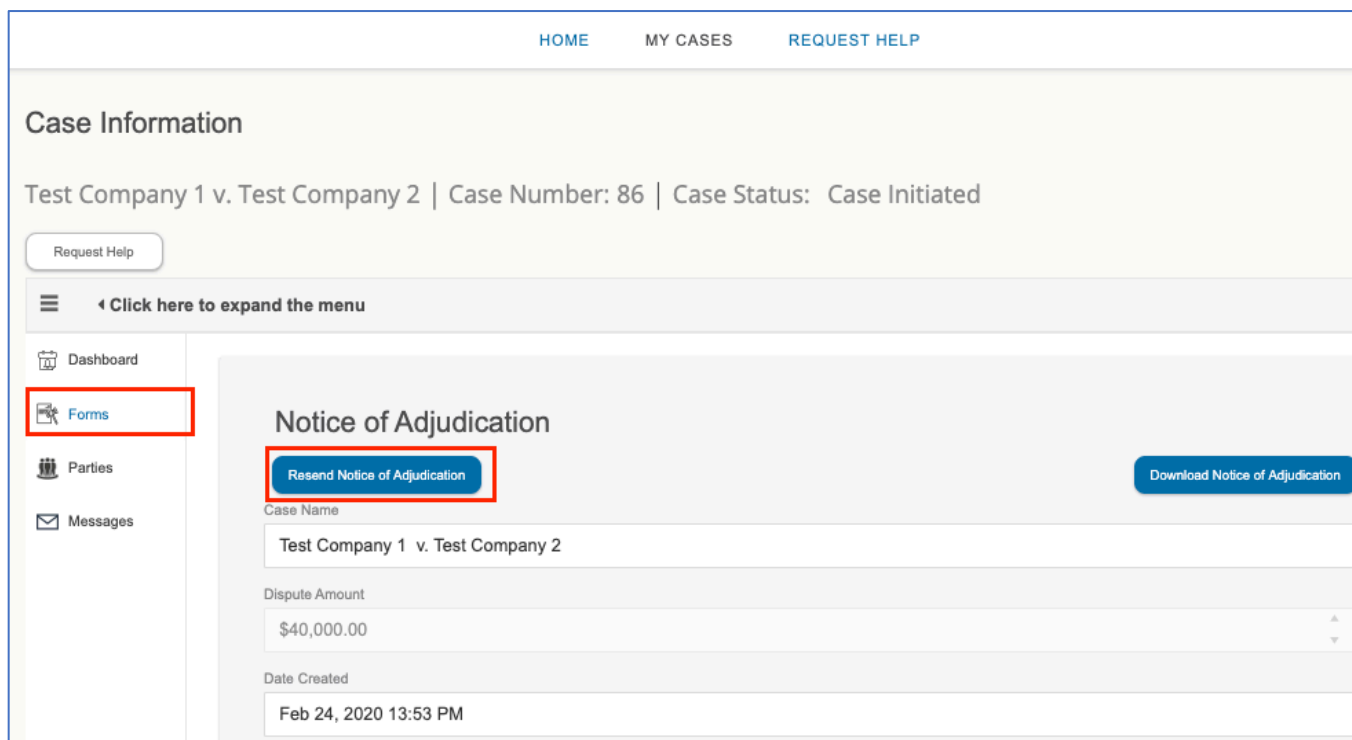
- i. Log in to ODACC's Custom System;
- ii. Access the case by visiting "My Cases", as shown at Figure 8;
and

Figure 8



- iii. Open the “Forms” tab and click on the “Resend Notice of Adjudication” button, as shown at Figure 9.

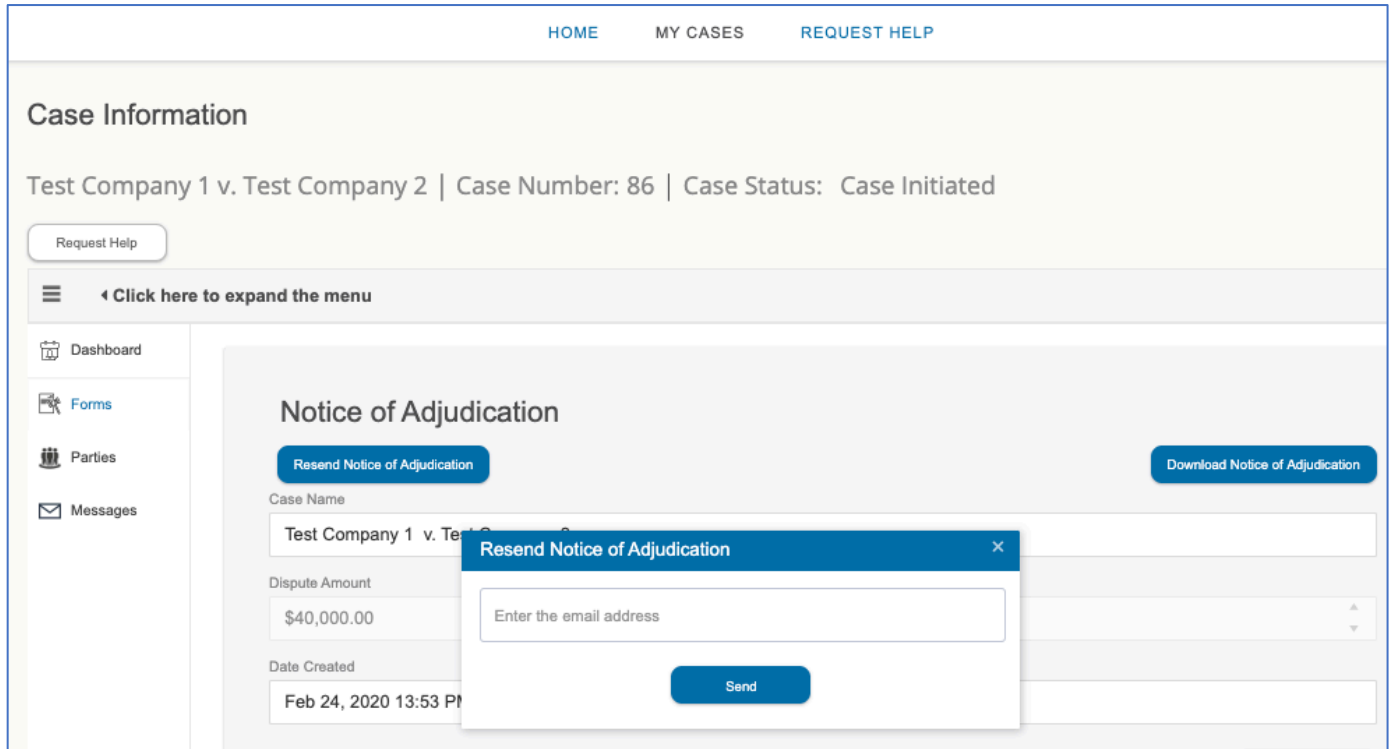
Figure 9



The screenshot shows the ODACC web application interface. At the top, there are navigation links: HOME, MY CASES, and REQUEST HELP. Below this is the 'Case Information' section, which displays 'Test Company 1 v. Test Company 2 | Case Number: 86 | Case Status: Case Initiated'. A 'Request Help' button is located below the case information. On the left side, there is a sidebar with a menu icon and the text 'Click here to expand the menu'. The sidebar contains four items: Dashboard, Forms (highlighted with a red box), Parties, and Messages. The main content area is titled 'Notice of Adjudication' and contains a 'Resend Notice of Adjudication' button (highlighted with a red box) and a 'Download Notice of Adjudication' button. Below the buttons, there are three input fields: 'Case Name' with the value 'Test Company 1 v. Test Company 2', 'Dispute Amount' with the value '\$40,000.00', and 'Date Created' with the value 'Feb 24, 2020 13:53 PM'.

- iv. Enter the email address of the Respondent and click the “Send” button, as shown at Figure 10.

Figure 10



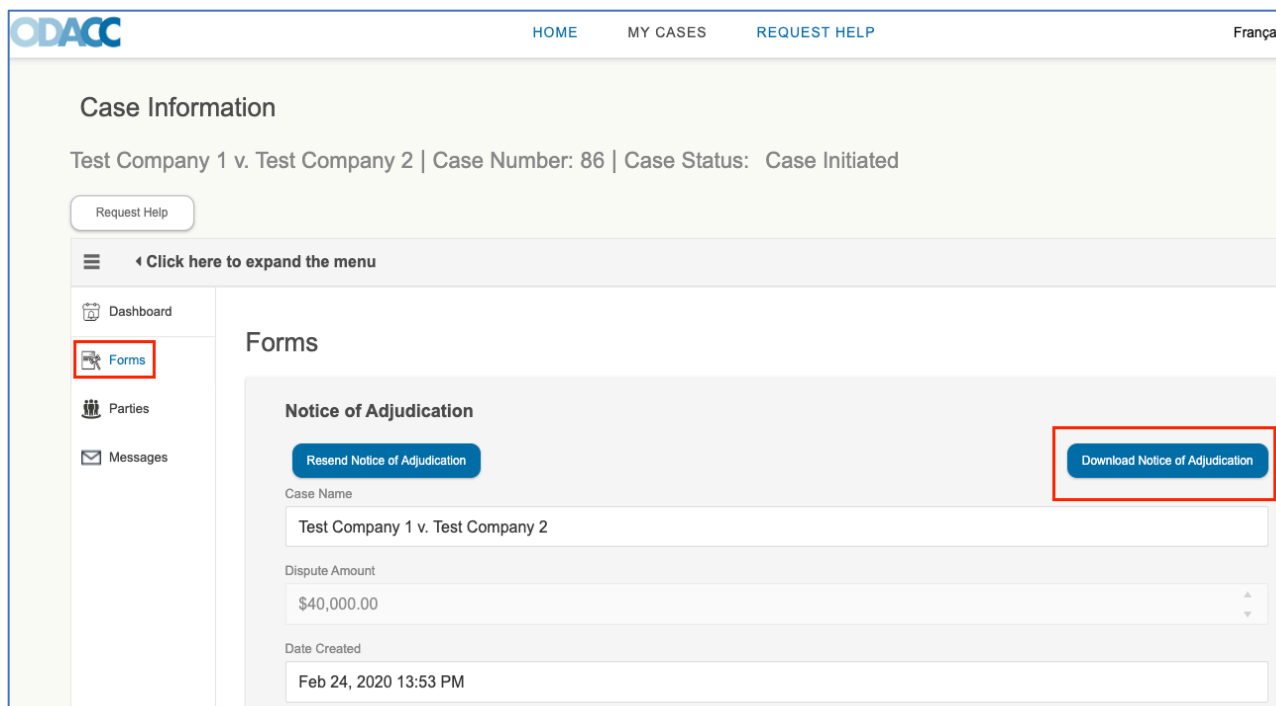
The screenshot shows the ODACC Case Information page. The case is 'Test Company 1 v. Test Company 2' with Case Number 86 and Case Status 'Case Initiated'. A 'Request Help' button is visible. The left sidebar contains links to Dashboard, Forms, Parties, and Messages. The main content area is titled 'Notice of Adjudication' and includes buttons for 'Resend Notice of Adjudication' and 'Download Notice of Adjudication'. A modal window titled 'Resend Notice of Adjudication' is open, displaying a text input field for 'Enter the email address' and a 'Send' button. The background form shows the Case Name, Dispute Amount (\$40,000.00), and Date Created (Feb 24, 2020 13:53 PM).

- v. An email containing a link to the Notice of Adjudication will be sent to the email address provided, as described at [An Email is Sent to the Respondent](#).
- vi. The Claimant will see a confirmation message stating: “Notice of Adjudication resent successfully”.

2.3 Downloading a PDF of the Notice of Adjudication

To download a PDF of the Notice of Adjudication, a Claimant can visit the Forms tab and click on “Download Notice of Adjudication”, as shown at Figure 11.

Figure 11

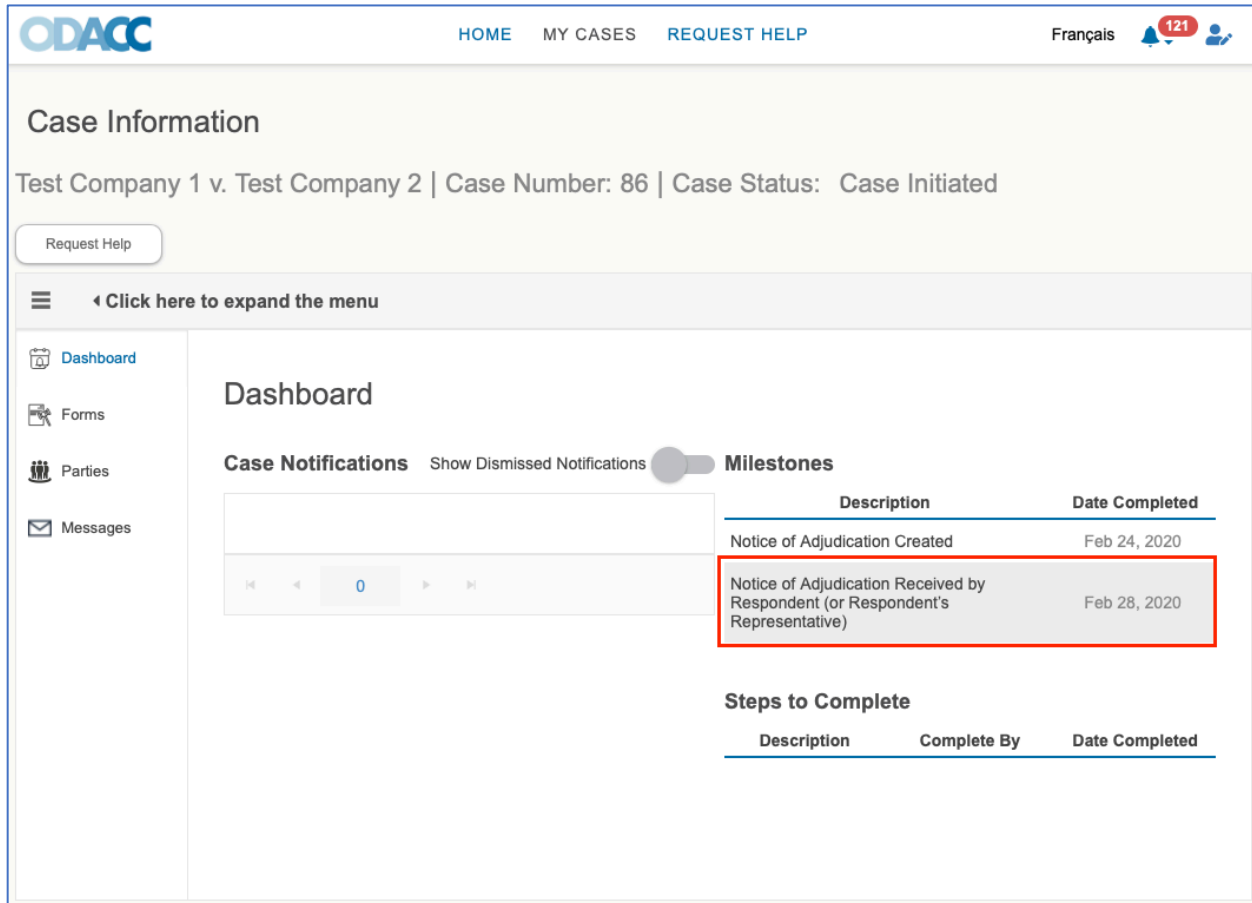


The screenshot shows the ODACC web portal interface. At the top, there is a navigation bar with the ODACC logo, links for HOME, MY CASES, and REQUEST HELP, and a language selector for Français. Below the navigation bar, the main content area is titled 'Case Information' and displays 'Test Company 1 v. Test Company 2 | Case Number: 86 | Case Status: Case Initiated'. A 'Request Help' button is visible. A sidebar menu on the left contains links for Dashboard, Forms (highlighted with a red box), Parties, and Messages. The main content area is titled 'Forms' and contains a 'Notice of Adjudication' form. The form includes a 'Resend Notice of Adjudication' button and a 'Download Notice of Adjudication' button (highlighted with a red box). The form fields show the Case Name as 'Test Company 1 v. Test Company 2', the Dispute Amount as '\$40,000.00', and the Date Created as 'Feb 24, 2020 13:53 PM'.

2.2 Respondent Views the Notice of Adjudication Electronically

After a Respondent views the Notice of Adjudication on the ODACC Custom System, a new milestone will state “Notice of Adjudication Received by Respondent (or Respondent’s Representative)”, as shown at Figure 12.

Figure 12



The screenshot shows the ODACC Custom System interface. At the top, there is a navigation bar with the ODACC logo, links for HOME, MY CASES, and REQUEST HELP, and a language selector set to Français. Below the navigation bar, the Case Information section displays "Test Company 1 v. Test Company 2 | Case Number: 86 | Case Status: Case Initiated". A sidebar on the left contains a menu with options: Dashboard, Forms, Parties, and Messages. The main content area is titled "Dashboard" and features a toggle switch for "Show Dismissed Notifications". Below this, there are two sections: "Case Notifications" and "Milestones". The "Milestones" section contains a table with two entries. The second entry, "Notice of Adjudication Received by Respondent (or Respondent's Representative)", is highlighted with a red border. Below the milestones, there is a section titled "Steps to Complete" with a table that has columns for Description, Complete By, and Date Completed.

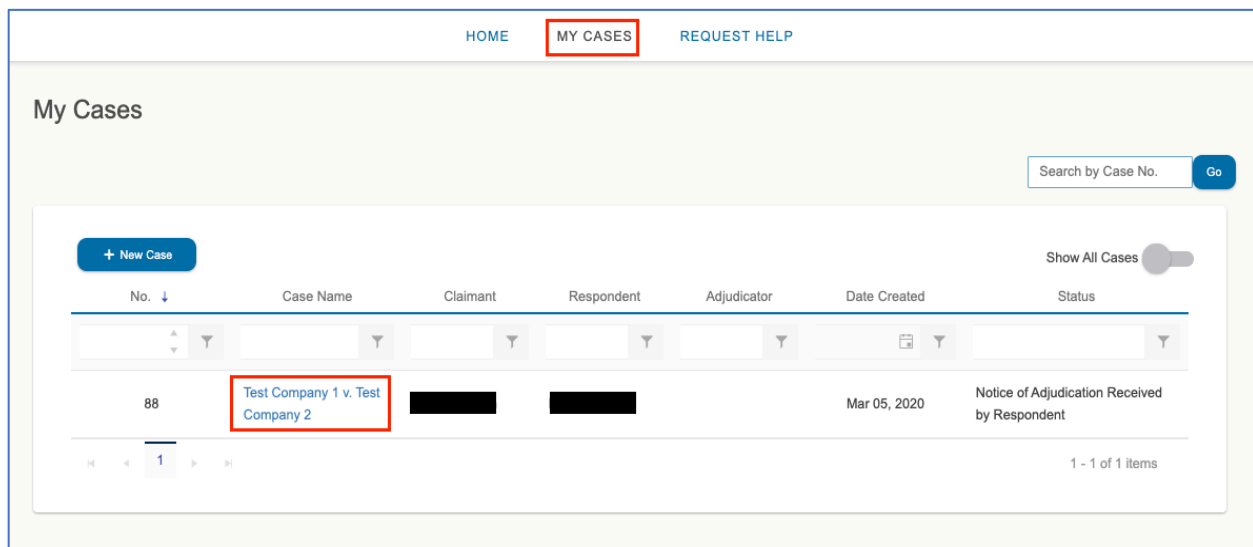
Description	Date Completed
Notice of Adjudication Created	Feb 24, 2020
Notice of Adjudication Received by Respondent (or Respondent's Representative)	Feb 28, 2020

2.3 Respondent Responds to Notice of Adjudication

Once the Respondent responds to the Notice of Adjudication, the Claimant will receive an email from communications@odacc.ca with the subject line “ODACC Custom System Notification”.

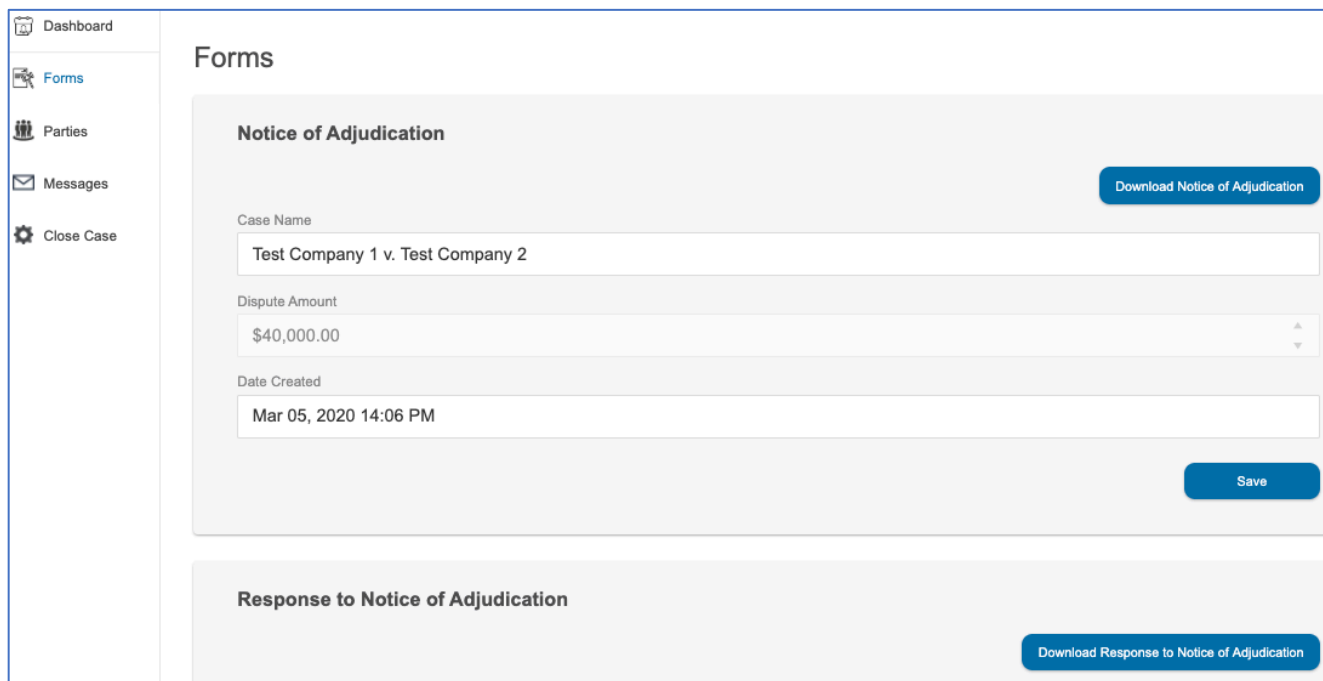
To view the Response to Notice of Adjudication, the Claimant should login to his or her account and open the case by clicking on “MY CASES”, as shown at Figure 13.

Figure 13



The Response to Notice of Adjudication will be available on the “Forms” tab. To download a PDF copy, a Claimant can click on the “Download Response to Notice of Adjudication” button, as shown at Figure 14.

Figure 14



The screenshot displays the ODACC web application interface. On the left is a sidebar menu with icons and labels for 'Dashboard', 'Forms' (highlighted in blue), 'Parties', 'Messages', and 'Close Case'. The main content area is titled 'Forms' and contains two sections. The first section, 'Notice of Adjudication', includes a 'Download Notice of Adjudication' button in the top right. Below this are three input fields: 'Case Name' with the text 'Test Company 1 v. Test Company 2', 'Dispute Amount' with a dropdown menu showing '\$40,000.00', and 'Date Created' with the text 'Mar 05, 2020 14:06 PM'. A 'Save' button is located at the bottom right of this section. The second section, 'Response to Notice of Adjudication', is partially visible below and includes a 'Download Response to Notice of Adjudication' button in its top right corner.

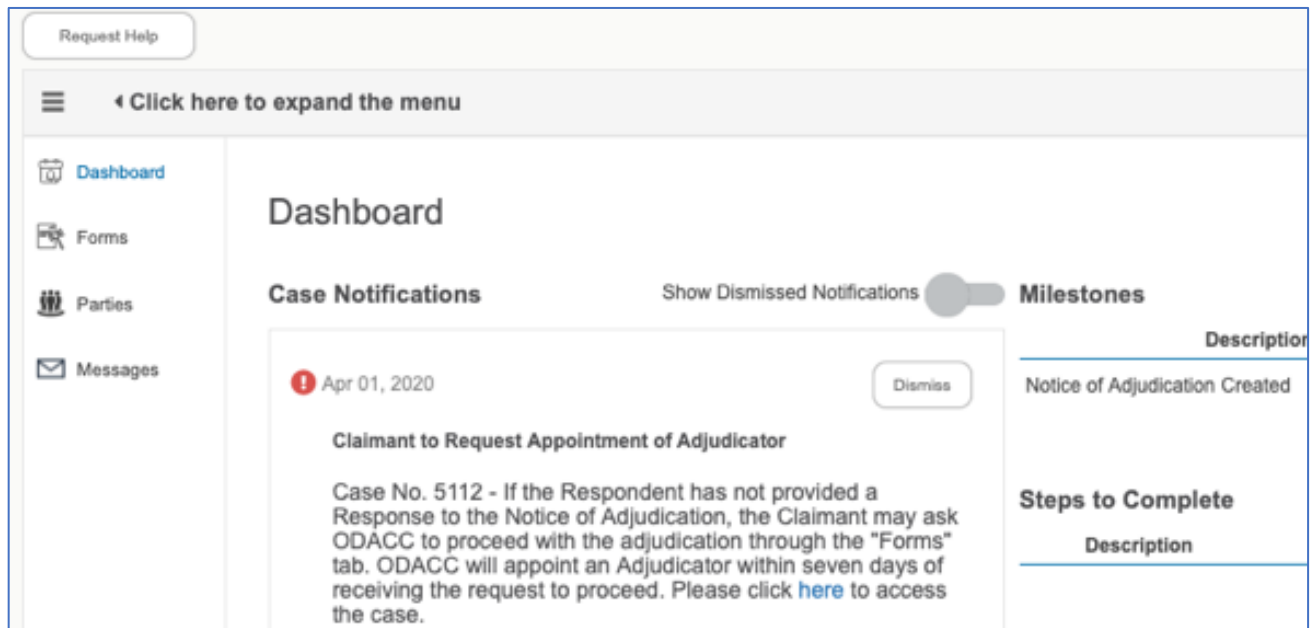
3. Asking ODACC to Proceed Without the Respondent

If the Respondent has not created a Response to Notice of Adjudication five days after the case is initiated, the Claimant will receive an email with the subject line “ODACC Custom System Notification”.

On the case dashboard, as shown at Figure 16, the Claimant will have a new notification that states:

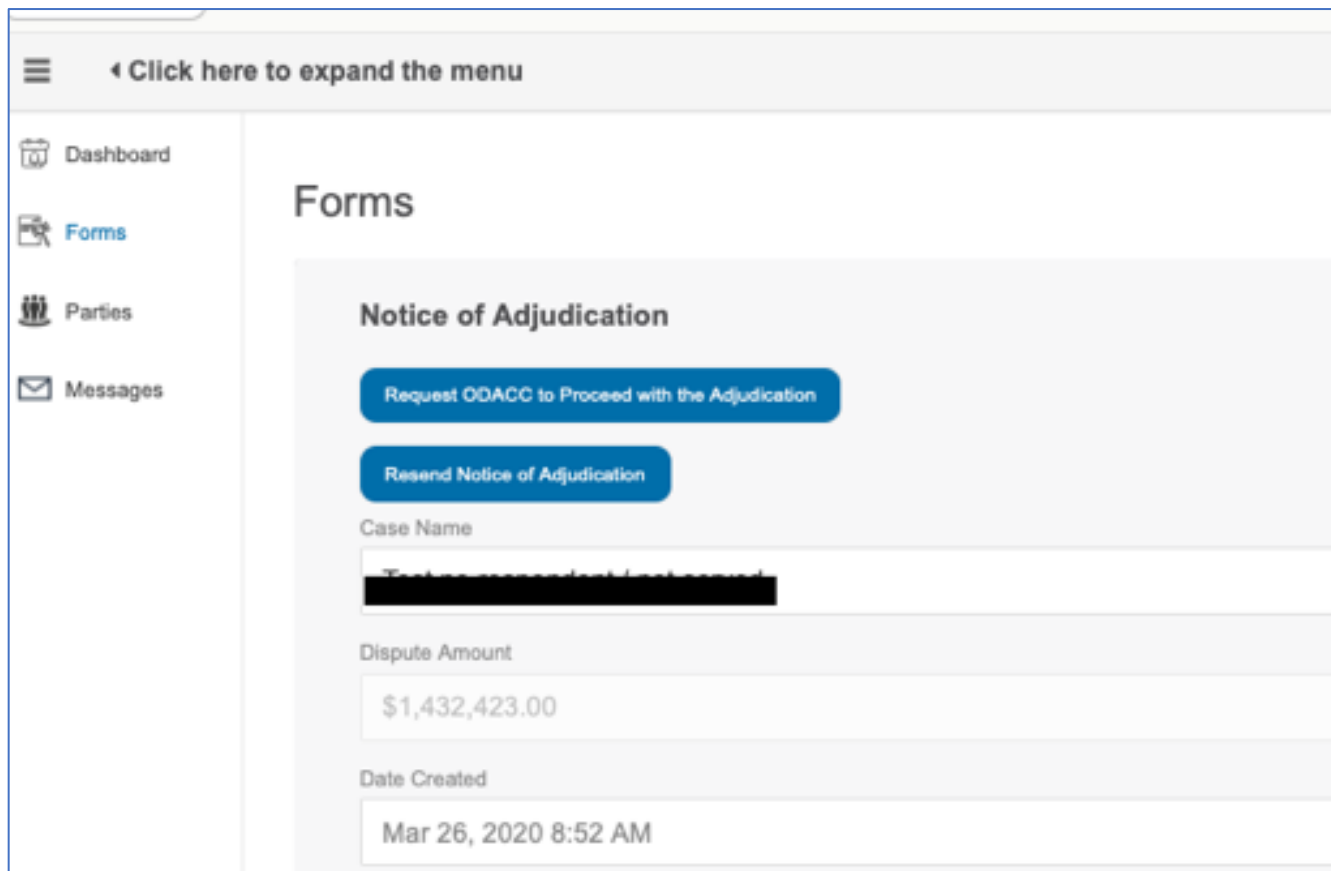
If the Respondent has not provided a Response to the Notice of Adjudication, the Claimant may ask ODACC to proceed with the adjudication through the “Forms” tab. ODACC will appoint an Adjudicator within seven days of receiving the request to proceed.

Figure 16



On the “Forms” tab, the Claimant may press the “Request ODACC to Proceed with the Adjudication” button, as shown at Figure 17.

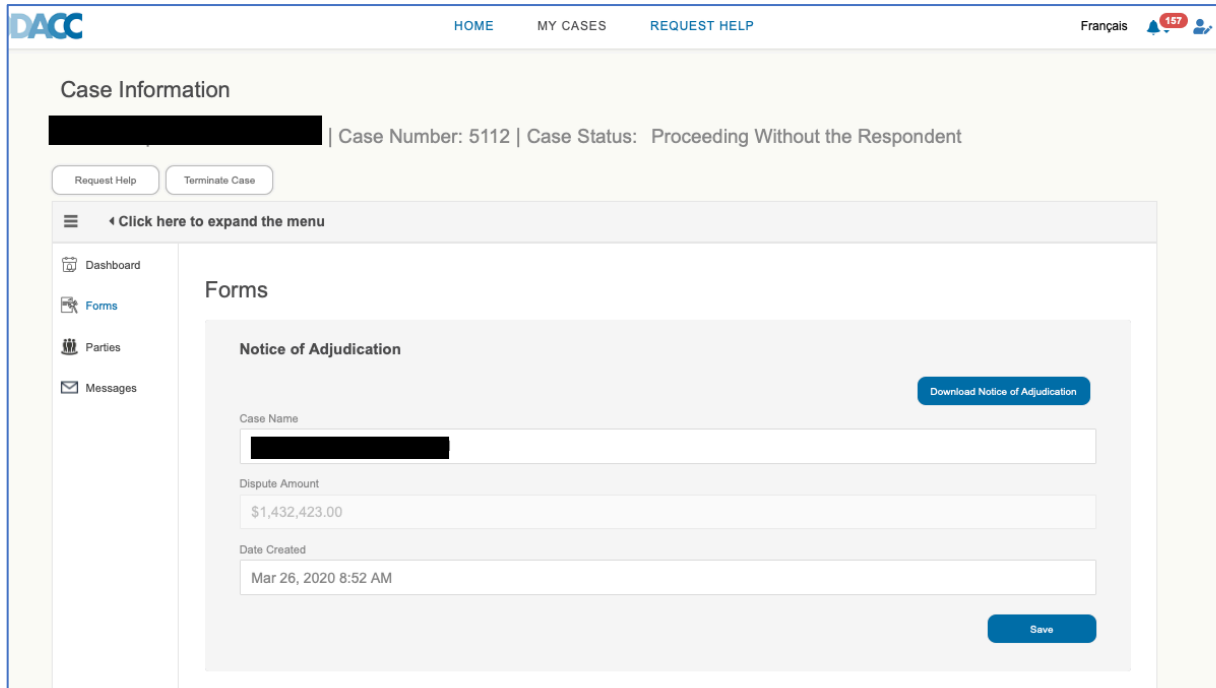
Figure 17



The screenshot shows the ODACC web application interface. On the left is a sidebar menu with icons and labels for 'Dashboard', 'Forms' (highlighted in blue), 'Parties', and 'Messages'. The main content area is titled 'Forms' and contains a section for 'Notice of Adjudication'. This section includes two blue buttons: 'Request ODACC to Proceed with the Adjudication' and 'Resend Notice of Adjudication'. Below these buttons are three input fields: 'Case Name' (containing redacted text), 'Dispute Amount' (containing '\$1,432,423.00'), and 'Date Created' (containing 'Mar 26, 2020 8:52 AM').

After pressing the “Request ODACC to Proceed with the Adjudication” button, the case status will change to “Proceeding Without the Respondent”, as shown at Figure 18.

Figure 18



The screenshot displays the ODACC web portal interface. At the top, there is a navigation bar with links for HOME, MY CASES, and REQUEST HELP, along with a language selector for Français and a notification bell icon showing 157 alerts. The main content area is titled "Case Information" and shows a case number of 5112 with a status of "Proceeding Without the Respondent". Below this, there are buttons for "Request Help" and "Terminate Case". A sidebar menu on the left includes links for Dashboard, Forms, Parties, and Messages. The "Forms" section is active, displaying a "Notice of Adjudication" form. This form includes fields for Case Name (redacted), Dispute Amount (\$1,432,423.00), and Date Created (Mar 26, 2020 8:52 AM). There is a "Download Notice of Adjudication" button and a "Save" button at the bottom right of the form.

After pressing the button, ODACC will receive a notification that the Claimant wishes to proceed, despite that the Respondent has not created a Response to Notice of Adjudication. ODACC will invite an Adjudicator within seven days of the Claimant requesting to proceed, as discussed at <https://odacc.ca/en/claimants/selecting-an-adjudication/>

4. Parties' Information

The “Parties” tab contains contact information for all the Parties and their representatives, as shown at Figure 15.

Figure 15

Case Information

Test Company 1 v. Test Company 2 | Case Number: 88 | Case Status: Documents Submitted by Claimant

Request Help

Terminate Case

Request Determination Extension

Click here to expand the menu

Dashboard

Forms

Parties

Adjudicator

Messages

Fees

Process

Documents

Financials

Parties

Parties' Information

Party Name	Party Role	Contractor	Confidentiality Agreed To	Acknowledged the Adjudication Process and Timeline	Consent to Fees	Has not responded
	Claimant					
	Respondent					

Page 1 of 1

1 - 2 of 2 items

Parties' Contact Information

Contact Name	Party	Type	Email	Phone	Communication	Address
	Claimant	Party Contact				
	Respondent	Party Contact				
	Respondent	Representative				

Page 1 of 1

1 - 3 of 3 items

To update their contact information, a Party should email ODACC at support@odacc.ca with details of the request.

5. Inviting Additional Individuals to the Custom System

5.1 Inviting Representatives

If the Claimant has a Representative when the Notice of Adjudication is created, the Claimant may include the Representative's contact information in the Notice of Adjudication. ODACC's Custom System will email the Representative to invite him or her to create an account on ODACC's Custom System once the Notice of Adjudication is created.

If the Representative is retained after the Notice of Adjudication is created, the Claimant may email ODACC at support@odacc.ca to ask that the Representative be invited to create an account. ODACC will send the Representative a case invitation through ODACC's Custom System. After the Representative creates an account, the Representative will have access to the information and documents filed in the adjudication.

If the Claimant wishes to add the Respondent's Representative to the case, the Claimant may email ODACC at support@odacc.ca to ask that the Representative be invited to create an account.

5.2 Inviting Additional Individuals

The Claimant may give other individuals (i.e. assistants, contract managers, or project managers) access to the documents filed on ODACC's Custom System (if granting such access does not breach the Claimant's confidentiality obligations. After the Notice of Adjudication is created, the Claimant may email ODACC at support@odacc.ca to ask that an individual be granted access. ODACC will send that individual a case invitation to ODACC's Custom System. After that individual creates an account, he or she will have access to the information and documents filed in the adjudication.