



RESPONDING TO A NOTICE OF ADJUDICATION

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WWW.ODACC.CA support@odacc.ca



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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. Receiving a Notice of Adjudication via Email

A Notice of Adjudication is a document that commences an adjudication pursuant to the [Construction Act](#). If you have received a Notice of Adjudication, that means that a Claimant has identified you as a Respondent to a dispute that was referred to adjudication. After a Claimant creates a Notice of Adjudication, ODACC will send an email to the Respondent that states:

ODACC Notice of Adjudication - You Have Been Named as a Respondent in Case #

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

2. Viewing the Notice of Adjudication

To view the Notice of Adjudication, the Respondent must click on the email link that is most appropriate to his or her situation. When the Respondent clicks on the email link, the Respondent will be taken to ODACC's Custom System and asked to sign in (or to create an account). A description of ODACC's Custom System and the process for creating an account are provided at <https://odacc.ca/en/odacc-custom-system/>.

After the Respondent logs in to ODACC's Custom System, he or she will be redirected to a page containing the Notice of Adjudication, as shown at Figure 1. Two messages will appear on the page stating (a) "You have now confirmed receipt of the Notice of Adjudication. Case no. X", and (b) "IF YOU DO NOT FILE A RESPONSE with ODACC the adjudication may proceed without you and a Determination may be obtained against you. You may respond to the Notice of Adjudication by completing the screen below and clicking the submit button."

Figure 1

HOME
MY CASES
REQUEST HELP

Notice of Adjudication

i You have now confirmed receipt of the Notice of Adjudication. Case no. 86.

i IF YOU DO NOT FILE A RESPONSE with ODACC the adjudication may proceed without you and a Determination may be obtained against you. You may respond to the Notice of Adjudication by completing the screen below and clicking the submit button.

Claimant's Information

Name	Company Test	Suggested ODACC Adjudication Process	Pre-Designed Process 1 <i>i</i>
Company Name	Test Company 1		
Title			
Email	company1@test.ca	Claimant's Representative	Representative Test
Phone Number	416-444-5555	Claimant's Representative's Address	1 Maple St., Toronto, ON, CANADA. M1M 1M1
Claimant's Address	1 Toronto St., Toronto, ON, CANADA. M1M 1M1		

Nature and Description of the Dispute

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

Response to Notice of Adjudication

Please provide a brief summary of your response to the Notice of Adjudication. 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. *

3. Responding to the Notice of Adjudication

To Respond to the Notice of Adjudication, the Respondent (or Respondent's Representative) must open the Notice of Adjudication (as described at [Receiving a Notice of Adjudication](#)). The Respondent should scroll to the bottom of the page, where a space is provided to enter the Response to Notice of Adjudication (See Figure 1).

In the Response to Notice of Adjudication, as shown at Figures 2 and 3, the Respondent must enter:

- A brief summary of the response to the Notice of Adjudication. 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;
- The Respondent's contact details;
- If the Respondent has a Representative, the Respondent can enter the Representative's contact information and select whether the Respondent wants the Representative to continue completing the Response or whether the Respondent wishes to invite the Representative to the ODACC Custom System to fill in the Response (Refer to [Section 3.1](#) of this document for information on inviting a Representative to compete the Response to Notice of Adjudication);
- The Respondent's suggested Pre-Designed Adjudication Process. For information on Pre-Designed Adjudication Processes, please visit <https://odacc.ca/en/respondents/adjudication-process/>
- The Respondent's preferred Adjudicator, by selecting one of the three options:
 - o I agree to the Adjudicator suggested by the Claimant to conduct the adjudication.
 - o I request ODACC to appoint an Adjudicator to conduct the adjudication.
 - o I would like to suggest a different Adjudicator to conduct the adjudication.
- The Respondent's consent to statements about (a) sharing confidential information with adjudicators, (b) paying the retainer, and (c) confidentiality (see Figure 3 for the statements).

Figure 2

Response to Notice of Adjudication

Please provide a brief summary of your response to the Notice of Adjudication. 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. *

Respondent's Information

The Respondent is ☒ Organization ☐ Individual

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

Test Company 2

First Name * Middle Name Last Name *

Respondent

Test

Email * Phone Number * Title

respondent@test.ca 416-111-2222

Address 1 *

1 Canada St.

Address 2

City * Province/State *

Toronto Ontario

Postal Code * Country *

L1L 1L1 Canada

☒ Opt-in to receive notifications from ODACC related to this case

Please make the appropriate selection

☒ Respondent
☐ Respondent's Representative

If you are Respondent, do you have a Representative?

☒ Yes
☐ No

Would you like to

☒ Continue to Select ODACC Adjudication Process and Adjudicator
☐ Invite my Representative to the ODACC System to continue?

Representative's Information

First Name * Middle Name Last Name *

Company Name * Title

Email * Phone Number *

Address 1 *

Address 2

City * Province/State *

Select... Select...

Postal Code * Country *

Select... Select...

Figure 3

ODACC Adjudication Process

Suggested ODACC Adjudication Process

Pre-Designed Process 1

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

Adjudicator Selection

☐ I agree to the Adjudicator suggested by the Claimant to conduct the adjudication : [Adjudicator Test3](#)
☐ I request ODACC to appoint an Adjudicator to conduct the adjudication.
☒ I would like to suggest a different Adjudicator to conduct the adjudication.

Adjudicator

John Smith

[Adjudicator Registry](#)

☐ I consent to potential adjudicators be given the information in my response to 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 my response to 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:

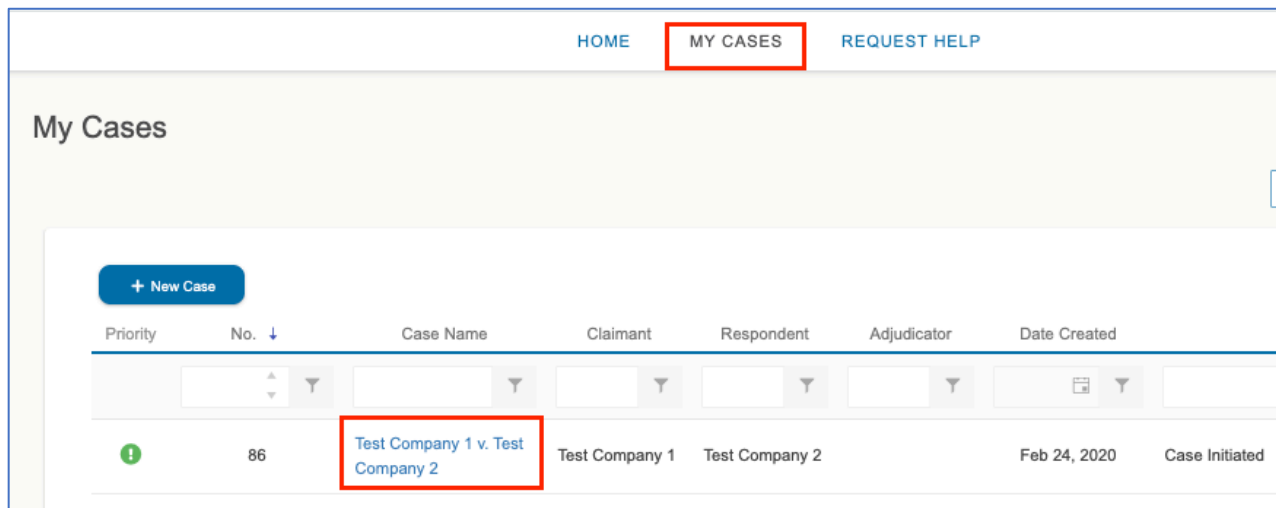
- where the Information is required in a subsequent adjudication respecting the same Improvement;
- where a Party applies to a court or to an arbitral tribunal to consider matters dealt with in the adjudication;
- pursuant to an order of a court of competent jurisdiction or where the disclosure is required 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.

Click to Proceed

Once the Response to Notice of Adjudication is complete, the Respondent can click on the “Click to Proceed” button, as shown at Figure 3. A confirmation message will state: “Your Response to Notice of Adjudication was successfully created. The Claimant has been sent an email notification from ODACC’s Custom System advising him or her that you filed a Response to Notice of Adjudication.”

The case will be added to the Respondent’s “My Cases”, as shown at Figure 4.

Figure 4



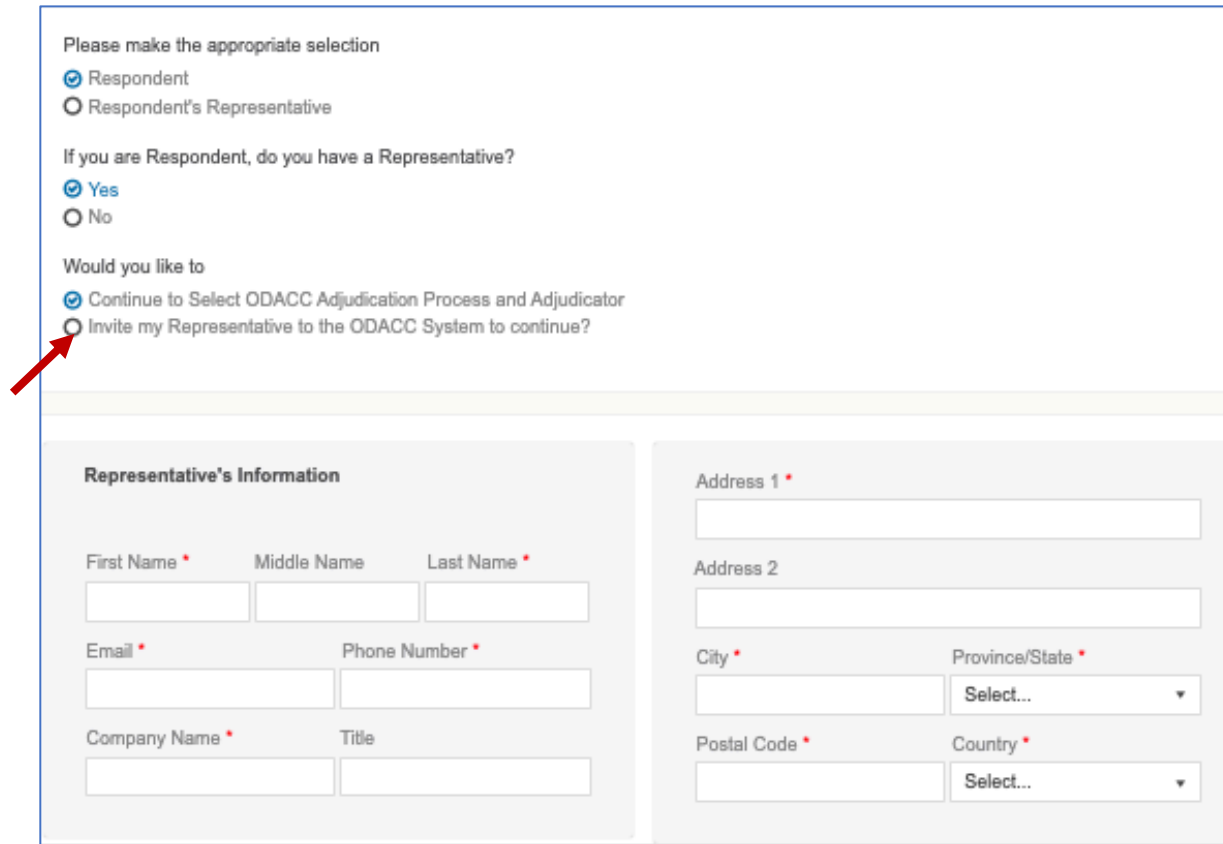
Priority	No. ↓	Case Name	Claimant	Respondent	Adjudicator	Date Created
86		Test Company 1 v. Test Company 2	Test Company 1	Test Company 2		Feb 24, 2020

3.1 Asking the Respondent’s Representative to Complete the Response to Notice of Adjudication

The Respondent can invite his or her Representative to complete the Response to Notice of Adjudication in one of two ways:

- The Respondent can forward the initial email, as discussed at [Receiving a Notice of Adjudication via Email](#), to the Representative. To Respond to the Notice of Adjudication, the Representative would then have to follow the steps outlined at [Receiving a Notice of Adjudication via Email](#) and [Response to Notice of Adjudication](#); or
- The Respondent can enter the Representative’s contact details on the Response to Notice of Adjudication and select “Invite my Representative to the ODACC Custom System to Continue”, as shown at Figure 5.

Figure 5



Please make the appropriate selection

☒ Respondent
☐ Respondent's Representative

If you are Respondent, do you have a Representative?

☒ Yes
☐ No

Would you like to

☒ Continue to Select ODACC Adjudication Process and Adjudicator
☐ Invite my Representative to the ODACC System to continue?

Representative's Information

First Name * Middle Name Last Name *

Email * Phone Number *

Company Name * Title

Address 1 *

Address 2

City * Province/State *
 Select...

Postal Code * Country *
 Select...

If the Respondent selects “Invite my Representative to the ODACC Custom System to Continue”, after clicking on “Click to Proceed,” the Representative will receive an email from communications@odacc.ca with the subject line “Invitation to View Case No.” The Representative must follow the link in the email to create an account and/or log in to ODACC’s Custom System, after which, the Representative will have access to the Notice of Adjudication and the Response to Notice of Adjudication (as described above at [Responding to a Notice of Adjudication](#)).

4. Adjudication Proceeding with the Respondent

If the Respondent has not created a Response to Notice of Adjudication five days after the case was initiated in the ODACC Custom System, the Claimant may ask ODACC to proceed with the adjudication. ODACC will appoint an Adjudicator within seven days of receiving the request to proceed.

If the Respondent wishes to complete a Response to Notice of Adjudication after the Claimant has asked ODACC to proceed with the adjudication, the Respondent should (a) send an email to support@odacc.ca indicating that he or she wishes to have access to the adjudication, and (b) complete the Response to Notice of Adjudication Form available at the following link and upload it on the documents tab of the system: <https://odacc.ca/wp-content/uploads/2020/01/20191213-ODACC-Response-to-Notice-of-Adjudication.pdf>

5. Participating in the Adjudication Without Completing the Response to Notice of Adjudication

If the Respondent wishes to participate in the adjudication but does not wish to complete the Response to Notice of Adjudication, the Respondent should send an email to support@odacc.ca indicating that he or she wishes to have access to the adjudication. ODACC will invite the Respondent to join the adjudication on the ODACC Custom System.

If the Respondent does not complete the Response to Notice of Adjudication, he or she may not be able to participate in the Adjudicator selection process or to suggest a Pre-Designed Process to the Adjudicator.

6. Downloading Copies of the Notice of Adjudication and Response to Notice of Adjudication

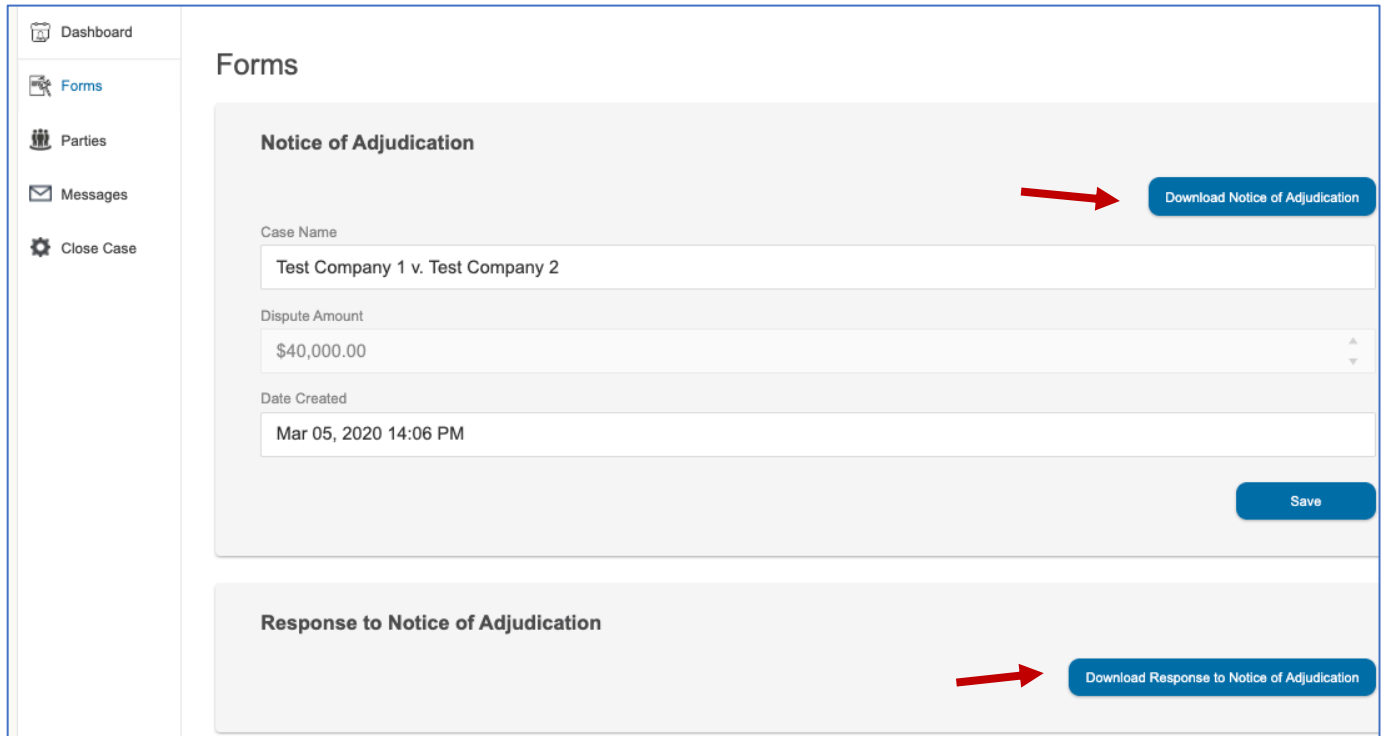
To view PDF copies of the Notice of Adjudication and the Response to Notice of Adjudication, the Respondent should log in to his or her ODACC Custom System account and open the case by clicking on “MY CASES” and the case name, as shown at Figure 6.

Figure 6

HOME MY CASES REQUEST HELP						
My Cases						
+ New Case						
No. ↓	Case Name	Claimant	Respondent	Adjudicator	Date Created	
88	Test Company 1 v. Test Company 2				Mar 05, 2020	

On the “Forms” tab, the Respondent can click on “Download Notice of Adjudication” and “Download Response to Notice of Adjudication” to download PDF copies of the documents (refer to Figure 7).

Figure 7



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 'Case Name' field with the text 'Test Company 1 v. Test Company 2', a 'Dispute Amount' field with '\$40,000.00', and a 'Date Created' field with 'Mar 05, 2020 14:06 PM'. A blue 'Save' button is located at the bottom right of this section. A red arrow points to a blue button labeled 'Download Notice of Adjudication' in the top right corner of the 'Notice of Adjudication' section. The second section, 'Response to Notice of Adjudication', is located below the first and contains a blue button labeled 'Download Response to Notice of Adjudication' in its top right corner, also indicated by a red arrow.

7. Parties' Information

The “Parties” tab contains contact information for all the Parties and their representatives, as shown at Figure 8.

Figure 8

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 contact information, a Party or Representative should email ODACC at support@odacc.ca with details of the request.

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8. Inviting Additional Individuals to the ODACC Custom System

8.1 Inviting Representatives

If the Respondent has a Representative when the Response to Notice of Adjudication is created, the Respondent may include the Representative's contact information in the Response to 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 Response to Notice of Adjudication is created.

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

8.2 Inviting Additional Individuals

The Respondent 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 Respondent's confidentiality obligations. After the Response to Notice of Adjudication is created, the Respondent 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.