



Ontario Dispute Adjudication for Construction Contracts

180 Duncan Mill Road, 4th Floor
Toronto, ON M3B 1Z6
Email: authority@odacc.ca
Tel: 416-307-0008 | Toll Free: 1-888-221-3721
Fax: 416-362-8825 | Toll Free Fax: 1-877-862-8825
www.odacc.ca

AGREEMENT TO CONSOLIDATE*

Construction Act, R.S.O. 1990, c. C.30

**This form is to be used by Parties to adjudications who wish to consolidate adjudications pursuant to section 13.8(1) of the Construction Act.*



The undersigned hereby agree to the following statements:

1. The number of adjudications to be consolidated is _____.^{*}
** Information of up to three adjudications may be entered in the Agreement to Consolidate. To consolidate four or more adjudications, please attach an "Attachment to Agreement to Consolidate Form" to the Agreement to Consolidate from (for each additional adjudication). The Attachment to Agreement to Consolidate Form is available at: <https://odacc.ca/en/claimants/procedural-matters/>.*
2. I confirm that all of the listed adjudications relate to the same matter or related matters of the same Improvement.
3. I agree that all the adjudications listed in this Agreement to Consolidate will be handled together by a single Adjudicator as a consolidated adjudication.
4. Select one of the two options below*:

☐ The undersigned agree on the following Adjudicator to conduct the Adjudication; or

☐ The undersigned request ODACC to appoint an Adjudicator to conduct the adjudication.

** The Adjudicator must be a Certified ODACC Adjudicator. ODACC's Adjudicator Registry can be found at the following link: <https://odacc.ca/en/adjudicator-registry/>.*

5. This agreement may be executed in any number of counterparts, each of which, when executed and delivered to _____ by _____, shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.
6. This Agreement may be circulated for signature through electronic transmission, including, without limitation, facsimile and email, and all signatures so obtained and transmitted shall be deemed for all purposes under this Agreement to be original signatures
7. The following Party will notify ODACC of the consolidation within 2 days of this Agreement to Consolidate being signed by all the Parties:

8. I consent to potential adjudicators being given the information in the Agreement to Consolidate 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



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confidential information in the Agreement to Consolidate that cannot be seen by potential adjudicators.

9. I agree to pay the retainer amount within seven days of receiving the notice from ODACC that the retainer amount is due. I also agree to pay 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: <https://odacc.ca/en/claimants/payments/>.
10. 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.



ADJUDICATION TO BE CONSOLIDATED

Please complete the following for each of the arbitrations to be consolidated.

First Adjudication Case Number: _____

Disputed Amount: _____

- The Claimant and Respondent consent to consolidate the adjudication with all the other adjudications listed in the Agreement to Consolidate.
- The Claimant consents to share the original Notice of Adjudication with the parties of the consolidated adjudication.
- The Respondent consents to share the Response to Notice of Consolidation with the parties of the consolidated adjudication.
- The Claimant will notify the original Adjudicator, if any, of the consolidation, within 2 Days of this Agreement to Consolidate being signed by all Parties.
- The Claimant and Respondent consent to pay the original Adjudicator's fee in accordance with s. 13.10 of the *Construction Act* and s. 24(4) of *Ontario Regulation 306/18*.
- The Claimant and Respondent acknowledge that this adjudication can only be consolidated with the consent of all the Parties to each original adjudication listed in this Agreement to Consolidate.
- The Claimant and Respondent have read and agree with the statements on pages 2 and 3 of the Agreement to Consolidate.

Signature of Claimant

I have authority to bind the Claimant
(if the Claimant is an organization)

Printed Name of Person Signing

Position of Person Signing

Date

Signature of Respondent

I have authority to bind the Respondent
(if the Respondent is an organization)

Printed Name of Person Signing

Position of Person Signing

Date



ADJUDICATION TO BE CONSOLIDATED

Please complete the following for each of the arbitrations to be consolidated.

Second Adjudication Case Number: _____

Disputed Amount: _____

- The Claimant and Respondent consent to consolidate the adjudication with all the other adjudications listed in the Agreement to Consolidate.
- The Claimant consents to share the original Notice of Adjudication with the parties of the consolidated adjudication.
- The Respondent consents to share the Response to Notice of Consolidation with the parties of the consolidated adjudication.
- The Claimant will notify the original Adjudicator, if any, of the consolidation, within 2 Days of this Agreement to Consolidate being signed by all Parties.
- The Claimant and Respondent consent to pay the original Adjudicator's fee in accordance with s. 13.10 of the *Construction Act* and s. 24(4) of *Ontario Regulation 306/18*.
- The Claimant and Respondent acknowledge that this adjudication can only be consolidated with the consent of all the Parties to each original adjudication listed in this Agreement to Consolidate.
- The Claimant and Respondent have read and agree with the statements on pages 2 and 3 of the Agreement to Consolidate.

Signature of Claimant

I have authority to bind the Claimant
(if the Claimant is an organization)

Printed Name of Person Signing

Position of Person Signing

Date

Signature of Respondent

I have authority to bind the Respondent
(if the Respondent is an organization)

Printed Name of Person Signing

Position of Person Signing

Date



ADJUDICATION TO BE CONSOLIDATED

Please complete the following for each of the arbitrations to be consolidated.

Third Adjudication Case Number: _____

Disputed Amount: _____

- The Claimant and Respondent consent to consolidate the adjudication with all the other adjudications listed in the Agreement to Consolidate.
- The Claimant consents to share the original Notice of Adjudication with the parties of the consolidated adjudication.
- The Respondent consents to share the Response to Notice of Consolidation with the parties of the consolidated adjudication.
- The Claimant will notify the original Adjudicator, if any, of the consolidation, within 2 Days of this Agreement to Consolidate being signed by all Parties.
- The Claimant and Respondent consent to pay the original Adjudicator's fee in accordance with s. 13.10 of the *Construction Act* and s. 24(4) of *Ontario Regulation 306/18*.
- The Claimant and Respondent acknowledge that this adjudication can only be consolidated with the consent of all the Parties to each original adjudication listed in this Agreement to Consolidate.
- The Claimant and Respondent have read and agree with the statements on pages 2 and 3 of the Agreement to Consolidate.

Signature of Claimant

I have authority to bind the Claimant
(if the Claimant is an organization)

Printed Name of Person Signing

Position of Person Signing

Date

Signature of Respondent

I have authority to bind the Respondent
(if the Respondent is an organization)

Printed Name of Person Signing

Position of Person Signing

Date



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Instructions for Completing Agreement to Consolidate

Step 1: Complete Agreement to Consolidate

All the Parties to the original adjudications to be consolidated must sign an Agreement to Consolidate.

Step 2: Provide a copy of the Agreement to Consolidate to ODACC

After all Parties have signed the Agreement to Consolidate, the Party listed on item 7 of page 2 should send ODACC the Agreement to Consolidate via email at authority@odacc.ca. The Agreement to Consolidate should be one PDF document containing all counterparts.

Within two business days after ODACC receives the Agreement to Consolidate, ODACC will create a new consolidated adjudication in ODACC's Custom System and invite all the Parties to the consolidated adjudication.